

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: **SOLID WASTE and RECYCLING**

DATE: OCTOBER 23, 2006

Committee Members Present:	William Lamy, Superintendent of the
Supervisors	Department of Public Works
Monroe	Brian Humphrey, Deputy Superintendent,
Tessier	Department of Public Works
Belden	William Remington, Deputy Superintendent of
Champagne	Public Works, Environmental and
Mason	Engineering Services
Stec	Judy Johnson, Fiscal Manager, Dept. of Public
Merlino	Works
	William Thomas, Chairman
	Joan Sady, Clerk
	Paul Dusek, County Attorney
	Supervisor Caimano
	Supervisor VanNess
	Katy Goodman, Secretary to the Clerk

Mr. Monroe called the meeting to order at 12:13 p.m.

Motion was made by Mr. Champagne, seconded by Mr. Tessier and carried unanimously to accept the minutes of the previous meeting, subject to correction by the Clerk.

Brian Humphrey, Deputy Superintendent, Department of Public Works (DPW), distributed an Agenda packet to each of the Committee members and a copy is on file with the minutes.

Mr. Monroe explained the purpose of today's meeting was to discuss the status of the proposed landfill in the Town of Hartford, Washington County. He reported the Town of Hartford had recently held a public hearing and a number of residents spoke against the landfill.

Mr. Dusek entered the meeting at 12:14 p.m.

Mr. Monroe said he would like the Committee members to review the County's options and he provided a brief history of the proposed Hartford landfill. He estimated that in early 2004, both Warren and Washington Counties began the pursuit of extracting some form of economical benefit from the proposed landfill site. He said the Counties discussed the option of selling the property, located in the Town of Hartford, and Henry Gallinari was the Supervisor for the Town (at that time). He mentioned, that in 2004, the Hartford Town Board had wanted the Counties to issue the RFP (request for proposal) to locate a prospective buyer who would then negotiate a Host Agreement with the Town Board.

Mr. Monroe explained that Warren County had urged the Town Board to specify the terms of

the Host Agreement, prior to the RFP being issued. He pointed out that Warren County negotiated with the Hartford Town Board for one and half years before the Town Board agreed to define the Host Agreement's terms, prior to issuing the RFP. Unfortunately, Mr. Gallinari suffered an injury before he could deliver the Town Board's decision to the Warren County Solid Waste Committee. Mr. Monroe went on to explain the entire issue had been further complicated by the amnesia Mr. Gallinari had developed, as a side effect of his injury. He also noted Mr. Gallinari had resigned his position as Town Supervisor.

However, Mr. Monroe said that Mr. Gallinari was recovering from a recent stroke and has no recollection of the discussions held over the past year and a half, and has resigned his position as Town of Hartford Supervisor.

Mr. Monroe said he attended the most recent meeting of the Inter County Solid Waste Committee where members of the Hartford Town Board had expressed an interest in continuing the landfill discussions. However, he said, the Town Board wanted the negotiations to go back to the initial stages, one and a half years ago.

Mr. Monroe reminded the Committee that HDR Engineering, Inc. had been hired to provide the County with an analysis of the most recent purchase offer (of \$3.2 million). He mentioned that Warren County had not been very pleased with the report from HDR. He expressed his concern for the taxpayers, if Warren County agreed to a sale for too low an amount. He noted the new landfill owner could turn around and re-sell the property at a huge profit, and a huge disservice to the taxpayers.

Mr. F. Thomas entered and Mr. W. Thomas left the meeting at 12:27 p.m.

In summary, Mr. Monroe noted the landfill was a valuable asset to Warren County and he urged the Committee to consider the different options available. He directed attention to a report from Environmental Capital which was included in the Agenda packet and a copy is on file with the minutes.

Privilege of the floor was extended to Paul Dusek, County Attorney, who provided additional background information on the Hartford Landfill and the settlement agreement with Washington County and the Town of Hartford. Mr. Dusek noted that while the Trash Plant was being constructed, Warren County had contributed \$2+ million towards a landfill to be built by Washington County. The landfill was to handle the by-pass, ash, and residual product from the Burn Plant; Washington County never not build the landfill; the Industrial Development Agency (IDA) arranged to send the ash to one site and the by-pass to another site; and Warren County sued Washington County to recover the \$2+ million.

Mr. Dusek noted the law suit was settled in 1999; Washington County returned a portion of Warren County's \$2+ million, and both Counties' investments were balanced out. In addition, he stated, the Settlement Agreement called for the proposed landfill property to be kept vacant (in its non-use state), until the year 2012; and Washington County would keep the Landfill's DEC (New York State Department of Environmental Conservation) permit renewed

and current. He clarified the Landfill's DEC permit prohibited MSW (municipal solid waste), authorized only a portion of the property for ash and non-processables, and prohibited by-pass waste (although that was an expected product from the Burn Plant). Once the Landfill's DEC permit expired in 2012, the two Counties could elect sell the property; or one County could sell to the other County, for 50% of the net value.

Mr. Dusek summarized the landfill status was contingent upon three major factors, as follows:

1. The Settlement Agreement between Warren and Washington Counties;
2. The DEC Permit restrictions; and
3. The Host Agreement (signed by Washington County in 1994, which anticipated Washington County would construct, own and operate the landfill, and Warren County was only a financing party).

Mr. Dusek noted the 1994 Host Agreement specified a number of pricing factors, such as Washington County shall pay \$16,000 for School and Town taxes for the landfill property; Washington County would pay \$3.25 per ton for residual waste and \$5 per ton for non-processable waste; \$3.25 per ton for by-pass and \$1.25 per ton for by-pass that was stored and removed; and Washington County guaranteed a minimum of \$85,000 per year. On the other hand, he said Warren County had only guaranteed to pay \$50,000 for three years. He also pointed out the 1994 Host Agreement was silent with regards to C&D, yard, wood, or sewer sludge that originated from Washington County.

Mr. Dusek further noted that if the landfill were sold to a private party the fees would double and the new owner would need to comply with the Town of Hartford's Landfill Local Law concerning solid waste management facilities. (He noted the restrictions in the Town's Landfill Local Law were so stringent that he felt it would be nearly impossible for anyone to comply.)

Mr. Dusek summarized that the Landfill Local Law contained so many restrictions that any potential buyer would need to negotiate with both Counties, as well as the Town of Hartford. He said, he felt the restrictions in the Local Law might be seen as an attempt to manage solid waste, which should be the prerogative of DEC. He noted the language in the Local Law was worded very carefully, but in his opinion, it may be contrary to the State's overall plan for solid waste management. However, he acknowledged the Local Law was "on the books" and would have to be contended with by any potential buyers.

Therefore, Mr. Dusek concurred with Mr. Monroe's earlier comments that if the Host Agreement were defined prior to the RFP, it would greatly enhance the two Counties' ability to sell the property. Otherwise, he said, any bidders would need to be prepared to either comply with the Landfill Local Law or challenge the Law in the courts.

Mr. Dusek directed attention to the letter from Richard McCarthy, President of Environmental Capital, LLC, which was included with the Agenda packet. He said he had reviewed Mr. McCarthy's proposal and he felt the County's other option would be to remain as the owner and advertise for an operator. However, he said the Host Agreement would still be in play.

Mr. Champagne said he had assumed the DEC permit would be renewed which would allow for uses other than just the C&D (construction and demolition) waste. Therefore, he said he felt much of what Mr. Dusek had been talking about would be irrelevant.

Messrs. Dusek and Monroe concurred, provided the Town of Hartford would agree.

Mr. Champagne said if they just looked at the C&D piece, have the Town Board of Hartford to identify the stipulations they can all agree with. He suggested the landfill could be sold "as is" and let the new owner deal with the permits and the Town Board and Warren County's ties would be completely severed.

Mr. Monroe returned the discussion to Mr. McCarthy's proposal (on 2nd page) which outlined a 4 step process, as follows:

- ✓ Select a project team to draft and review a preliminary RFP;
- ✓ Identify the list of desired benefits;
- ✓ Solicit expressions of interest from private companies to further refine the RFP; and
- ✓ Finalize and issue the RFP.

Mr. W. Thomas returned to meeting at 12:36 p.m.

Responding to Mr. Belden's question, Mr. Dusek clarified that, pursuant to the existing Host Benefit Agreement, Warren County would only need Washington County's consent, and not the consent of the Hartford Town Board.

Mr. Monroe further confirmed that, prior to Mr. Gallinari's illness, Washington County had approved the agreement with the Town of Hartford.

Mr. Champagne said he felt the most critical piece was to define what the Town of Hartford would need to make the project work.

Mr. Monroe summarized that if negotiations with the Town of Hartford ultimately failed, the County had the following options available:

1. sell for the \$3.2 million offer; or
2. pursue McCarthy's proposal.

Discussion ensued with regards to possible negotiations with the Town of Hartford.

Mr. Monroe said he reported on the status of the Landfill negotiations for the sole purpose of bringing the Committee members up to date. He reiterated that the negotiations with the Town of Hartford had to return to the beginning stages for reasons beyond anyone's control (as explained above). He acknowledged there was nothing for the Committee to take action on, as of today.

General discussion ensued.

Privilege of the floor was extended to William Lamy, DPW Superintendent, who turned to Agenda Item 3, Recycling Program. He apprised that he had not attended a meeting of the Solid Waste & Recycling Committee since 1997 and he invited his staff members to join him at today's meeting. He welcomed Brian Humphrey, Deputy Superintendent, DPW; William Remington, Deputy Superintendent of Public Works, Environmental and Engineering Services; and Judy Johnson, Fiscal Manager, DPW to the meeting.

Mrs. Johnson explained that the Trash Plant provided a monthly report of the recent business conducted. She said she reviewed the report for mathematical accuracy, only, since no backup information was provided.

Mr. Monroe said he felt the County should verify the tonnage reported, to be certain the County's share of the expenses were correctly assessed.

Mr. W. Thomas left the meeting at 12:46 p.m.

Discussion ensued as to what information was provided on the monthly report.

Responding to comments from various Supervisors, Mrs. Johnson explained that she would need an entire month's weigh tickets in order to verify the complete accuracy of the monthly report.

Mr. Monroe said he would request the Inter County Solid Waste Committee to provide Warren County with the same documentation they provide to Washington County.

Following an extensive discussion, Mr. Monroe confirmed that he would report back to Mrs. Johnson, Mr. Remington and Mr. Lamy.

Discussion returned to the Recycling Program, and Mr. Remington reported that all of the Towns utilized the refuse containers to collect magazines, card board, plastic, metal and glass. He noted the County provided the containers to the Towns, yet each Town was free to decide where the containers would be shipped and each Town retained any revenue, which helped to offset the costs for the Transfer Station. He said it was his understanding that all of the products were still being recycled, although the County collected the batteries from each of the transfer stations, and then the County paid approximately \$10,000 per year for disposal. He acknowledged that Perkins Recycling has more business from some Towns than others.

Mr. Monroe pointed out that the glass was deposited in the Jack Toney pit in the Town of Warrensburg, and he questioned what the long term plan was.

Mr. Remington reported that some of the glass was recycled underneath road beds or under parking lots as drainage layers. He said they continued to search out markets, and he verified that DEC had approved the use of glass for drainage, since it was clean fill. As for using the glass in more highway projects, he said it would be necessary to completely close

the road during the installation. He mentioned he was optimistic that some of the 2007 highway projects would be appropriate for recycled glass.

General discussion ensued.

Mrs. Sady left the meeting at 1:00 p.m.

Mr. Monroe said he had recently learned the Burn Plant should not receive anything that contained mercury. He questioned whether or not the County should develop a program to collect "mercury" products. He directed attention to the report included with the Agenda packet, entitled Warren/Washington County Overview of a Possible Electronics Recycling Program (a copy is on file with the minutes).

Continuing, Mr. Monroe pointed out that a recycling program would be less expensive than retrofitting the Burn Plant to handle electronic and mercury products. He urged the Committee members to consider some level of involvement with this program.

Following a brief discussion, Mr. Monroe suggested that everyone take the time to read through the report and bring their comments and suggestions to the next Committee meeting.

Mr. VanNess entered the meeting at 1:06 p.m.

Returning to Agenda review at Item 4, Status of Containers, Privilege of the floor was extended to Mr. Humphrey, who reported that an inventory of the Containers had just been completed and 25 containers were unaccounted for. He acknowledged that there were always a few missing containers. He said he recently spotted one along a walking trail and he arranged to have it picked up.

Messrs. Merlino and champagne left the meeting at 1:08 p.m.

Mr. Humphrey explained the older containers eventually reached the point where they had to be removed from service, rather than repaired, although some of the 1990 containers were still in service. He said the purchase of new containers, over the past few years, had been a tremendous help, as some fell out of service. He acknowledged the current replacement budget appeared to be adequate, at this point.

There being no further business to come before the Committee, on motion by Mr. Belden and seconded by Mr. Tessier, Mr. Monroe adjourned the meeting at 1:10 p.m.

Respectfully submitted,

Katy Goodman, Secretary to the Clerk

*Typed by Carlene Ramsey, Sr. Legislative Office
Specialist*