

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: SOLID WASTE & RECYCLING

DATE: NOVEMBER 21, 2007

Committee Members Present:

Supervisors Monroe
Tessier
Champagne
Mason
Stec
Merlino

Others Present:

Stephen Lynch, Intercounty Solid Waste
Coordinator
Melissa Meece, Consultant, R. S. Lynch
& Company
Paul Dusek, County Attorney
William Lamy, Superintendent, DPW
Wayne LaMothe, Assistant Director, Planning &
Community Development Department
Joan Sady, Clerk, Board of Supervisors
Supervisor F. Thomas
Katy Goodman, Secretary to the Clerk

Committee Member Absent:

Supervisor Belden

Mr. Monroe called the Solid Waste & Recycling Committee meeting to order at 11:35 a.m.

Motion was made by Mr. Mason, seconded by Mr. Stec and carried unanimously to approve the minutes of the previous meeting, subject to correction by the Clerk.

Mr. Monroe stated that Mr. Lynch, Intercounty Solid Waste Coordinator, wished to address the Committee on the status of recycling efforts in the County, a potential grant application and an update of the County's Solid Waste Management Plan.

Privilege of the floor was extended to Mr. Lynch and he introduced Melissa Meece, who he said was a consultant with R. S. Lynch & Company. He stated Ms. Meece was based in Vermont and that she had an extensive background in solid waste planning, particularly with regard to recycling programs.

Mr. Lynch advised he had spoken to Mr. Monroe previously about discussing the aforementioned grant application with the Committee members and other solid waste issues. He stated that today he was representing his firm, R. S. Lynch & Company, and HDR Engineering, the consulting engineering firm for the Warren - Washington Counties Intercounty Solid Waste Coordinating Committee. Mr. Lynch reported the Coordinating Committee had discussed the most appropriate way to proceed on those issues and their proposal was that they would be willing to write a joint grant application on behalf of Warren County and perhaps some other Towns in the County if they wished to participate. He advised a benefit of the Adirondack Park Community Smart Growth Program grant was that it did not require any matching funds. Mr. Lynch explained they would offer to write the grant and if it was not awarded, the County would not be obligated to pay them for the work. He advised that with or without the grant, eventually, Warren County would need to address various solid waste issues. Mr. Lynch noted the grant would outline a clear scope of

services and if it was received, his firm would manage the study that would need to be done as part of the grant.

Mr. Lynch stated the study would be designed to first take an inventory of all the various solid waste facilities and systems that were in operation in the County. He noted an accurate picture was needed of what existed now in the County in the areas of waste management and recycling. Mr. Lynch advised the second step would be to determine what options could be taken to improve and strengthen the County's solid waste efforts particularly with regard to countywide recycling. He noted that the State Department of Environmental Conservation (DEC) was focusing more and more on what opportunities were available to the County to increase its recycling planning efforts. Mr. Lynch added the study would be a collaborative effort between DEC and the County.

Mr. Lynch advised the next step would be to analyze the options and to select and implement the ones that were chosen. He stated he had discussed the purposes for these efforts with the HDR firm and the first purpose was that the study would address DEC's increased tightening of its concerns that the County did not have a Recycling Plan and that it was not enforcing the State's mandate for recycling. Mr. Lynch noted that William Lamy, Superintendent of the Department of Public Works (DPW), would address that issue.

Mr. Lynch continued. He advised the second purpose was that the efforts would dovetail very well with the end of term issues the County would be faced with when the contract with Wheelabrator (owner/operator of the Burn Plant), was completed in 2011. Mr. Lynch stated the best thing the County could have as the end of the contract approached were some options for where the County's waste could be sent instead of to the Burn Plant. He explained that would create competition for Wheelabrator which would generate a better price for the waste.

In addition, Mr. Lynch advised, the State had mandated every County to have a Solid Waste Management Plan. However, he said, Warren and Washington Counties Bi-County Plan was 20 years old and it needed to be updated. Mr. Lynch stated all the data that would be developed to assist them in addressing the aforementioned solid waste issues would be the beginning of an updated Solid Waste Management Plan. He said the question of whether the Plan would be only for Warren County or if it would be for both Counties would have to be addressed in the future. Mr. Lynch advised he thought when they met with the Towns they should let them know that the County was looking at these issues and what was being planned, as that would help them to get a better deal countywide. Mr. Lynch noted Mr. Monroe was aware of the grant requirements.

Mr. Monroe stated in connection with the grant he had asked Wayne LaMothe, Assistant Director of the County Planning and Community Development Department, to attend the meeting because the Planning Department had already obtained the Board of Supervisors' approval to apply for two Smart Growth grants. He explained he wanted to make sure if the County applied for a grant for the solid waste efforts it would not interfere with Planning's applications. Mr. Monroe noted he had heard there had not been too much activity about the grant applications and perhaps not too many applications would be submitted.

Privilege of the floor was extended to Mr. LaMothe, and he cautioned that only a limited amount of money was available for the grants. However, he explained, the State had indicated it had allocated \$1 million for the grants as a way to see what the response would be for possible future funding. For example, Mr. LaMothe noted, if a project had merit and it was not funded in this round, perhaps it could be funded next year if there was another funding round. He confirmed for Mr. Monroe that an application to fund the solid waste efforts would not adversely impact the applications the Planning Department had submitted. Mr. LaMothe commented if the County was going to be mandated to do solid waste activities, perhaps that would be the best application to pursue because those efforts would be costly for the County.

Privilege of the floor was extended to Melissa Meece, Consultant to R. S. Lynch & Company, who stated it appeared the criteria for the grant application was projects which ranged from community inventory and analysis to contaminated site remediation and economic revitalization. She stated the County's project would fit into the community inventory and analysis category. In addition, Ms. Meece noted, the State was pushing for the improvement of community resources and recycling and waste management would fit into that category quite well. Mr. Lynch advised he had spoken to the grant administrators and they had agreed that proposals from Counties who needed to do more waste management activities would fit into the grant's criteria.

Mr. LaMothe apprised under the Smart Growth Grant there was a \$50,000 funding cap for a single application and a \$100,000 cap for a joint application. He queried if that would be enough money and if the project would be more of a shared services project. Mr. LaMothe advised more funding was available for shared services projects. Mr. LaMothe concurred with Mr. Monroe that the Adirondack Park Community Smart Growth grant was limited to communities inside the Blue Line (of the Adirondack Park). Mr. Monroe stated there had been some discussion about the grant relative to the Town of Lake Luzerne and they had also been working with Washington County. Relative to the Blue Line issue, Mr. Monroe asked Mr. Merlino, Supervisor of the Town of Lake Luzerne, if the Town was completely within the Blue Line. Mr. Merlino replied a very small portion of the Town was in the Town of Queensbury. Mr. Monroe commented because there was a million dollars for both inside and outside the Blue Line, it probably did not make sense to apply for \$100,000 for inside and \$100,000 for outside because the outside communities would be competing against the entire rest of the State.

Mr. LaMothe stated the County's recycling facility was outside of the Blue Line and he had wondered if that would be an issue relative to the grant application. However, he said, he did not know the answer to that question. Mr. LaMothe noted as most of the County's transfer stations were within the Blue Line that was where most of the County's recycling efforts took place.

Mr. Lynch commented from the County's standpoint they could do a lot with a \$50,000 grant and even more with a \$100,000 grant. He apprised his firm worked by the hour and they would not make more money if there were more grants. Mr. Lynch stated that typically a Solid Waste Management Plan (SWMP) would cost approximately \$200,000 to \$300,000 and whatever they could obtain in grant funds would reduce the amount of funds that would be needed elsewhere.

He stated he would suggest they should have a strategy for the grant application that would be a collaborative effort between DPW, the Supervisors and the company.

Mr. Dusek left the meeting at 11:53 a.m.

Mr. Monroe stated that Paul Dusek, County Attorney, had to leave the meeting. However, Mr. Monroe said, Mr. Dusek had raised the question of how a fee for the preparation of the application would be structured that would not be reimbursable. In addition, Mr. Monroe advised if Mr. Lynch's firm was going to prepare the application that could be a problem because the County's Purchasing Policy would require that Request for Proposals (RFP) be done. Mr. Lynch advised they were preparing applications for both the Smart Growth and Shared Services grants for other communities which were due December 15th. He advised the HDR firm and his firm would be willing to write the County's grant application and the County would not be obligated to pay a fee for the preparation of the application if they were not awarded any funds. However, Mr. Lynch stated, if the County did receive the grant it would be with the understanding that his firm would do the projects. Mr. Monroe stated he did not think the County's Purchasing Policy would allow that. He concurred with Mr. Lynch that under State General Municipal Law professional services did not have to go through the bid process.

Mr. Lynch suggested perhaps they could write the grant application and if they were hired to do the work they would waive those fees, and if they were not hired, the County would have to pay the fees for preparing the application. Mr. Monroe acknowledged that was a County Policy. Mr. Lynch questioned if another approach could be to select a firm now to write the grant and do the work if the County should receive the grant. However, he pointed out the deadline was coming up quickly. Mr. Monroe stated that would be a question for Mr. Dusek and others. Joan Sady, Clerk of the Board of Supervisors, stated she did not know if there would be enough time to go through the RFP process to select a firm.

Mr. Champagne queried if the application process had to be carried out this year. He reminded the Committee members that the State had required the County to build the Burn Plant quickly and then that eventually was not required of other Counties. Mr. Monroe responded he thought DEC would be putting pressure on the County soon to start its recycling efforts.

Mr. Merlino left the meeting at 11:56 a.m.

Privilege of the floor was extended to William Lamy, Superintendent of the Department of Public Works (DPW). He advised that when he became the DPW Superintendent last year the recycling issue arose and the County was notified that it was supposed to be filing an annual Recycling Report with the State. Mr. Lamy noted he had reviewed the matter with William Remington, the previous DPW Superintendent, and since he had left the position, he had been trying to fulfill the obligation to complete the Report. Mr. Lamy advised that Brian Humphrey, Deputy Superintendent of Bridges and Highways, and he had met with Mr. Dusek, who had reviewed a series of resolutions the County had adopted since 1989 that had authorized recycling activities. However,

he stated, those activities had fragmented the County's approach to recycling. Mr. Lamy advised the County did have a SWMP and it required the DPW Superintendent to fulfill various duties and obligations. However, he reported, DEC was not satisfied with what the County was doing with regard to its recycling obligations. Mr. Lamy advised he had been trying to fill out the State Report and he had sent out letters to all the Towns that were involved in recycling and half had returned their Reports to him. He noted they were going to try to collate those Reports and send them to DEC in order to fulfill the County's obligation. Mr. Lamy explained then it would be up to the Committee members and the Board of Supervisors to decide what role they wanted to play in recycling and what role DEC would make them play and whether or not their activities were permitted. If DEC approved their activities, he explained the County would have to modify its SWMP to reflect what efforts it was taking.

Mr. Lamy advised that currently he was being pressed by DEC for a summary of what recycling activities were being done in the County. He stated he was trying to compile the information the best way he could without the staff to do it. Mr. Monroe reported he was contacted by a DEC official who felt the County was not getting adequate prices for the recyclables that went through the Towns. He stated whether or not DEC pushed them more, the County should have a better recycling program than it had now and that was one reason they should move forward. Mr. Monroe noted another reason would be the apparent lack of interest in applying for the Smart Growth grants and that if they applied now it would improve their chances to receive future grants.

However, Mr. Monroe stated, the grant application issue raised the question if the RFP process could be completed in time. He suggested an alternative could be if the Committee members would agree to pay the costs to prepare the grant application then the completion of the RFP process would not be an issue could be carried out after the grant was received if that occurred.

Mr. Lynch confirmed he would definitely submit an RFP for the project. However, he advised, it would take quite a bit of time to prepare the quality of an application that they would do and that would be costly. Mr. Lynch stated they would be willing to do that and perhaps the new approach could be that his firm would prepare the application at their time and expense and if the County received the grant they would have to pay them for that work. Then, he stated, the firm's RFP would stipulate if they were selected to do the project they would waive the cost of the preparation of the grant application. He explained the grant proceeds could not be used to pay for the application to be done. However, Mr. Lynch stated, if his RFP was not selected, the County would have to pay for the work that was done on the grant application.

Mr. Lamy questioned if the purpose of the grant would be to update the SWMP. Mr. Lynch responded he did not think they would make that the specific purpose of the grant, although the work would be a good start on a Plan. He explained the State defined a SWMP and it would be a huge document that would include a lot of items and any Plan the County might have would have to comply with the State's requirements.

Mrs. Sady left the meeting at 12 noon.

Mr. Lynch advised he would recommend that the grant funds should be used to take an inventory of solid waste assets and activities in the County and to identify more cost-effective options for the future. He stated the data that would be obtained in the inventory could then be used in an update of the SWMP and it would not have to be redone for that purpose.

Mrs. Sady and Mr. Dusek returned to the meeting at 12:02 p.m.

Dialogue ensued between Mr. Lamy and Mr. Lynch relative to various aspects of a SWMP. Mr. Lamy questioned if in other Counties in the State some of the work was done by a so-called Solid Waste Coordinator who was part of a DPW. Mr. Lynch replied that was not usually the case. Mr. Lamy queried if there was data on how many Counties in the State contracted out for the services compared to those who did the work with in-house staff. Mr. Lynch advised based on his knowledge everyone hired a consultant to prepare their SWMP. Mr. Lamy clarified he was asking if some Counties used in-house staff to keep track of their recycling activities and did some Counties use a consultant to do the work.

Mr. Lynch replied that under State programs some Counties did have Solid Waste Coordinators which were full-time employees and the State paid half the cost for the position. He noted that neither Warren or Washington County had a Solid Waste Coordinator at this time. Mr. Lynch explained in the Counties with Coordinators, most administered the County's recycling system on a daily basis according to whatever recycling plan the County had developed. However, he stated, the Coordinators usually had not been involved in developing the Counties' Plans. Mr. Lynch stated that typically a Solid Waste Coordinator's duties would involve education and outreach activities to schools and the public, the organization of the household hazardous waste disposal days and marketing of the recycled materials. He stated although it was not prohibited, a Solid Waste Coordinator was usually not hired to prepare a Recycling Plan.

Mr. Monroe stated, as Mr. Dusek had returned to the meeting, they should discuss the legal question about the grant application with him. Mr. Monroe advised Mr. Dusek that Mr. Lynch had proposed he could prepare the grant application and because those costs could not be reimbursed under the grant he would waive the fees for the work. However, he stated, that would be a problem because the County's Purchasing Policy would require that an RFP be done. As a result, Mr. Monroe advised, Mr. Lynch would submit an RFP and if his firm was selected to do the work he would waive the costs of the work on the application.

Mr. Dusek questioned what the cost of the work would be; and Mr. Lynch responded he was not sure. He stated they could work with the County to compile some of the data. Mr. LaMothe stated the Planning Department would have information on the County's demographics. Mr. Lynch apprised the costs would be for their time and he felt the costs could be \$4,000 to \$6,000. Mr. Dusek advised under the Purchasing Policy, quotes were required for outside professional services that cost between \$3,000 and \$15,000 and an RFP was required for costs over \$15,000. Mr. Dusek stated they would either have to separate the preparation of the grant application and the actual work, or issue an RFP to do everything at once. Mr. Monroe advised the deadline to

submit the grant was December 28th and that had raised the issue that there would not be enough time to do an RFP. Mr. Dusek advised in that case they could obtain three quotes which could be done by telephone and followed up with written quotes. He confirmed for Mr. Monroe that if the cost to prepare the grant application was over \$3,000, quotes would be required and if they were under \$3,000 they could just select a firm to do the work.

Mr. Lynch commented in view of the fact that HDR and his firm had a long-standing and valued association with both Warren and Washington Counties that they would want to continue, he felt it would benefit the Counties if they could come to terms relative to his firm preparing the grant application. He apprised he would be willing to do the work for the cost of \$2,900. Mr. Dusek confirmed that would be legally permissible. He explained if the application was successful, an RFP would still have to be done; and Mr. Lynch acknowledged he understood that.

Mr. LaMothe questioned if the \$2,900 would be deducted from the RFP; and, Mr. Lynch confirmed that was correct. Mr. Monroe stated he had asked Mr. Dusek if the reduction on the RFP would create a legal problem relative to other respondents to the RFP. Mr. Dusek advised he felt in view of the application deadline, the services would have to be done separately. He stated it was up to Mr. Lynch what he would want to offer the County in his RFP and that would be the case for all the other respondents. However, Mr. Dusek advised, as part of the RFP process all other respondents would have to know the County had already paid for the application to be prepared. He concluded he felt the aforementioned arrangement with Mr. Lynch was perfectly legal. Mr. Dusek noted then the RFP process would be left to unfold in whatever way it would.

Mr. Lynch stated if time permitted he thought it would make sense to contact several communities in the County to see if there was interest in doing a joint grant application which would provide a higher amount of funding. Mr. LaMothe advised in that regard he would suggest that if a joint application was done for a \$100,000 grant it seemed that based on their interpretation of the application's guidelines for a joint application the County would not be considered as one of the "two or more entities" referred to. He explained the example in the guidelines was that an eligible joint application would be from a County and two or more Towns. Therefore, Mr. LaMothe stated, if the County and two or three Towns applied that would meet the threshold of the application. Mr. Lynch concurred that was a good suggestion.

Mr. Monroe urged that the County should proceed with a grant application. Mr. Lynch queried if the County would contact two other Towns or did they want his firm to do that. Mr. LaMothe noted that the Supervisors of four Towns were on the Committee. He asked if there was any interest in participating in the grant application. Mr. Champagne queried if the Towns would have to share the costs of the work. Mr. Monroe stated that would require the proposal to go through the Town Board process for approval to expend the funds. He stated he felt it would be more sensible for the County to fund the costs. Mr. LaMothe explained if the other Towns participated they would be able to apply for \$50,000 more in grant funds. Mr. Monroe commented he did not think it would be a problem to find two other Towns to participate. Mr. Lynch stated when the Towns were selected they could notify him and they would then work with them.

Mr. Monroe confirmed that a resolution would be needed to authorize the submission of the grant application. He suggested that because the regular December Board of Supervisors' meeting was not until the 21st and there was going to be a Special Board Meeting on November 30th, the resolution should be prepared for that meeting.

Motion was made by Mr. Mason and seconded by Mr. Stec to approve that R. S. Lynch & Company would prepare and submit a grant application for a New York State Adirondack Park Community Smart Growth Program grant and that the County would secure two or more Towns to participate in the application.

Mr. Dusek concurred that at the appropriate time another resolution would be needed to authorize the aforementioned RFP process. Mr. LaMothe stated he would suggest that the Board of Supervisors send a draft resolution to each of the Towns in the County to request their support of the application in order to show the Adirondack Park Agency that there was unity for the County's Program. Mr. Monroe concurred that was a good idea. Mrs. Sady agreed with Mr. Monroe and stated that a letter would be sent to the Towns with a copy of the County's Resolution which would show there would not be a cost to the Towns for their participation.

Mr. Monroe called the question and the motion to approve the resolution, as recommended, was carried unanimously. The necessary resolution was authorized for the November 30th Special Board of Supervisors meeting. *A copy of a resolution request form is on file with the minutes.*

Mr. Lynch confirmed for Mr. Lamy that there were grant funds available for a Recycling Coordinator. He apprised there would be 50% reimbursement. Mr. F. Thomas acknowledged that a Recycling Coordinator could not be hired. However, he stated, it would be a good idea in the future and he felt the Towns needed to have such activities as hazardous waste collections.

Mr. Lynch advised the Smart Growth grant would include a study that would address such programs and also electronic recycling. He stated the Intercounty Solid Waste Coordinating Committee had recently asked him to update an analysis on that type of recycling and to present it to that Committee.

General discussion ensued.

There being no further business to come before the Committee, on motion by Mr. Champagne and seconded by Mr. Stec, Mr. Monroe adjourned the meeting at 12:24 p.m.

Respectfully submitted,

Katy Goodman, Secretary to the Clerk