

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC WORKS - *SOLID WASTE & RECYCLING*

DATE: FEBRUARY 13, 2013

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COMMITTEE MEMBERS PRESENT:

SUPERVISORS BENTLEY  
MERLINO  
CONOVER  
WOOD  
TAYLOR  
FRASIER  
DICKINSON  
MASON  
MONTESI

OTHERS PRESENT:

JEFFERY TENNYSON, SUPERINTENDENT OF PUBLIC WORKS  
KEVIN B. GERAGHTY, CHAIRMAN OF THE BOARD  
PAUL DUSEK, COUNTY ADMINISTRATOR  
MARTIN AUFFREDOU, COUNTY ATTORNEY  
JOAN SADY, CLERK OF THE BOARD  
FRANK THOMAS, BUDGET OFFICER  
SUPERVISOR VANSELOW  
JULIE PACYNA, PURCHASING AGENT  
MIKE SWAN, COUNTY TREASURER  
AMANDA ALLEN, DEPUTY CLERK OF THE BOARD

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Mr. Bentley called the meeting of the Public Works Committee to order at 9:05 a.m.

Motion was made by Mr. Mason, seconded by Mr. Taylor and carried unanimously to approve the minutes of the prior Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Jeffery Tennyson, Superintendent of Public Works, who distributed copies of the meeting agenda to the Committee members; *a copy of same is on file with the minutes.*

Commencing the agenda review, Mr. Tennyson advised the first item listed referred to a request to amend the contract with Casella Waste Management, Inc. d/b/a Casella Waste Services. He explained the County Attorney's Office had detected that incorrect pricing terms had been included in the contract and action was necessary to correct this oversight. Additionally, Mr. Tennyson commented that there was some discussion as to whether an amendment to Resolution No. 724 of 2012, which approved the contract, would also be necessary. After conferring briefly with Paul Dusek, County Administrator, Martin Auffredou, County Attorney, agreed that an amendment to Resolution No. 724 of 2012 would be required.

Motion was made by Mr. Montesi, seconded by Mrs. Frasier and carried unanimously to amend Resolution No. 724 of 2012, as well as the contract it authorized with Casella Waste Management, Inc. d/b/a Casella Waste Services, to reflect the correct contract pricing, and the necessary resolution was authorized for the February 15<sup>th</sup> Board meeting. *A copy of the request is on file with the minutes.*

Mr. Tennyson announced that the next six agenda items, represented on pages 5 - 28, pertained to new contracts for solid waste and recyclable transportation and disposal services, as follows:

- \* Page 5 - Request for a new contract with Waste Management of New York, LLC for solid waste and recyclable transportation services (WC 70-12).
- \* Page 8 - Request for a new contract with Casella Waste Management Inc. for solid waste and recyclable transportation services (WC 70-12).
- \* Page 18 - Request for a new contract with Waste Management of New York, LLC for solid waste and recyclable disposal services (WC 65-12).
- \* Page 19 - Request for a new contract with Casella Waste Management Inc. for solid waste and recyclable disposal services (WC 65-12).
- \* Page 20 - Request for a new contract with D&G Recycling, LLC for solid waste and disposal services (WC 65-12).
- \* Page 21 - Request for a new contract with Perkins Recycling Corp. for solid waste and recyclable disposal services (WC 65-12).

Mr. Tennyson advised the options presented by the previously listed contracts had been discussed at the prior Committee meeting. He said he had prepared the various contract requests in an effort to provide maximum flexibility for the towns as it was presumed that some municipalities would elect to contract with different haulers and disposal facilities based on the best pricing available. Mr. Tennyson stated that since the last Committee meeting, he had received indications from some towns that were ready to proceed in securing contracts, while others were still reviewing the options available to them.

Mr. Conover questioned whether the towns would have the ability to exclude themselves from the contracts they did not wish to participate in and Mr. Auffredou replied affirmatively. Mr. Montesi questioned whether a town was required to contract with the lowest responsible bidder for each category they sought services in and Mr. Auffredou replied that each town would be provided the opportunity to review the bids provided and either choose to select various contractors based on price, or they could elect to choose one contractor who offered the best overall pricing for all of the services desired, as was the original intent of the bid.

In response to a question posed by Mr. Montesi, Mr. Tennyson advised the current solid waste contracts would expire in March and the resolutions requested would provide authorization to secure new contracts for seamless service coverage. Mr. Auffredou added that each municipality would need to undertake their own Board approval process, generating a resolution identifying their desired options which would be transmitted to his Office in order for the appropriate contracts to be written. He commented that, as was the case with the current solid waste contracts, he anticipated that all of the contracts would not be completed prior to the expiration of the current agreements and it was likely that the contractors would be providing services before all of the necessary documentation and memorandums were in place as this effort would take a lot of work by a number of different parties to complete the process.

Mr. Montesi asked how the maintenance of waste storage containers would be addressed and Mr. Tennyson noted that was an item listed for discussion later in the agenda review. He noted there were currently two options available, either the County could retain ownership of the containers being used by the towns, in which case consideration of creating new budget funding lines would be necessary to allow for proper container maintenance, or the County could elect to transfer ownership of the containers to the towns, alleviating the County of any maintenance responsibility. Mr. Tennyson stated that because both of the haulers that had submitted bids had refrained from providing any pricing on provision of containers, use of municipal containers would be necessary whether they were owned by the County or the various towns. Mr. Montesi commented that he did not feel the towns had sufficiently experienced staff available to provide for the container maintenance or repairs and he felt the County was better suited to do so. Mr. Tennyson agreed that the County was far more experienced and better prepared to provide for the container maintenance and repairs, but noted that there was not currently a proper budget set up to allow expenses to be charged for this work. He directed the Committee members to agenda page 29 which reflected a chart entitled "Analysis of Solid Waste Management 2006-2010", outlining the expenses incurred in association with the container maintenance. Mr. Tennyson provided a brief review of the document, noting that these line items were eliminated from the budget in prior years. He pointed out that some of the expenses, such as those listed under Code 422, Repair/Maint-Equipment, which was used to cover the manpower associated with container repairs, would not be new expenses to the County as the funds would be transferred to this code from other areas of the Budget to cover the time spent by a DPW employee making repairs. Mr. Tennyson cautioned that while some funding would actually be transferred within the DPW budget, there were areas that would require new funding, presenting an additional expense to the County, such as those under Codes 260, Other Equipment, and 410, Supplies.

Mrs. Wood entered the meeting at 9:20 a.m.

Discussion ensued with respect to the information provided, following which a motion was made by Mr. Conover, seconded by Mr. Montesi and carried unanimously to approve all six of the aforementioned requests and the necessary resolutions were authorized for the February 15<sup>th</sup> Board meeting. *Copies of the requests are on file with the minutes.*

Mr. Tennyson suggested that an additional resolution be approved authorizing memorandums of understanding (MOU's) between the various towns and Warren County for waste transportation and disposal services, as needed, and Mr. Auffredou replied that a resolution of this nature would be prudent.

Motion was made by Mr. Dickinson, seconded by Mr. Montesi and carried unanimously to authorize MOU's between the various towns and Warren County for waste transportation and disposal services, as needed, to be presented at the February 15<sup>th</sup> Board meeting.

Mr. Auffredou advised the solid waste and recyclable hauling and disposal contracts were intended to include three year terms, with the inclusion of an opt out clause. He apprised that in securing the current solid waste contracts, his Office had helped to establish the wording of the resolutions adopted by the towns, and in some cases prepared them on the town's behalf, and they were prepared to do so again. Mr. Auffredou added that the situation presented a tremendous amount of information to digest and he and his staff were willing to assist in any way necessary.

Mr. Conover pointed out that a considerable amount of time had been dedicated by Mrs. Pacyna to the bid process and he both commended and thanked her for her efforts.

Discussions resumed with respect to the waste container issue and the lack of budgetary funding.

Mr. Bentley opined that the County had the proper staffing with expertise to provide for the container maintenance and he felt they should remain with the County. Mr. Montesi commented that transferring the container ownership to the towns could be interpreted as an unfunded mandate as most towns did not have people on staff capable of making the repairs, requiring them to hire an experienced welder. Mr. Montesi suggested developing a plan that transferred the containers to the towns with the understanding that the County would continue to provide the maintenance and repairs with the associated costs being charged to the towns. He noted that a schedule could be developed which would list estimated repair costs so that the towns would have some idea of the expenses associated with container maintenance.

Mr. Dusek noted that based on the information presented by Mr. Tennyson, the Department had survived a couple of years without having to address funding needs for container maintenance, which would indicate this was not an urgent matter that needed to be addressed immediately. He said he would recommend that the normal budgetary process be followed, that being for himself, Mr. Tennyson, Mr. Bentley and Frank Thomas, Budget Officer, to meet and develop a proposal to add funding to the budget which would later be presented to the Committee for their consideration. Mr. Dusek concluded that the important issue to be addressed at this time was whether the County should maintain ownership of the containers, or transfer them to the towns. Mr. Tennyson confirmed that new container purchases had not been funded for the prior two years; however, he continued, the budget codes for maintenance of containers had not been eliminated until the 2013 budget, allowing funds to be transferred into those codes for maintenance costs up until that point. Mr. Tennyson advised that the table included in the agenda packet did not reflect this information because it did not account for the 2011 and 2012 budget years.

Mr. Mason said he agreed with Mr. Montesi's statements that the County maintained the proper personnel to provide for the container maintenance and he expanded upon Mr. Montesi's idea for a cost

sharing plan, suggesting that a procedure be developed allowing the County to charge the towns for the maintenance and repair services provided with each town's share being based on the number of containers used.

Chairman Geraghty stated that the container maintenance was a County expense and he felt it would be wrong to transfer it to the towns. He pointed out that the repairs were being made by staff already employed by the County so there would be no new labor expense. Chairman Geraghty said the issue to be addressed was the ability to account for the County's container inventory and he said they could work with the towns to develop a system where each town could notify a member of Mr. Tennyson's staff if the empty container they received was not a County-owned container, similar to the system already being used in the Town of Warrensburg. He concluded that stricter maintenance and tracking of the container inventory, as well as a plea to both County and town staff to be more gentle with the use of the containers, would reduce expenses for repairs and replacements. Mr. Vanselow agreed that stricter container inventory maintenance was necessary and he suggested that they shift the responsibility for ensuring that only County-owned containers were delivered to municipal sites by the hauler.

Mr. Conover opined that transferring ownership of the containers to the towns was not the answer to the maintenance issue and instead, he suggested attempting to open dialogue regarding the provision of storage containers with the hauling companies.

Mr. Tennyson advised that he and Mr. Auffredou had discussed the possibility of requiring haulers to only return empty County-owned storage containers to town facilities. Mr. Auffredou added that he was unsure the bid documents included sufficient verbiage to make this requirement, but said they could attempt to include this provision and see whether or not it was accepted. Chairman Geraghty noted that in his experiences working at the International Paper Mill where large trailer pools were used, no company had ever filled and picked up another company's trailer unit and he felt this was a similar situation; he added that he did not find it unrealistic to expect the haulers to return only County-owned containers to town locations, provided that a small supply of extra containers was provided to each hauler.

A brief discussion ensued.

Mr. Montesi said it seemed the Committee was in favor of the County continuing to maintain the storage container inventory and maintenance responsibilities and he questioned whether the Budget Team would meet to determine a source of funding for the associated costs, to which Mr. Dusek replied affirmatively.

There being no further business to come before the Committee, on motion made by Mr. Montesi and seconded by Mr. Dickinson, Mr. Bentley adjourned the meeting at 10:00 a.m.

Respectfully submitted,  
Amanda Allen, Deputy Clerk of the Board