

Public Works Committee Minutes
April 10, 2012 – 4:00 p.m.

Present: Chairman Wormuth; Supervisors Grattidge, A. Johnson, Hargrave, Peck, Southworth, Wood, Collyer, and Barrett; Spencer Hellwig, Administrator; Sandra LeBaum, Roger Dziengeleski, Finch Paper; Hans Arnold, Gerhardt Consulting; Amy Solomon, IWS; R.S. Lynch, RSL Co.; Tom Speziale, Joe Ritchey, Public Works; Cliff Ammon, Margot Ammon, League of Women Voters; Press.

Chairman Wormuth called the meeting to order and welcomed all in attendance.

On a motion made by Mr. Hargrave, seconded by Mrs. Southworth the minutes of the January 10, 2012 meeting were approved unanimously.

Mr. Ritchey said there are two bridge projects that are in the capital plan and he is requesting that the chairman accept the two grants. This is the traditional funding split of 80% federal, 15% State and 5% Local. It is anticipated that the money is within the budget and in the 2012 highway budget. The two bridges include Mott Road Bridge over the Snook Kill in the town of Moreau and the Stafford Quaker Springs Road Bridge over Fish Creek in the Town of Saratoga. This is for the engineering part of the project and the construction is scheduled for 2014.

A motion was made by Mr. Peck, seconded by Mrs. Southworth to accept funding and complete preliminary engineering work for the rehabilitation of the Mott Road Bridge over the Snook Kill in the Town of Moreau for a cost not to exceed \$100,000; and the Stafford Quaker Springs Road Bridge over Fish Creek in the Town of Saratoga in an amount not to exceed \$198,000. Unanimous.

Mr. Ritchey said there is a rehabilitation project of the Dix Bridge into a pedestrian crossing where there will be work done crossing and maintaining the waters of the State of New York and the river bed that will require an easement.

A motion was made by Mr. Hargrave, seconded by Mr. Johnson approving a permanent easement from the New York State Office of General Services. Unanimous.

Mr. Arnold of Gerhardt LLC said the draft RFP grew out of the work done to develop a solid waste management plan, and as a part of that five different options were identified for the future landfill. The committee and the Board considered those options and decided to pursue the issuance of a draft request for proposal to gauge the interest of private companies and the potential for privatization or public/private partnership for the landfill facility. The first step in the process was to work with the established subcommittee. A number of meetings were held in which all the policy issues were gone through that needed to be answered in terms of structuring an RFP. Mr. Arnold said the action before the committee today does not represent

a commitment by the Board of Supervisors for any particular action with regard to the landfill. This is being pursued under section 120W of general municipal law, request for proposal process. The first step is to issue a draft RFP with comments from respondents from private companies that may be interested in some form of privatization. All the information that comes back in will be available to the Board of Supervisors and there will be recommendations for any changes deemed warranted. This is the first step and will require a resolution by the Board of Supervisors to issue it. After the comments are received and necessary changes are made the next step would be the issuance of a final RFP. This will make available the parameters of the RFP and proposals will come in on our schedule by the first of October. The proposals will be reviewed and negotiations will occur during October and November and it would be December before the Board of Supervisors would be receiving a recommendation from the entire process. Mr. Arnold said there have been five other privatizations in New York State and they have been reviewed and copies have been given to the subcommittee and the County Attorney of the contracts that executed those privatizations. Saratoga, however, is unique in a couple of ways, one which is that we have a facility in which no waste has been put in it. No other privatization in New York State has that condition and that is an advantage, he said. The Saratoga County Landfill is substantially smaller than other privatized landfills, at least in terms of currently permitted capacity. The approach is to put the principal responsibility on the private respondent. He said section eight of the RFP sets forth what the counties expectations would be, which include the following:

- Waste would only be accepted from Saratoga and neighboring counties.
- Any changes to the existing permit would have to be in conformance with DEC directions
- The county will be looking at measures to minimize traffic into the facility
- There are extensive regulatory, compliance and reporting requirements to the county
- There will be certified scales and the county will have access to the records from the scales and an integrated computerized monitoring would be specified with public access
- There would be a very aggressive complaint response procedure that the private companies would have to make a commitment to and layout to the county exactly how it would work

Mr. Arnold said from discussions that have gone on with county representatives over a period of time, it has come to the county's attention that Finch Paper may be interested in conveying or in some way changing the operation of the landfill. He explained that it might not be operated by Finch Paper, but rather sold or contracted to a private company for operation. Mr. Arnold said there could be a real advantage by the county working in parallel with the Finch process. The language in the RFP pertaining to Finch has been run by the Finch representatives and approved. It is understood that as the county puts the RFP out for the county facility, Finch will also have a process of their own in parallel with the county's process. The county will not be a party to or part of the Finch process. Mr. Arnold said they are going to encourage the private companies that are interested in Saratoga to make sure that they take a good look at

Finch and see what they might come up with in terms of a plan and achieve some operating efficiencies and improvements, all of which, if this is done the way that it is believed it can be done, would be a significant benefit to Saratoga County in terms of funds that may come Saratoga County's way. Mr. Arnold said the two processes have to be independent, but they will be done in parallel and might well achieve some significant mutual benefits.

Mr. Arnold said they have outlined what the general expectation is for the categories of payment to the county. Because of the unique situation that the landfill facility is in, it is being shaped as a sale of the landfill, but not ruling out the opportunity or the option of a lease arrangement. The RFP has been structured so that proposals will be received with a maximum upfront payment to Saratoga County, but also coupled with ongoing payments over time.

Mr. Arnold said they expect to receive multiple proposals and the 120W process will allow the county to negotiate with multiple respondents during the same period of time to try and derive the best deal in the end for Saratoga County. In terms of future considerations the, linkage of the Saratoga Landfill with the Finch facility would fully be the private respondent's responsibility for any environmental impact statement work that has to be done, in addition to Environment Impact work that was already done by Saratoga County, anything that has to do with permit applications or modifications, in addition to the cost of construction of the landfill gas recovery system.

Mr. Arnold said the Saratoga County Sewer District is looking at the possibility of a new wastewater treatment facility to serve un-served areas in the northern part of the county. One of the parcels they are looking at is on county owned property that is part of the landfill complex.

Mr. Peck commended the subcommittee and Mr. Arnold for their hard work in putting together the RFP. He said this is a proposed RFP that is going out for comment on the content of the RFP, not for request for proposals, but to see if what we have put into the RFP is what we want. The actual RFP will then follow.

Mr. Grattidge said a request is being made to also rescind Resolution 112-99, which at the time put some restrictions on the type of material and who could operate the landfill. At the time it seemed like the right thing for the Board of Supervisors to do, but as the industry has changed and the operations of landfills have changed, now it makes sense to rescind resolution 112-99 and open the process up to gain more flexibility.

Mr. Arnold said one of the specific goals that have been identified in the RFP is to provide a safe economically stable local means of disposal for non-recyclable solid waste. If the proposal includes the acceptance of municipal solid waste then the Board of Supervisors expects that a majority of the waste will originate from Saratoga County or a bordering county.

Mrs. Southworth thanked Mr. Arnold for getting the RFP to the committee members for their review in plenty of time ahead of the meeting. She said the subcommittee worked hard and

the RFP was well written and easy to read. She said she is really pleased at what she is seeing thus far.

Mr. Grattidge said the RFP will be made available on the county website.

A motion was made by Mr. Johnson, seconded by Mr. Hargrave to approve the issuance of a Draft Request for Proposal to privatize the County landfill and rescind resolution 112-99 in part and forward it on to the Law and Finance Committee. Unanimous.

On a motion made by Mr. Hargrave, seconded by Mr. Johnson the meeting was adjourned unanimously.

Respectfully submitted,
Chris Sansom