



Memorandum

DATE: November 13th, 2014
TO: Chairman and Members of the Board
FROM: Kevin H. Roche, CEO/General Manager
SUBJECT: Agenda for the Executive Committee Meeting
November 20th, 2014 @ 4:00 PM

There is an **ecomaine Executive Committee Meeting** scheduled for the date noted above. The agenda for this meeting is as follows:

1. Approval of Minutes (**Attachment A**)
2. Review and Discussion of Hauler Permits - Opinion by Jensen Baird Gardner Henry – JBGH (**Attachment B**)
3. Review and approval of Withdrawal Agreement – Ogunquit
4. Audit Committee Report – Gary Foster, Chair
5. Finance Committee Report – Matthew Frank, Chair
6. Recycling Committee Report – Erik Street, Chair
7. Manager's Report
 - o Casella Waste Agreement
 - o FY Financials
 - o Financial Summary (**Attachment C1**)
 - o Statement of Revenues and Expenses (**Attachment C2**)
 - o Statistical Data (**Attachment C3**)
 - o Tonnage – Graph (**Attachment C4**)
 - o Statement of Cash Balances (**Attachment C5**)
 - o Land Purchases - Status
8. Other:
 - Future Meetings:
 - Recycling Committee Meeting: December 4th, 2014 (Thursday) @ 4:00 PM
 - Executive Committee Meeting: December 18th, 2014 (Thursday) @ 4:00 PM
 - Finance Committee Meeting: January 15th, 2015 (Thursday) @ 2:30 PM
 - Full Board Meeting: January 15th, 2015 (Thursday) @ 4:00 PM
 - Recycling Committee Meeting: January 29th, 2015 (Thursday) @ 4:00 PM
 - Executive Committee Meeting: February 10th, 2015 (Thursday) @ 4:00 PM
 - Recycling Committee Meeting: February 26th, 2015 (Thursday) @ 4:00 PM

The Board of Directors may wish to go into Executive Session for any of the above items under Section 405 of Title 1 of the Maine Revised Statutes ([per the following legislative website: http://janus.state.me.us/legis/statutes/1/title1ch13sec0.html](http://janus.state.me.us/legis/statutes/1/title1ch13sec0.html).)

11/13/2014

DATE: November 13th, 2014
TO: Chairman and Members of the Board
FROM: Kevin H. Roche, CEO/General Manager
SUBJECT: Executive Committee Minutes - September 18th, 2014

There was an **ecomaine Executive Committee Meeting** held on the date noted above @ **ecomaine**. The meeting was called to order at 4:10 PM by Jim Gailey, Chairman.

Item #1: - Minutes:

Linda Boudreau motioned to accept the minutes as written. The motion was seconded by Gary Foster and unanimously approved by the members of the Executive Committee.

Item # 2: - CEO Salary Review:

Jim Gailey reported that the CEO salary survey is currently underway. Jim has appointed a Sub-committee to review the results; members include Jim Gailey (Chair), Dennis Abbott, Mike McGovern, Michael Shaw and William (Bill) Shane.

Item # 3: - Withdrawal Agreement:

Nick Nadzo presented the board with the history and explained the background of the Interlocal Agreement and the status of the Withdrawal Agreement with Ogunquit. Nick Nadzo advised the committee that the agreement is currently with the Ogunquit Attorney pending signature. Nick Nadzo addressed a number of questions from members of the board on the agreement and future obligations from Ogunquit on the closure of the landfill.

It was recommended that the Executive Committee be notified on the status of the withdrawal agreement once it has been received. This item will be discussed at the October 16th Full Board Meeting.

Item #4: - Audit Committee Report:

Gary Foster reported that the Audit Committee is scheduled to meet on September 25th, 2014 @ **ecomaine**.

Item #5: - Finance Committee Report:

Matthew Frank reported that the Finance Committee met today, September 18th @ **ecomaine**. The Committee reviewed the following:

- Review of Cash Disbursements
- Presentation from Steve Eddy and Review of the RFP Investment Policy with the recommendation of HM Payson as Investment Advisor
- Review Financial Savings
- 5 Year Plan Recommendation
- October Rebates to Owner Communities
- Cash Reserve Fund for Landfill 850,000, as scheduled.

Matthew Frank made a motion to accept the Finance Committee recommendation; (1) HM Payson as our Investment Advisor, (2) Rebating \$1mm back to our owner communities & (3) establish a Recycling Revenue and Cost Sharing Reserve of \$.5mm to the Full Board for approval. The motion was second by David Cole and unanimously approved.

The Board of Directors may wish to go into Executive Session for any of the above items under Section 405 of Title 1 of the Maine Revised Statutes ([per the following legislative website: http://janus.state.me.us/legis/statutes/1/title1ch13sec0.html](http://janus.state.me.us/legis/statutes/1/title1ch13sec0.html).)

11/13/2014

Item #6: - Recycling Committee Report:

Erik Street reported that the next meeting of the Recycling Committee is scheduled for September 25th @ **ecomaine**. An update will be given on several programs that are currently underway. Erik also mentioned the upcoming Recycling Open House scheduled for Saturday, September 27th.

Item #7: – Review and Discussion of Purchase of contiguous land

Kevin Roche, CEO discussed 2 parcels of land for sale. Michael Bobinsky recommended that staff proceed with an appraisal and negotiations. The motion was second by David Cole and all in favor.

Item #8: – Review of Changes to By-Laws:

A review of the By-Laws by the executive committee was conducted. Linda Boudreau made an amendment to the By-Laws that the yearly legal advice requirement be stricken and replaced with as needed. Gary Foster made a motion to recommend to the full Board and seconded by Mike McGovern and unanimously approved.

Item #8: - Manager Report FY 14 & FY 15

Kevin Roche, CEO gave a recap of year end June 2014, revenues, expenses, commercial tons, Tipping Fees and assessments. The committee was also given an update on the current financials for FY 15.

Item #9: - Legislative Update

Kevin Roche gave a brief review of the legislative updates.

Linda Boudreau motioned to adjourn the meeting and second by Caleb Hemphill. Meeting was adjourned at 6:00 PM.

Linda Boudreau
Michael Bobinsky
David Cole
Dennis Doughty
Gary Foster
Matthew Frank
Jim Gailey
Caleb Hemphill
Mike McGovern
Troy Moon
William "Bill" Shane
Erik Street



MEMORANDUM

TO: Kevin Roche
FROM: Mark A. Bower, Esq.
RE: Permitting Authority
DATE: October 8, 2014

You have requested an analysis of whether **ecomaine** would have the authority, under the controlling legal authorities, to issue refuse hauler licenses to commercial haulers rather than the current situation, in which each individual member municipality issues licenses or permits to the haulers that operate in the municipality. In response to your inquiry, I have reviewed applicable statutes and case law, as well as **ecomaine**'s governing documents (*i.e.*, the Interlocal Agreement and by-laws). As explained below, without a change in law, **ecomaine** would not have the authority to issue refuse hauler permits; that authority falls within the police powers of the member municipalities.

I. Municipal Permitting Authority

As you are aware, each participating member municipality that is subject to the Interlocal Agreement has adopted a solid waste ordinance—also referred to as a “flow control” ordinance. Most municipalities have enacted ordinances based upon **ecomaine**'s model ordinance (hereinafter, the “Model Ordinance”). These solid waste ordinances are authorized by State statute:

2. Flow control. Subject to the provisions of chapter 24, municipalities are expressly authorized to enact ordinances that control solid waste collection, its transportation or its delivery to a specific facility, when the purpose and effect of such an ordinance is to gain management control over solid waste and enable the reclamation of resources, including energy, from these wastes. This authorization includes, but is not limited to, ordinances:

...

B. Requiring delivery of wastes generated within the municipality, or any portion of those wastes, to a designated disposal or reclamation facility.

38 M.R.S.A. § 1304-B(2); *see also Labay v. Town of Paris*, 659 A.2d 263 (Me. 1995) (“Municipalities may enact ordinances and regulations as long as they conform to the

enabling legislation by which the legislature has delegated police powers to towns and cities.”).

As stated in the Model Ordinance, the purpose of these solid waste ordinances is “to protect the health, safety and general well-being of the citizens of the Municipality,” among other things. Of course, the practical purpose of these ordinances is to require that waste generated within the municipality be delivered to **ecomaine**’s waste-to-energy facility. *See* Model Ordinance § 2.1 (“The disposal by any person, including any person licensed as a waste hauler in accordance with this Ordinance, of any acceptable waste, except commercial recyclable materials, generated within the Municipality at any place other than at the municipal disposal facility or the **ecomaine** disposal facility is prohibited....”). It is the province of each municipality to enforce its own “flow control” ordinance.

Under the Model Ordinance, municipalities are authorized to require the commercial waste haulers that operate in their municipal jurisdictions to obtain refuse hauler permits, pursuant to the following language:

No person shall collect or transport solid waste, including but not limited to garbage and recyclables, generated within the Municipality without obtaining a refuse hauler permit from the Municipality and paying the required fee. Such permits shall be subject to the terms and requirements set forth in this Article.

See Model Ordinance § 4.1. Each municipality sets its own fee for refuse hauler permits. Additionally, municipalities are authorized to enforce any violations of the Model Ordinance by commercial waste haulers. Such enforcement authority includes the power to suspend or revoke the refuse hauler’s permit, after due notice and a hearing before the municipal officers. *See* Model Ordinance § 4.5. In addition, the model ordinance allows municipalities to pursue an action in court for violation of the ordinance and seek a civil penalty and award of attorney’s fees. *See* Model Ordinance Art. 5.

II. Powers and Authority of ecomaine

The next issue is what powers and authority **ecomaine** has as an entity. Unlike a municipality, county or special purpose district (like a water/sewer district), **ecomaine** is not organized under a charter or a private and special law; as such, it has no inherent powers. Rather, **ecomaine**’s authority is derived from two statutory provisions.

First, **ecomaine** is organized under chapter 115 of title 30-A, Maine Revised Statutes (30-A M.R.S.A. §§ 2201 et seq.), which is the section of the Maine statutes that deals with interlocal cooperation. For purposes of this discussion, the relevant statutory provision is as follows:

Notwithstanding any other provision of this chapter:

A. No powers, privileges or authority may be jointly or cooperatively exercised unless each type of power, privilege or authority exercised is capable of being exercised by at least one of the parties within the entire jurisdictional area of the agreement, or by each of the several parties within each of their several jurisdictions if all of the several jurisdictions make up the total jurisdictional area of the agreement; or

B. No essential legislative powers, taxing authority or eminent domain power may be delegated by agreement to a joint authority or administrative entity.

30-A M.R.S.A. § 2203(8). In other words, **ecomaine**, which is jointly owned and operated by member municipalities, does not have any more powers than those municipalities have individually. However, those member municipalities are limited in the powers that they may delegate, and may not delegate their essential legislative, taxing, or eminent domain powers to **ecomaine**.

Second, **ecomaine** is also organized under 38 M.R.S.A. § 1304-B, which authorizes municipalities that are parties to an interlocal agreement to form a non-profit corporation for the purpose of owning and operating waste-to-energy facilities. That statutory section also provides that such a corporation has the following powers:

If so provided in the applicable interlocal agreement, any such corporation has the power, in addition to any other powers that may be delegated under Title 30-A, chapter 115, to issue, on behalf of one or more of the municipalities participating in the corporation, in order to finance the facilities, revenue obligation securities issued in accordance with Title 10, chapter 110, subchapter 4 and any other bonds, notes or debt obligations that municipalities are authorized to issue by applicable law.

38 M.R.S.A. § 1304-B(5). Therefore, **ecomaine** may exercise any of the powers that are properly delegated by municipalities under title 30-A, chapter 115 (see above), and also may issue revenue bonds in order to finance the facilities if the Interlocal Agreement so provides.

Therefore, the next step is to look to the Interlocal Agreement to see what powers have been provided to **ecomaine**. Section 5 of that agreement outlines the powers that the participating municipalities have delegated to **ecomaine**, which include the power to:

- Purchase, hold and sell real and personal property;

- Own and operate any solid waste facility;
- Enter into any necessary contracts for services, management, work, materials or property;
- Adopt rules for the management of solid waste at the facility;
- Hire any necessary employees;
- Receive donations, loans, gifts or grants from federal, state and local governments;
- Borrow such sums of money as deemed necessary for the operation of the facility;
- Allocate costs of operation of the facility to the participating municipalities by setting a tipping fee that is adequate to meet operating expenses;
- Contract with entities other than participating municipalities for the management of solid waste;
- Receive, loan and disburse funds; and
- Issue bonds necessary to carry out the purposes of the agreement.¹

As evident from the list above from Section 5, the power to issue refuse hauler permits to commercial haulers is not included in the list of powers that have been delegated by the member municipalities to **ecomaine**.

III. Delegation of Municipal Powers

Having determined that **ecomaine** is not authorized, either by statute or by the Interlocal Agreement, to issue refuse hauler permits, the question becomes whether either of those sources of law could be amended to do so. In essence, the issue is whether member municipalities may delegate the power to issue permits and enforce their solid waste ordinances.

It is generally accepted that ordinances regulating the collection and disposal of waste, such as the Model Ordinance, fall within a municipality's police power. *See A & H Services v. City of Wahpeton*, 514 N.W. 2d 855, 857 (N.D. 1994). Additionally, "the power of a municipality to regulate through the means of a license is a police power." *See Richmond Heights v. Lo Conti*, 250 N.E.2d 84, 87 (Ohio Ct. App. 1969). It is a fundamental principle of municipal law that a municipality's police power cannot be

¹ Under **ecomaine**'s by-laws (Art. V, Sec. 3), the Executive Committee may "exercise such municipal powers as may be delegated to the Corporation by any Participating Municipality." Again, these are the powers that are listed in Section 5 of the Interlocal Agreement and described above.

contracted away. *See Northern P. R. Co. v. State of Minnesota*, 208 U.S. 583, 598 (1908); *see also* McQuillin, *Municipal Corporations* § 24:42 (“the welfare of the people of a municipality is to be attained through measures adopted by their governmental representatives, and not by others.”).

As discussed above, **ecomaine**’s participating municipalities each regulate solid waste by issuing refuse hauler permits under their solid waste ordinances. The power to enact these ordinances was granted by the legislature to the municipalities through statute, *see* 38 M.R.S.A. § 1304-B(2). Pursuant to these ordinances, the participating municipalities have the authority to license waste haulers that operate within the boundaries of each municipality. Under the legal authorities cited above, the participating municipalities may not delegate or contract away the responsibility of regulating the collection and disposal of solid waste, which falls under their police powers. Therefore, even if Section 5 of the Interlocal Agreement were amended to delegate the permitting power to **ecomaine**, such a provision might not be legally enforceable.² Note that none of the enumerated powers in Section 5 are police powers.

Finally, if municipalities were to delegate permitting authority to **ecomaine**, they would lose one of their important enforcement mechanisms under the Model Ordinance—namely, the power to suspend or revoke a hauler’s permit and ability to operate in that municipality. As the term suggests, a permit signifies that a municipality has “permitted” an entity to engage in some activity in that municipality. Inherent in the concept of issuing a permit is the fact that the permitting authority may take away the right to take that action for good cause. If municipalities were to delegate this police power to **ecomaine**, their ability to enforce violations would be limited significantly. That is, they would be surrendering enforcement authority to a board of directors that may not always act in accordance with the views of the municipality. For example, if one of the commercial haulers were to violate the ordinance of only one, but not all, of the municipalities in which it operates, it is unclear what action, if any, **ecomaine** would take to correct that.

IV. Potential Changes in Law

Without any authority under current statutes or the Interlocal Agreement, a change in law would be required in order for **ecomaine** to be able to issue refuse hauler permits. That is, the Legislature would need to amend the statute governing “public waste disposal corporations,” like **ecomaine**, to provide for express regulatory or enforcement powers, including authority over commercial waste haulers. This would require going to the legislature and proposing a change to 38 M.R.S.A. § 1304-B(5), which is discussed above.

² Even if it were lawful for municipalities to delegate these police powers to **ecomaine**, there could be practical consequences to consider before doing so. For example, it is possible that some, but not all, participating municipalities would want to delegate their enforcement authority to **ecomaine**. In that case, would commercial haulers need to get permits from those municipalities but also from **ecomaine**? Such a scenario might end up being too confusing to be workable.

Alternatively, **ecomaine** could propose an amendment to the Model Ordinance that would require member municipalities to conduct an annual review of their hauler permits—in conjunction with **ecomaine**. Municipalities that choose to adopt the proposed amendment would be required to provide **ecomaine** with the opportunity to identify for the municipalities any potential enforcement priorities. Although this would not allow **ecomaine** to require member municipalities to enforce their solid waste ordinances, it would provide a periodic opportunity to bring issues to light surrounding commercial waste haulers and flow control problems.

V. Conclusion

From a legal perspective, there is no authority provided either by statute or by the Interlocal Agreement for **ecomaine** to issue refuse hauler permits to commercial haulers on behalf of the participating municipalities. The local flow control ordinances, which provide the participating municipalities with the authority to issue permits, are for the municipalities to implement and enforce. Designed to protect the health, safety and welfare of the community, those ordinances—and the associated procedure of permitting commercial waste haulers—implicate the municipalities' police powers, which cannot be delegated to another entity. Therefore, absent a change in the existing law governing public waste disposal corporations, **ecomaine** lacks the authority to issue refuse hauler permits.

Revenues YTD- Compared to Budget and Last Year						
	Compared to Budget			Compared to Prior Year		
	Revenue YTD-\$000	Units	Revenue \$/Units	Revenue YTD - \$000	Units	Revenue \$/Units
Owner	↑ \$118	↑ 12%	↓ 1%	↑ \$9	↑ 2%	↓ 1%
Associate	↑ \$37	↑ 10%	↑ 2%	↑ \$11	↑ 1%	↑ 2%
Contract	↑ \$17	↑ 17%	↑ 2%	↑ \$3	↑ 1%	↑ 2%
Commercial	↑ \$192	↑ 12%	↓ 1%	↑ \$47	↑ 3%	↓ 1%
Spot	↑ \$247	↑ 34%	↑ 8%	↑ \$19	↓ 5%	↑ 8%
Recycling	↑ \$185	↑ 8%	↑ 10%	↓ \$212	↓ 15%	↓ 1%
Assessments/Rebates	↓ \$1,000			↓ \$1,981		
Electrical	↑ \$36	↑ 2%	↑ 0%	↓ \$16	↓ 1%	↑ 0%
Overall	↓ \$167			↓ \$2,172		

Cash Expenses YTD			
Cost Center	Status-\$000	% of Annual Budget	Notable Items Effecting Expenses YTD
WTE	↓ \$308	26%	Fav on Gas/Elec (\$114k), outside services(\$47k), Temp Employees (\$28), Air Monitoring (\$23), Temp labor (\$22k), Med Ins (\$20k), Carbon (\$16), Bldg & Gds Maint (\$15k), Urea (\$9), partly offset with unfav Parts (\$13), & Industrial Cleaning (\$12)
Recycling	↓ \$47	31%	Fav Payroll & Benefits (\$22k), Major Repairs(\$15k), Bldg & Grounds Maint (\$16k), & Painting(\$14k), offset is part with unfav purchase recyclables(\$13k) & recycling containers (\$13k)
Landfill	↓ \$48	31%	Fav consulting(\$42k), Water/Sewer(\$34k), Outside Serv.(\$26k), Force Main Cleaning(\$20k), offset in part by unfav. Temp Labor(\$11k), Major Repairs (\$75k).
Administration	↓ \$0	35%	Fav payroll & Benefits(\$42k), Legal fees(\$10k), Computer Maint(\$9k), Ins(\$8k), offset by unfav Temp labor(\$46k), Consulting(\$13), Travel(\$9k),
Total Departmental Costs	↓ \$402	29%	

Revenue Less Expenses	YTD vs. Budget YTD		YTD vs. Prior YTD	
	Rev. - Exp.		Rev. - Exp.	%
	↑ \$0.4		↓ \$2.0	↓ 98%

Cash Flow		
	Current Position	Notes
Cash on 7/1/2014	\$29.3 MM	
Cash Generated	\$1.1 MM	40% of 12 Month Budget
Cash Going Out	\$0.3 MM	\$0.3MM (Capital)
Current Cash Position	\$30.0 MM	Inc by \$0.719MM

Average WTE Operations			
Month	Pwr Sold % Capacity	Ave. Boiler Availability %	Sales-KW Hrs
September	91%	99%	8,227
October	93%	97%	8,126

Recycling Markets						
Materials	August 2014	Sept. 2014	Oct. 2014	Oct. 2013	vs	Oct. 2014 vs Oct. 2013
Cardboard	\$ 109	\$ 101	\$ 102	\$ 124	↓	-18%
Newspaper	52	49	53	65	↓	-17%
Cans	225	233	183	185	↓	-1%
#2 Natural Plastic	-	1,125	-	755	↓	-100%
#2 Colored Plastic	-	660	520	372	↑	40%
Post Burn Metal	87	87	87	87	↓	0%

(ATTACHMENT C2)

ecomaine

Statement of Revenue & Expenses October 2014 (FY2015)

\$000's

	Actual - Prior Years YTD			Current Year To Date			FY15 to FY14 Variance
	2012	2013	2014	Actual	Budget	Variance	
Operating revenues							
Municipal assessments & rebates	\$ 1,481	\$ 1,147	\$ 981	\$ (1,000)	\$ -	\$ (1,000)	\$ (1,981)
Owners tipping fees	1,549	1,527	1,260	1,269	1,151	118	9
Assoc tipping fees	333	318	333	344	307	37	11
Contract tipping fees	66	109	105	108	91	17	3
Commercial tipping fees	2,066	2,087	1,900	1,947	1,755	192	47
Spot market tipping fees	815	1,020	778	797	550	247	19
Electrical generating revenues	1,474	1,117	1,408	1,392	1,357	36	(16)
Sales of recycled goods	1,612	858	1,320	1,116	946	170	(204)
Recycling tipping fees	14	29	46	38	23	14	(8)
Gorham property assessments	33	69	55	-	-	-	(55)
Other operating income	28	29	29	32	31	0	2
Total operating revenues	9,469	8,312	8,215	6,043	6,211	(167)	(2,172)
Operating expenses							
Administrative expenses	798	781	861	909	909	0	(47)
Waste-to-energy operating expenses	2,341	2,644	2,575	2,590	2,898	308	(15)
Recycling operating expenses	534	535	727	655	701	47	72
Landfill/ashfill operating expenses	485	520	500	540	587	48	(40)
Contingency	-	-	-	-	67	67	-
Landfill closure & postclosure care costs	93	92	86	80	86	6	6
Post-retirement benefit- Health Care			32	19	32	12	13
Depreciation & amortization	1,367	1,400	1,407	1,222	1,300	78	185
Total operating expenses	5,617	5,972	6,189	6,014	6,579	565	174
Net operating income	3,852	2,340	2,026	29	(369)	398	(1,997)
Non-operating income (expense)							
Interest income	15	25	26	22	13	9	(4)
Interest expense	(37)	(1)	(0)	1	-	1	1
Misc. Income / (Expenses)	-	3	2	(0)	(2)	1	(2)
Net non-operating	(23)	28	27	22	12	11	(5)
Total Revenue Less Expenses	\$3,829	\$2,368	\$2,054	\$51	-\$357	\$408	(2,002)

(ATTACHMENT C3)

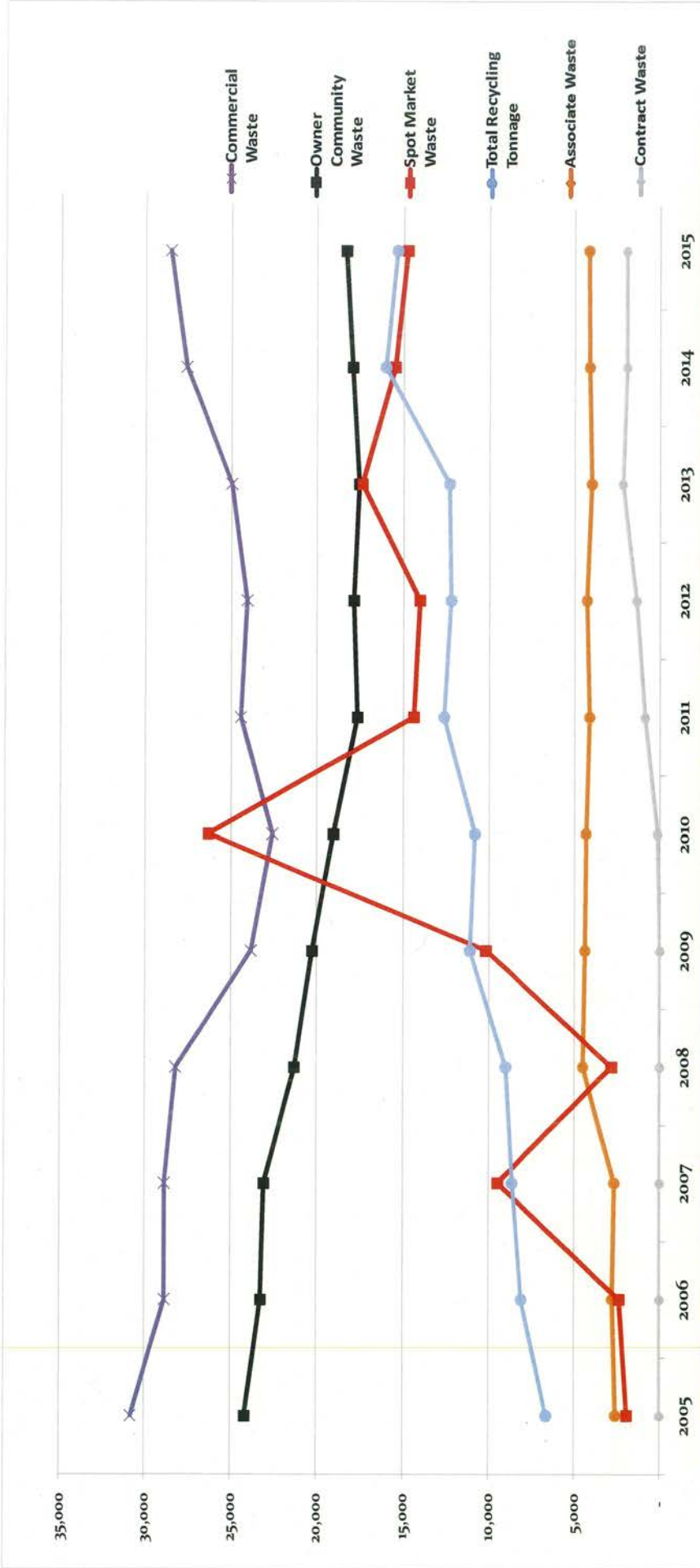
ecomaine
Statistical Data October 2014 (FY2015)

	Actual - YTD			Year to Date 2015			Year to Date Vs. Last Yr	
	2012	2013	2014	Actual	Budget	Var - Fav / (Unfav)	Units	%
						Units		
MSW - Tons								
Owner	17,874	17,564	17,943	18,319	16,386	1,933	1,933	11.8%
Associate	4,253	3,964	4,099	4,148	3,776	372	372	9.9%
Contract	1,370	2,186	1,929	1,945	1,669	276	276	16.6%
Commercial	24,042	24,960	27,583	28,524	25,445	3,079	3,079	12.1%
Spot	14,019	17,369	15,476	14,745	11,000	3,745	(731)	34.0%
Total MSW	61,558	66,043	67,030	67,681	58,275	9,406	651	16.1%
Recycle - Tons								
Inbound - MRF only	12,179	12,286	16,027	15,349	12,333	3,016	(678)	24.5%
Outbound- MRF only	10,939	11,057	14,426	13,619	10,641	2,978	(808)	28.0%
Outbound- Post Burn	707	1,396	1,902	1,125	1,533	(408)	(778)	-26.6%
Outbound- Landfill Metal Mining	-	2,561	5,548	3,861	5,000	(1,139)	(1,686)	-22.8%
Outbound Total	11,646	15,014	21,876	18,605	17,174	1,431	(3,271)	8.3%
MSW - Revenue \$ /Ton								
Owner	\$86.68	\$86.95	\$70.23	\$69.27	\$70.23	-\$0.96	(0.96)	-1.4%
Associate	78.18	80.34	81.21	82.88	81.18	1.70	1.67	2.1%
Contract	47.89	49.90	54.56	55.76	54.78	0.97	1.20	1.8%
Commercial	85.92	83.62	68.87	68.25	68.96	(0.71)	(0.62)	-1.0%
Spot	58.14	58.71	50.30	54.08	50.00	4.08	3.78	8.2%
Total MSW	\$78.43	\$76.64	\$65.29	\$65.98	\$66.13	(0.15)	0.69	-0.2%
Recycle - Revenue \$								
\$/Ton Outbound (Includes glass/metals)	\$139.55	\$59.13	\$62.42	\$62.00	\$56.42	\$5.58	-\$0.41	9.9%
\$/Ton Inbound- Rev/Cost Sharing	\$133.31	\$71.83	\$70.11	\$64.46	\$63.13	\$1.33	-\$5.65	2.1%
Energy								
MWH's Sold	30,806	31,265	32,037	31,641	30,876	765	(396)	2.5%
\$/MWH	\$47.84	\$35.74	\$43.96	\$44.01	\$43.94	\$0.07	\$0.05	0.2%
Steam Plant Capacity Factor %	89.8%	91.3%	92.6%	91.0%	88.7%			
Average Boiler Availability %	96.5%	97.4%	98.6%	95.7%	95.1%			
Steam Plant Capacity Utilization %	93.1%	93.7%	93.9%	95.1%	95.1%			
Power Capacity Factor %	86.6%	86.0%	88.6%	87.9%	88.6%			
Power Sold - % of Capacity to Sell	86.2%	87.5%	89.7%	88.6%	88.6%			

Steam Plant Capacity Factor % - Steam to the turbine from the two boilers as a % of the total unadjusted capacity (144,000 lbs/hour for time in period with no down time)
Average Boiler Availability % - Percent of hours that boilers are available to burn MSW during period - reflects time out of service for boilers due to equipment problems
Steam Plant Capacity Utilization % - Steam to the turbine from the two boilers as a % of the adjusted capacity (144,000 lbs/hour for time in period less time not on MSW)
Power Capacity Factor % - Actual power produced (MWH's) by the turbine as a % of the rated capacity (14.1 MW's) for all hours in the period
Power Sold - % of Capacity to Sell - Power sold (MWH's) on grid as a % of the power available to sell (generation net of internal load -- 12.1 MW's) for the given time period
Revenue Share 'break even' is between \$80-85 -- when average revenue per ton falls below \$80, a payment is required by owners to ecomaine & when average revenue per ton exceeds \$85 a payment is paid by ecomaine to owners.



October Year to Date Tonnage - FY15



Year	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Owner Community Waste	24,167	23,235	23,056	21,276	20,246	19,035	17,659	17,874	17,943	18,319	18,319
Associate Waste	2,560	2,742	2,647	4,470	4,359	4,286	4,082	4,253	4,099	4,148	4,148
Contract Waste	-	-	-	-	-	128	876	1,370	1,929	1,945	1,945
Commercial Waste	30,798	28,791	28,812	28,153	23,804	22,558	24,415	24,042	24,960	27,583	28,524
Spot Market Waste	1,898	2,354	9,461	2,803	10,144	26,300	14,366	14,019	17,369	15,476	14,745
Total Waste	59,423	57,122	63,976	56,701	58,553	72,397	61,398	61,558	67,030	67,681	67,681
Recycling (Inbound)	6,597	8,069	8,622	9,010	11,066	10,785	12,585	12,179	12,286	16,027	15,349

(ATTACHMENT C5)

ecomaine
Statement of Cash Balances October 2014 (FY2015)
\$000's

	12 Month Actuals @ 6/30		Bud FY 2015 @	Act FY 15 @
	2012	2013	6/30/15	10/31/14
Cash, beginning of period	\$ 21,968	\$ 23,928	\$ 27,609	\$ 29,317
Cash flows from operating activities:				
Net operating income	6,761	4,811	(1,621)	29
Add back: depreciation	3,808	4,015	3,900	1,222
Add back: landfill closure costs	277	258	258	80
Add back: Post Retirement Benefit	-	-	95	19
Other working capital changes	385	(711)	669	(285)
Net cash provided by operating activities	11,231	8,373	2,632	1,065
Cash flows from capital and related financing activities:				
Bank loan	-	-	-	-
Payment of interest	(113)	-	-	1
Repayment of long-term debt	(6,630)	(4,560)	-	-
Repayment of capital leases	-	-	-	-
Net cash used in capital and related financing	(6,743)	(4,560)	-	1
Cash flows from investing activities:				
Receipts of interest	59	71	0	22
Capital expenditures	(2,587)	(4,752)	(4,461)	(369)
Net cash used in investing activities	(2,528)	(4,681)	(4,461)	(347)
Net increase (decrease) in cash	1,960	(868)	(1,829)	719
Cash, end of period	23,928	23,060	29,317	30,036

Cash Reserve Detail

Detail	Reserves as		Target
	per policy		
Operating Cash Reserve	7,500	7,500	8,160
Short Term Capital Reserve	3,251	3,253	3,259
Long Term Capital Reserve	4,001	4,004	4,010
Landfill Closure Reserve	850	1,701	3,056
Bond Payment Reserves	6,875	2,947	-
Debt Service Reserves	1,451	3,655	11,551
Balance Operating Cash	23,928	23,060	30,036
Total	\$ 23,928	\$ 23,060	\$ 18,485
			\$ 37,627