



SOLID WASTE MANAGEMENT AUTHORITY

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CHRISTOPHER P. ST. LAWRENCE
Chairman

MINUTES

RCSWMA Meeting
Thursday January 24, 5:00 p.m.
Legislative Chambers

Present

C. St. Lawrence
V. Altieri
G. Bierker
C. Coker
M. Grant
A. Gromack

Present

D. Jobson
D. Kay
T. Kleiner
P. Marino
H. Phillips
I. Schoenberger

Absent

H. Cornell
E. Devine
P. Moroney
P. Soskin

Others

H. Benado
J. Burnet
B. Gauntlett
J. Graifman
J. Layne

Others

R. Lauria
T. Pytlar
K. Rae
K. Scales
T. West

1. Welcome to the Rockland County Solid Waste Management Authority meeting for Thursday, January 24, 2008
2. Roll call by Clerk. There is a quorum.
3. **Introduced by: Phillips/Jobson Unan. January 24, 2008**

Resolution No.1 of 2008

Adoption of Minutes, Meeting of December 20, 2007

RESOLVED, that the transcribed Minutes of the Rockland County Solid Waste Management Authority are approved for the meeting of December 20, 2007, as recorded by the Clerk, and are hereby adopted.

Chairman St. Lawrence I'd like to thank Ted Pytlar for his presentation at the flow control task force meeting. The key to how informative it was is when Terry Laibach from the DEC mentioned at the end of your presentation about how the Solid Waste Authority and the County has a very good handle on the waste flow. They are pleased with the different ways we're attacking the waste stream and looking for other ways we can take more out of the waste stream and recycle.

The next item on the agenda is a resolution to appointment of the 2008 officers.

4. Introduced by: Kleiner/Phillips Unan.

January 24, 2008

**Resolution No. 2 of 2008
Appointing the Slate of Officers of the Authority for the Year 2008**

WHEREAS, Officers of the Authority are chosen each year at the Authority’s annual January meeting, and

WHEREAS, the following slate of officers has been proposed to serve in the year 2008:

- Chairman: Christopher St. Lawrence
- Vice-Chairman: Howard Phillips
- Second Vice-Chairman: Patrick Moroney
- Secretary: Vincent Altieri
- Treasurer: Philip Soskin
- Deputy Treasurer: Ilan Schoenberger; and

now therefore be it

RESOLVED, that the slate of officers of the Authority for the year 2008 shall be as follows:

- Chairman: Christopher St. Lawrence
- Vice-Chairman: Howard Phillips
- Second Vice-Chairman: Patrick Moroney
- Secretary: Vincent Altieri
- Treasurer: Philip Soskin
- Deputy Treasurer: Ilan Schoenberger

St. Lawrence: Next is the resolution retaining Kimberlea Shaw Rea to represent the Authority in the Michael Diederich Litigation.

5. Introduced by: Schoenberger/Jobson

Unan.

January 24, 2008

**Resolution No. 3 of 2008
Retaining Law Firm of Kimberlea Shaw Rea, Esq. to Represent
the Authority in the Michael Diederich Litigation**

WHEREAS, the Rockland County Solid Waste Management Authority, Chairman Christopher P. St. Lawrence, as an individual and in his official capacity as Chairman of the Authority, New York State Comptroller, and Holland & Knight have all been sued by Michael Diederich in an alleged taxpayer lawsuit challenging the Authority’s retention of Holland & Knight to prepare and submit an amicus curiae brief to the United States Supreme Court in *United Haulers Association, Inc. et al v. Oneida-Herkimer Solid Waste Management Authority, et al.*; and

WHEREAS, the Authority has determined that the facts in this case require specialized counsel to represent the interests of the Authority; and

WHEREAS, after discussing the case with Kimberlea Shaw Rea, General Counsel recommends that she be retained to represent the Authority and the Chairman in the dispute with Michael Diederich; now therefore be it

RESOLVED, that Kimberlea Shaw Rea, Esq. shall be retained at the fees and rates set forth in the retainer agreement attached hereto; and be it further

RESOLVED, that the Chairman is hereby authorized to execute the retainer agreement in the form attached hereto to retain Kimberlea Shaw Rea to defend the Authority and Chairman St. Lawrence in his official capacity as Chairman of the Authority, in the Michael Diederich litigation.

Kay: Do our insurance companies pay for the attorney fees?

Gauntlett: Our insurance provides defense and indemnification for certain kinds of claims, such as personal injury or wrongful death, but would not cover the type of claim asserted in this case.

Shaw-Rea: I would like to thank the Authority for the confidence in me and I look forward to working with general council and the staff.

St. Lawrence: Next we have a resolution to establish the position of Purchaser II.

6. Introduced by: Schoenberger/Kay Unan.

January 24, 2008

**Resolution No. 4 OF 2008
Establishing the Position of Purchaser II**

WHEREAS, the Authority is in the process of acquiring additional facilities and operations and needs an additional staff position of Purchaser II, as more specifically defined in the attached job description; and

WHEREAS, the position must comply with the classification and description of services to be rendered in conformity with the procedures established by the Rockland County Department of Personnel; now therefore be it

RESOLVED, that the position of Purchaser II be and it is hereby established; and be it further

RESOLVED, that the Chairman or his designee is authorized and directed to sign any and all documents and to do and cause to be done any and all acts necessary or proper to effectuate the purposes of this resolution.

St. Lawrence: Next is the resolution abolishing the position of Solid Waste Operations Supervisor.

7. Introduced By: Phillips/Altieri Unan.

January 24, 2008

**Resolution No. 5 of 2008
Abolishing the Position of Solid Waste Operations Supervisor**

WHEREAS, the Authority entered into a contract with a private company for operation and maintenance, hauling and disposal services for the Hillburn Transfer Station, dated January 1, 2008, and the company offered employment to the Authority employees that had been operating the transfer station; and

WHEREAS, the Authority ceased to operate the Hillburn Transfer Station as of December 31, 2007, and consequently no longer has a need for the position of Solid Waste Operations Supervisor, which is currently vacant; now therefore be it

RESOLVED, that the position of Solid Waste Operations Supervisor be, and it is hereby, abolished; and be it further

RESOLVED, that the Chairman or his designee is authorized to do and cause to be done any and all acts necessary or proper to effectuate the purposes of this resolution.

St. Lawrence: The next resolution authorizes an agreement with Rockland County for services provided by the Rockland County Department of Health employees at the Household Hazardous Waste Facility for 2008.

8. Introduced by: Jobson/Marino Unan.

January 24, 2008

Resolution No. 6 of 2008
Authorizing an Agreement Between the Authority and Rockland County For
Services Provided by the Rockland County Department of Health for the Year

WHEREAS, the Authority has had a contractual relationship with Rockland County for several years for services rendered by the Rockland County Department of Health at the Authority's Household Hazardous Waste Facility, enforcement of the source separation requirements of Article 17, and other services provided by the County; and

WHEREAS, pursuant to its powers granted under the New York State Public Authorities Law, Title 13-M, the Authority has the power to enter into such agreements with Rockland County for the provision of services by Rockland County; and

WHEREAS, the Authority has determined that the above-described services provided by Rockland County Department of Health employees are necessary for the success of the Household Hazardous Waste Program and the Authority desires to continue the above-referenced contractual relationship with Rockland County for said services; and

WHEREAS, the Rockland County Department of Health has agreed that the contract amount shall be \$114,813.96, the same amount as the 2007 contract; now therefore be it

RESOLVED, that the Chairman of the Authority is authorized and directed to execute the 2008 Agreement between Rockland County and the Authority for the services referenced above, in the amount of \$114,813.96, substantially in the form attached hereto, subject to review by General Counsel for the Authority.

Phillips: Is this reimbursement for hours.

St. Lawrence: We reimburse them to run the facility and to perform every function at that facility that we need.

Next is authorizing award and execution of contract to perform title search services for the Bowline Transfer Station.

9. Introduced By: Phillips/Grant Unan.

January 24, 2008

Resolution No. 7 OF 2008
Authorizing Award of Title Search Services in Connection Bowline Transfer Station

WHEREAS, the Authority has met and discussed its intention to acquire the privately owned and operated Bowline Transfer Station, located in West Haverstraw, and to purchase the underlying land, and the equipment; and

WHEREAS, the owner of the Bowline Transfer Station, Gerard Damiani, Jr., and Bowline Realty Corp., which owns the underlying land, have indicated their desire to sell the transfer station, scale, equipment, and the underlying land to the Authority; and

WHEREAS, the parties are still negotiating the terms of the sale of the above transfer station, scale, equipment, and underlying land; and

WHEREAS, the Authority issued a request for proposals, pursuant to its Guidelines for Acquisition of Real Property, to obtain title search services in connection with the proposed acquisition of the Bowline Transfer Station, and received one proposal from Meister Abstract Corp. of Monsey, New York in response to the request for proposals; now therefore be it

RESOLVED, that the work for title search services in connection with the proposed acquisition of the Bowline Transfer Station be awarded to Meister Abstract Corp.

Kleiner: This is related to flow control?

St. Lawrence: The bowline station presently takes in all the flow for Stony Point and Haverstraw both commercial and residential waste. This would give us the ability under flow control three separate facilities and it means we would have no dislocation of the services from the carters or services from the towns.

Next we have the authorizing the Authority to be a co-applicant on an application for subdivision of the Clarkstown landfill parcel to create transfer station and yard waste parcels to be conveyed to the Authority.

10. Introduced By: Gromack/Kay Unan. January 24, 2008

Resolution No. 8 OF 2008

Authorizing the Authority to be Co-Applicant with town of Clarkstown for Subdivision of Clarkstown Landfill Parcel to Create the Parcels that are to be Conveyed to the Authority

WHEREAS, the Authority has, by Resolution No. 32 of 2007 authorized the acquisition of the Town of Clarkstown's transfer station, scale house, yard waste composting facility, wood mulching operation, concrete crushing operation, and recyclables drop off area; and

WHEREAS, the Clarkstown transfer station and a portion of the yard waste composting facility are both located on the same parcel as the Clarkstown landfill, which is not being acquired by the Authority, and therefore requires subdivision of the landfill parcel to create separate parcels that can be conveyed to the Authority; and

WHEREAS, an application must be made to the Clarkstown Planning Board for approval to subdivide the landfill parcel; now therefore be it

RESOLVED, that the Authority hereby authorizes the Chairman or his designee to submit an application along with the Town of Clarkstown to the Town of Clarkstown Planning Board requesting subdivision of the landfill parcel to create a transfer station parcel and a yard waste composting parcel, and to represent the Authority at any such Planning Board meeting where the application will be addressed and acted upon.

Kleiner: Do we as an Authority need come to an agreement with the Town before we take on this acquisition?

St. Lawrence: We have authorized the acquisition already and this is to authorize the subdivision of what we are actually acquiring.

Kleiner: We still haven't determined the price of the acquisition.

St. Lawrence: No, we want to convey the property and have the proper title work done.

Altieri: The appraisal, is that underway?

St. Lawrence: The appraisal is on-going and we are doing another appraisal on the property and an independent company will review all of the appraisals and give us a recommendation.

Next item is authorizing the Authority to conduct an appraisal of the Riverso property located in West Nyack.

11. Introduced By: Gromack/Phillips Unan.

January 24, 2008

**Resolution No. 9 OF 2008
Authorizing an Appraisal of the Riverso Property Located in West Nyack, New York
Adjacent to the Clarkstown Yard Waste Composting Facility**

WHEREAS, the Authority has, by Resolution No. 32 of 2007 authorized the acquisition of the Town of Clarkstown's transfer station, scale house, yard waste composting facility, wood mulching operation, concrete crushing operation, and recyclables drop off area; and

WHEREAS, the parcel of land located adjacent to the Clarkstown yard waste composting facility is owned by Riverso, who has expressed interest to the Town of Clarkstown in selling that parcel; and

WHEREAS, the Authority has determined that an appraisal should be performed on the Riverso parcel to determine whether the Authority should acquire that parcel; now therefore be it

RESOLVED, that the Authority hereby authorizes the Chairman or his designee to obtain an appraisal of the Riverso parcel located adjacent to the Clarkstown yard waste composting facility in West Nyack, New York.

Phillips: What is currently on the property now?

Lauria: The parcel has contractors' equipment stored on it

Phillips: What is surrounding the property now?

Lauria: Three sides of the property are surrounded by our operation.

St. Lawrence: One item of new business is to be a sponsor of the Great American Clean-Up by Keep Rockland Beautiful.

12. Introduced by: Coker/Jobson Unan.

January 24, 2008

**Resolution No. 10 of 2008
Authorizing the Authority to Sponsor the Keep Rockland Beautiful
“Great American Clean Up” in an Amount Not To Exceed \$2,000**

WHEREAS, the Authority has received a request from Keep Rockland Beautiful, Inc. to sponsor the “Great American Clean Up” taking place in Spring 2008, and to collaborate on the integration of recycling into the community cleanup process; and

WHEREAS, by Resolution No.7 of 2007, the Authority previously sponsored this event; and

WHEREAS, Keep Rockland Beautiful (“KRB”) has proposed to recognize the Authority’s sponsorship in the following ways: the Authority logo will be displayed on the back of at least 3000 t-shirts given to volunteers; the Authority will be listed as a sponsor on KRB letterhead, newsletter listings of sponsors, and the KRB website; the KRB website will include a link to the Authority’s website; and the Authority will be listed as a partner in all events and presentations related to the Spring 2008 cleanup and recycling effort; and

WHEREAS, the Authority desires to again be a sponsor of the event in an amount not to exceed \$2,000.00, and to collaborate on the integration of recycling into the community cleanup process; now therefore be it

RESOLVED, that the Authority will sponsor the Keep Rockland Beautiful “Great American Clean Up” in an amount not to exceed \$2,000.00, and will collaborate with Keep Rockland Beautiful on the integration of recycling into the community cleanup process.

Coker: We have a description of the executive director position. Is this the one that was used when Ron DeLo and Drew Lehman were hired dated 1996?

St. Lawrence: That is the description that came from the Rockland County Personnel.

Kleiner: Perhaps we should have a conference call with the screening committee just to discuss the advertising and to put in what kind of experience we are looking for and not to make it too narrow.

St. Lawrence: I want to compliment Clarkstown and our council and the people at the Authority and especially Supervisor Gromack who are working to bring the transfer station in Clarkstown to fruition and at the same time we are moving forward with the Damiani station.

Any other comments; motion to adjourn?

Marino: Moved

Coker: Seconded

Respectfully submitted,
Suzanne Haggerty