

Rockland County Solid Waste Management Authority
Minutes
Thursday, January 27, 2005
5:00 PM
Legislative Chambers

Members Present

St. Lawrence
Dillon
Devine
Dusanenko
Gromack
Jobson, Jr.
Kleiner
Marshall
Phillips
Schoenberger
Soskin
Wassmer
Grant
Cornell

Members Absent

Berliner
Jobson, Sr.
Moroney

Others Present

Gauntlett
O'Donnell
Klos
Benedini
Burnet
Benado
Simon
Braufotel
Pytlar

1. Agenda Item – *Call to Order*

The meeting was called to order at 5PM.

2. Agenda Item -- *Roll Call by Clerk*

St. Lawrence I would like to welcome to the Authority the Chairwoman of the Rockland County Legislature Harriet Cornell; and from the County Executive's Office, John Dillon. I would also like to welcome from the Town of Haverstraw and the Rockland County Legislature, Mr. Michael Grant. Welcome to each of you. Did you all sign your oath with the County Clerk? I also want to recognize Renata Benedini, Esq., who is here from Holland and Knight. Teno West's Grandmother passed away, so he is up in southern Vermont at her funeral. Renata is here for Teno, Renata is very competent, and we are glad to see her.

3. Agenda Item – *Adoption of Minutes*

We now have the adoption of the minutes of the December 16th and 30th meetings. Do we have a motion for approval of the minutes? Moved by Mr. Phillips. Seconded by Mr. Jobson, Jr. Approved, unanimously.

Resolution No. 1 of 2005

Adoption of Minutes, Meetings of December 16 and December 30, 2004

RESOLVED, that the transcribed Minutes of the Rockland County Solid Waste Management Authority are approved for the meetings of December 16, 2004 and December 30, 2004, as recorded by the Clerk, and are hereby adopted.

4. Agenda Item – Reports: *Executive Director, Andrew T. Lehman*
William F. Cosulich

St. Lawrence We move now to Item number 4 which are reports from our new Executive Director, Andrew T. Lehman, and also from William F. Cosulich Associates. We have a new interim operator -- We Care, LLC., and we will have an update on that. Mr. Lehman?

Lehman Thank you very much. I would like to acknowledge first of all Mr. Brian Fleury of We Care, the firm which has been selected as the short term operator at the Cocomposting Facility. They are contracted to begin February 1st continuing to July 1st. There is information on that selection process, prepared by Cosulich, in your packets.

The long term operations requests for proposals will be issued on February 2nd with proposals due on March 16th of this year. Synagro has been in the process of leaving. We Care is ramping up its operation smoothly right now, in their process of preparing to start on February 1st.

At the Transfer Station, Santaro Trucking is working with our staff to ensure that the operations continues to work very smoothly there. They are doing a nice job. They've offered to provide some training for operators on heavy equipment safety — and this again provides for smooth operations. William F. Cosulich Associates is continuing to proceed with the design for the tarping station so that operators of vehicles have a safe place to climb up and put the tarps on their vehicles.

At the Materials Recovery Facility, the improvement and retrofit is on schedule and is looking very good. The contractor on the job, RRT, is working very smoothly with the operators. One point that we are very pleased with is that the operator of the facility, Weminuche, has moved all the workers over to the Recycling Preprocessing Facility and all the employees are continuing to work. There have been no lay offs. Weminuche has chosen to go ahead and keep all its employees working throughout this process, and I think that is a very positive thing for the Authority.

We also are seeking additional recyclables and MSW from municipalities. We met with Ridgewood this morning. And we met with Rockland County Sewer District #1. we had a very positive meeting with the Executive Director, Diane Phillips, regarding

the use of the crushed glass. We also reached out to the Bergen County Utilities Authority to initiate a dialogue regarding recyclables and MSW. Janet Burnet is working on a policy that looks into “buying recycled” at the Authority.

We had a very positive meeting on the Household Hazardous Waste Facility with Carl Dornbush and Kathleen Smith. Everything else is going well. One last thing I’d like to offer: in your packet is an invitation, if you’d like, to give us your email so that we can begin to work electronically and move things forward.

St. Lawrence Just so people know – about the meeting with Diane Phillips, we gave them some of our product and they are looking at utilizing some of the sand and gravel at the Sewer District to use in their projects instead of having to buy outside products for their projects. Instead of having to pay \$25 to get rid of this glass, we can now use it in public works projects. We would like our Towns and Villages also to be able to utilize this. Previously, the Authority would have paid \$25 per ton to landfill this product; now we can offer it in public works projects for free. So if anyone wants to utilize this, we have done the testing.

Phillips Are we saying that all participating municipalities can use this product at no cost?

St. Lawrence Would you like to make that a Resolution?

Phillips Yes, that’s fine with me.

St. Lawrence So moved, by Mr. Phillips. Seconded by Mayor Marshall. Passed Unanimously.

Introduced by: Phillips/Marshall Unan. January 27, 2005

Resolution No. 2 of 2005
Invitation to All Rockland County Municipalities to Obtain Crushed Glass
Products to be Produced at Materials Recovery Facility
at No Cost to Rockland County Municipalities

WHEREAS, the Authority instituted a procurement, in accordance with the New York State General Municipal Law § 120-w, for a private vendor to operate, maintain and make improvements to the Authority’s Materials Recovery Facility (“MRF”), including installation of a glass pulverizing system, and to market recovered materials produced at the MRF; and

WHEREAS, on July 1, 2004, the Authority entered into a contract with Weminuche Recycling, LLC to operate, maintain and make improvements to the Authority’s MRF, including installation of a glass pulverizing system; and

WHEREAS, pursuant to the terms of the Authority’s contract with Weminuche, the Authority is scheduled to become the market for crushed glass on or about May 1, 2005, and thereafter the Authority is responsible to find uses for said glass; and

WHEREAS, prior to issuance of the above-referenced request for proposals, the Rockland County Sewer District No. 1 had expressed interest in obtaining quantities of the crushed glass product for use in its construction of the Ramapo Wastewater Treatment Plant; and

WHEREAS, the Rockland County Sewer District No. 1 has subsequently confirmed its interest in obtaining quantities of the crushed glass product for use in its construction of the Ramapo Wastewater Treatment Plant, and the Authority has been approached by private companies desiring to purchase the crushed glass product; and

WHEREAS, the Authority Board has determined that, upon the Authority becoming the market for crushed glass, the crushed glass product produced at the MRF shall first be offered to the Rockland County Sewer District No. 1 and other Rockland County municipal entities at no charge; now therefore be it

RESOLVED, that, upon the Authority becoming the market for crushed glass, the crushed glass product produced at the MRF shall first be offered to the Rockland County Sewer District No. 1 and other Rockland County municipal entities at no charge; and be it further

RESOLVED, that the Executive Director shall send a letter to Rockland County municipal entities (likely to have an interest in the crushed glass products), regarding the crushed glass products to be produced at the MRF and their potential uses, and offering said crushed glass products to Rockland County municipalities at no charge.

St. Lawrence So if you'll send a letter out, Drew, to let people in all the Towns and Villages know that they can come and pick this product up and to let their DPWs know. Thank you for that report, and welcome aboard at your first meeting as the official Executive Director! And we had a meeting this week in Ridgewood, New Jersey. They want to bring their garbage and their recyclables to us, and we made it very clear we would like to have an intermunicipal agreement with them. But we don't want them to be sending their valuable paper products to somewhere else, and as we said, we want them to get on board all the way.

Lehman They have some very interesting operations and facilities. We went down today with Bridget Gauntlett, and we made it very clear that we want to have all the recyclable materials brought in, including the high value fiber/paper which is easy to sort, and yields a consistently high value – and they are open to that.

St. Lawrence They do have interesting facilities. I mentioned to them about our Yardwaste, and our woodchips, and that we make it available at the swimming pool parking lots and residents can come and take it. But the people from Ridgewood said, "Well in Ridgewood, people call up and we deliver it right to their houses!"

Phillips Are we being proactive in searching new opportunities?

St. Lawrence Absolutely. Ridgewood was the first and I know we are reaching out to – Drew, do you want to talk about Bergen County?

Lehman We have placed calls to Executive Director of the Bergen County Utilities Authority to arrange a meeting to engage in active dialogue. In addition, I will be exploring contacts with Mayor Zisa of Hackensack. He knows other Mayors in Bergen County who may be interested; and we will be exploring opportunities in Morris County. We will be talking about cooperative agreements with regard to sludge and recyclables and also with using our crushed glass product. We want to make sure we optimize use of our Facilities and make the best use of the Authority’s capital investments.

Schoenberger Speaking about cooperative investment, what about that issue that we had with certain municipalities that were diverting some of the recyclables away?

St. Lawrence We have ongoing investigation into the municipal recycling streams.

Lehman One aspect is that we have asked our staff to contact people in all the municipalities and begin a systematic investigation. We also will work within the framework of intermunicipal agreements and contracts with Bridget Gauntlett to ensure that every contract and document has very simple phraseology that clearly states “All recyclables will be taken to the Rockland County Solid Waste Authority Material Recovery Facility.”

St. Lawrence Which is the language that every municipality in the County should sign with us.

Lehman That’s right.

St. Lawrence Our next report is from William F. Cosulich. Ted Pytlar will give us that report. Ted?

Pytlar We have been assisting the Authority with resolving issues of the storage of crushed glass, looking at progress in design and requisition of paymentss submitted by Weminuche for the MRF improvements. We are assisting in the orientation of WeCare as the short term operator at the Cocomposting Facility, and supporting use of the Recyclable Preprocessing Facility as an interim facility for processing containers while the improvements at the MRF are going on. We completed the final RFP for long term operation of the Composting Facility. We have observed testing of the roof of the Cocomposting Facility in order to detect any possible corrosion, so that we would have knowledge of that, and we are awaiting the results. We’ve also met with Santaro Development and the Authority on the location and design of the tarping station at the transfer station.

5. Agenda Item -- *Ratification of WeCare, LLC Selection for Short-Term Operation of the Cocomposting Facility.*

St. Lawrence Thank you, Ted. There were three firms that made proposals for short term operations, which were Synagro, We Care and Veolia Water. We decided on We Care after meeting with each company and after we had the Executive Director go up to Marlborough, Massachusetts to observe their operations at their facility there, and met with their host community representatives. That facility is similar to ours. Our first Resolution today is ratification of the We Care LLC selection for short term operation of the composting facility. Moved by Mr. Schoenberger. Seconded by Mr. Dillon. Passed, unanimously.

Introduced by: Schoenberger/Dillon Unan. January 27, 2005

Resolution No. 3 of 2005

Ratifying Chairman's Acceptance of Proposal and Authorizing Execution of Contract with the Firm of WeCare Organics LLC, for Short-Term Operation and Maintenance of the Authority's Cocomposting Facility Until Selection of, and Commencement of Services by a Long-Term Contractor

WHEREAS, the Rockland County Solid Waste Management Authority (the "Authority"), is a public benefit corporation, duly organized and existing under the New York State Public Authorities Law, Title 13-M; and

WHEREAS, the Authority entered into a contract with Waste Management of New York for the design, construction, start-up, acceptance testing, operation and maintenance of the Facility and the marketing of compost product at the Facility, dated June 27, 1996 (the "Coco Agreement"); and

WHEREAS, the Authority and Waste Management were parties to the Coco Agreement, as amended by the First Amendment dated June 26, 1997, the Second Amendment dated September 26, 1997, the Third Amendment dated March 26, 1998, the Fourth Amendment dated January 28, 1999, the Fifth Amendment dated November 1, 1999, and the Sixth Amendment dated March 1, 2000; and

WHEREAS, on or about August 12, 2000, the Coco Agreement was validly assigned by Waste Management to Synagro-WWT, Inc. (f/k/a Wheelabrator Water Technologies, Inc.), a Maryland corporation, in accordance with Section 14.7 of the Coco Agreement; and

WHEREAS, on or about June 30, 2003, the Authority entered into a Seventh Amendment to the Coco Agreement and a separate Settlement Agreement, whereby the Authority agreed to release Synagro from all of its obligations under the Coco Agreement, as

amended, effective January 31, 2005, in exchange for a certain sum of money being paid to the Authority; and

WHEREAS, by issuance of a Draft Request for Proposals for Sludge Cocomposting Facility Operations and Initial Capital Improvements Contractor and Yard Waste Facility Operator on October 15, 2004, the Authority instituted a procurement for operation and maintenance of the Coco, in accordance with the New York State General Municipal Law § 120-w; **anWHEREAS**, the procurement schedule necessitated an extension of the services by Synagro until a new operator could be selected and Synagro offered terms deemed unfavorable to the Authority, the Authority conducted a procurement to obtain a short-term operator for the Coco, by issuance of a Request for Proposals for Short-Term Operations and Maintenance of the Sludge Cocomposting Facility on December 9, 2004; and

WHEREAS, notice of the Request for Proposals for Short-Term Operations of the Coco was published in the State Register, Environmental Notice Bulletin and newspapers of general circulation in the County, all in accordance with General Municipal Law § 120-w; and

WHEREAS, at a special meeting of the Authority held on December 30, 2004, the Authority Board delegated the authority to its Chairman to select the successful proposer for short-term operation of the Coco, to be ratified by the Board at its next regularly scheduled meeting on January 27, 2005; and

WHEREAS, on or about January 6, 2005, the Authority received four proposals in response to the Request for Proposals (“RFP”) for Short-Term Operations from Veolia Water and WeCare Organics, and interviews were held of Veolia Water, WeCare Organics, New England Organics, and Synagro; and

WHEREAS, the Chairman, Authority staff, the Authority’s independent engineering and legal advisors evaluated the original submissions of each proposer, as well as all responses additional requested clarifications; and

WHEREAS, based on the evaluations, the Chairman found that the proposal submitted by WeCare was the most responsive to the RFP requirements, taking into consideration the technical evaluation factors set forth in the request for proposals, including qualifications and experience, viability of proposed operation, ability to comply with environmental regulations, marketability of final product, proposer’s financial capability, as well as providing the most cost-effective pricing, and therefore proceeded with contract negotiations with WeCare; now therefore be it

RESOLVED, that the selection by the Chairman of the Authority of WeCare as the successful proposer is hereby ratified; and be it further

RESOLVED, that the Chairman of the Authority is hereby authorized to execute and deliver the Cocomposting Facility Operating Agreement (Short-Term) with WeCare Organics LLC for a term beginning February 1, 2005 and ending June 30, 2005, with an automatic renewal on a month-to-month basis thereafter up to the ninth month following the

Commencement Date, unless the Authority gives WeCare a notice of non-renewal. The Cocomposting Facility Operating Agreement (Short-Term) shall be substantially in the form presented at this meeting with such amendments, modifications, changes and omissions thereto as the Chairman of the Authority may approve as in the best interests of the Authority and not inconsistent with the terms of this resolution; and the execution of the Cocomposting Facility Operating Agreement (Short-Term) shall constitute conclusive evidence of the valid authorization hereunder of any such amendment, modification, change or omission; and be it further

RESOLVED, that the award of the Cocomposting Facility Operator (Short-Term) may only be contested if:

(1) such action, suit or proceeding is commenced within sixty days after the date of publication of such official action; and

(2) such award or procedure was not authorized pursuant to General Municipal Law § 120-w; or

(3) any of the provisions of General Municipal Law § 120-w which should be complied with at the date of the publication of the award of the Cocomposting Facility Operating Agreement (Short-Term) have not been substantially complied with, or

(4) a conflict of interest can be shown in the manner in which the Cocomposting Facility Operating Agreement (Short-Term) was awarded.

6. Agenda Item – Resolution: Approval of Amendment No. 17 to the William F. Cosulich Associates P.C. Agreement for Consulting Services

St. Lawrence The next resolution is for approval of Amendment 17 to the William F. Cosulich agreement for professional services. Moved by Mr. Dillon. Seconded by Mr. Jobson. Any questions?

Phillips Could you just tell us, Ted, does the agreement contain the same terms as our previous agreement? And have the prices gone up in any way?

Pytlar Well the total fee estimate is slightly less than last year, with an annual inflation adjustment to the hourly billing rate, and the general terms of the contract are the same.

St. Lawrence May we have a vote? Moved by Mr. Dillon. Seconded by Mr. Jobson, Jr. Passed unanimously.

Introduced by: **Dillon/Jobson Jr.** **Unan.** January 27, 2005

**RESOLUTION NO. 4 OF 2005
AUTHORIZING AMENDMENT NO. 17 TO WILLIAM F. COSULICH
ASSOCIATES CONTRACT WITH THE AUTHORITY TO PROVIDE ADDITIONAL
ENGINEERING SERVICES TO THE AUTHORITY**

WHEREAS, the Rockland County Solid Waste Management Authority (the “Authority”), is a Public Authority Corporation, duly organized and existing under Title 13-M of the Public Authorities Law of the State of New York, and

WHEREAS, the firm of William F. Cosulich Associates (the “Engineers”) are the engineering consultants to the Authority under contract; and

WHEREAS, the services of William F. Cosulich Associates are required to assist in the continued operations and programs of the Authority; and

WHEREAS, William F. Cosulich Associates has submitted to the Executive Director its January 20, 2005 letter with attachments describing the tasks and the total amount requested for Amendment No. 17, which is the sum of \$373,752; and

WHEREAS, the additional budget in large part is necessary to provide continuity with several ongoing tasks being performed by William F. Cosulich Associates including the procurement of a new operator for the Cocomposting Facility, design of a Transfer Station Tarping Station; and Construction Phase Services with regard to the Capital Improvements being made to the Materials Recovery Facility; and

WHEREAS, the Executive Director has reviewed the proposed Amendment No. 17 and recommends its approval; now therefore be it

RESOLVED, that the contract for services with William F. Cosulich Associates be amended in accordance with the attached Amendment No. 17 to include the additional services required by the Executive Director for the purposes set forth in the above letter, attachments and estimated budget therefore in the sum of \$373,752; and be it further

RESOLVED, that the Executive Director is authorized to execute all documents necessary to facilitate same.

7. Agenda Item – Amendment of Bylaws to Allow Emergency Polling of Authority Board Members by Telephone

St. Lawrence This next item is a discussion item regarding Authority issues that arise and may need emergency action

Phillips I agree, the idea is necessary. But really, only in an emergency, when a vote needs to be taken. It would be at the Chairman’s discretion to determine when an issue needed to be addressed on an emergency basis, to protect the citizens of Rockland County – in which case, a vote would be taken by poll. I think what we should do, when a poll needs to be taken, is to declare an emergency – or some type of wording to that effect, so that it is clear that this is an anomaly and not the norm.

Dusanenko I think it is an excellent idea, myself. But also, I would ask that this be ratified at the very next meeting.

St. Lawrence Yes. So the emergency voting resolution can be presented and ratified at the next meeting?

Marshall Mr. Chairman, how does this sit with the legality of us being a public entity?

St. Lawrence I’ll let Counsel answer that.

Gauntlett This is something I will investigate further. The Bylaws indicate that a language proposal change can be sent to the Authority in advance of the meeting, so what I will do is research and draft language to send out for your consideration before the next meeting.

Phillips I want to say that all of us here want to do due diligence with regard to any vote, and with regard to notification to the public. Perhaps we need to make it clear that this is something to be used very sparingly, only in an emergency to protect citizens. Perhaps we can indicate the guidelines of an “emergency” and then use this emergency voting process very sparingly.

Schoenberger I would imagine that if an emergency occurred right now, the Chairman, with advice from Counsel and the Executive Committee and probably with phone calls to all of us, would act wisely and in the best interests of all. If our idea is to institutionalize that process, then it is a good idea.

Wassmer I agree with what Mr. Schoenberger has said. I think most of us run our Villages and Towns that way, and I see no reason why the Authority shouldn’t perform in the same manner.

Mr. Dillon I think wording should include language to make sure that all Board Members should be contacted and informed in so far as possible.

St. Lawrence As Mr. Schenberger pointed out, as it stands now, should an emergency take place, we would act as he describes and the Executive Board would be involved. This way we will include the entire Board.

Kleiner The only feature I would add is that I think we can get a lot of people on a call – a conference call, and with a little notice we can have a discussion, and perhaps a quorum and a vote .

St. Lawrence Very good point.

Dusanenko An excellent idea. At the same time, I think public business, even in an emergency should be done by public ratification after the fact.

St. Lawrence Yes, right. And Counsel will draft wording for us to see before our next meeting which will memorialize these ideas and include guidelines as to what constitutes an emergency.

8. Agenda Item – New Business

St. Lawrence Is there and New Business? If not, then may I have a Motion to Adjourn? Moved by Mr. Jobson. Seconded by Supervisor Gromack. Passed Unanimously.

The meeting was adjourned at 6PM.
Respectfully submitted, Janet Lee Burnet