

**Minutes**  
**Rockland County Solid Waste Management Authority**  
**September 23, 2004**

**Members Present**

C. St. Lawrence  
B. Berliner  
S. Corallo  
E. Devine  
A. Gromack  
D. Jobson, Sr.  
T. Kleiner  
H. Marshall  
P. Moroney  
H. Phillips  
I. Schoenberger  
P. Soskin  
Dr. Yarmus  
K. Zebrowski

**Members Absent**

D. Jobson, Jr.  
F. Wassmer

**Others Present**

R. Delo  
T. West  
T. Pytlar  
B. Gauntlett  
K. Braunfotel  
R. McCarthy  
J. Dillon  
J. Klos  
D. O'Donnell  
S. Simon  
J. Burnet  
K. Scales  
M. Tablin  
H. LaFever  
J. Heath  
K. Spillane

The Chairman called the meeting to order at 5:14 pm.

A. Gromack was welcomed to the Board.

Motion to go into Executive Session  
Zebrowski/Kleiner

Unan.

K. Zebrowski stated that in lieu that the Executive Director will not longer be able to serve as Executive Director he would like to move that the Chairman of the Solid Waste Authority to appointed to the position of Acting Executive Director. Also include a search committee to be appointed by that chairperson and that the term of the Acting Executive Director be until a candidate is recommended by the committee and selected by the full Authority board.

C. St. Lawrence named the search committee for the Executive Director position:

Moroney, St. Lawrence, Yarmus, Berliner, Gromack, Schoenberger, Zebrowski & Phillips.

K. Zebrowski requested the following motion to the Board to vote unanimously to extend its gratuity, thanks, appreciation, and appropriation to R. Delo for his many years of service to the Authority and his unstinting devotion to our efforts and be brought the Authority to the point that it is today.

Motion to approve

Zebrowski/Authority Board  
Unan.

C. St. Lawrence stated that the Authority has been R. Delo's baby since its inception and it should be noted that this is a facility that was awarded the state of the art facility for the MRF and Coco by the State of New York and the far reaching efforts of the HHW program and the waste wise program and the entire Authority has been lead by R. Delo leadership and we thank you.

R. Delo thanked the board and stated that it has been a pleasure to serve as the first Executive Director of the Authority and the Authority has accomplished a tremendous amount. The Authority went from nothing to a state of the art national, locally and State recognized facilities. There is a great staff there and I know that they are going to continue to do a great job. R. Delo will be happy to assist in the transition period. It has been a pleasure and it has been very rewarding.

### **Executive Director**

R. Delo stated that the TS operation transition period has went reasonable well. Casella is providing the transportation and disposal. The diesel fueling station is in the works and should be available in November. The Authority has implemented a credit card system at the Scalehouse and it is also working well. The electronic messaging board system is up and working in the jury room.

### **WFC**

Ted Pytlar reported the following activities for the months of August and September:

- a. WasteWise program progress made with installing a metals collection dumpster at Nyack Hospital. Supported meetings with Clarkstown School District and hauler on paper/container recycling. Assisted Authority with developing tangible goals for each WasteWise Committee member.
- b. Updated cost analysis for Authority to own/operate recyclables collection vehicle and containers; supported procurement effort/outreach to recyclables generators.
- c. Continued to work with Hudson Baylor Corporation (HBC) on finalizing cost estimate to complete repair work on Materials Recovery Facility (MRF) that was not completed by Waste Management, Inc. (WMI).
- d. Met with NYSDEC on composting at Torne Valley Road site; confirmed permissibility of site; discussed requested transfer station permit throughput increase.
- e. Participated in meeting with Consolidated Edison on use of their easement on Torne Valley Road site.

- f. Maintained ongoing dialogue with NYSDEC and NYSERDA on grants for MRF improvements, cocomposting/Wood Drying Building, and other Authority projects.
- g. Continued work on developing Draft Request For Proposals (DRFP) for Cocomposting Facility, including work on conceptual design for the proposed Wood Storage and Drying Building.
- h. Met with Authority and Counsel on the first and second DRFP for Cocomposting Facility operator.
- i. Inspected Facility and completed draft Cocomposting Facility Assessment Report on condition of Facility equipment. Evaluated performance data to determine root cause for throughput decrease and resulting sludge bypass increase at Facility.
- j. Reviewed first monthly MRF Operations Report by Weminuche/HBC.
- k. Worked on cost estimate and site survey of glass storage area by MRF trailer.
- l. Assisted Authority with tracking required Weminuche deliverables, including capital project plans under new Agreement.

**Item #3**

Pulled

**Item #4**

**Appointment of 2005 Budget Committee**

The following members were selected for the 2005 budget committee:

St. Lawrence, Zebrowski, Jobson, Sr., & Soskin

**Item #6**

**RESOLUTION NO. 43 OF 2004  
RESCHEDULING OF NOVEMBER MEETING**

**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 Authority’s Law of the State of New York, and

**WHEREAS**, the by-laws of the Authority do state in section 4.2 that regular meetings of the Authority shall be held once per month and may be held on the fourth Thursday of each month at the regular meeting place of the Authority, and at such other times and places as from time to time as may be determined by resolution, and

**WHEREAS**, the fourth Thursday of the month of November is in fact a Holiday, now therefore be it

**RESOLVED**, that the Authority meeting for the month of November shall, instead, be held on the third Thursday of the month, November 18, 2004 at 5:00 p.m. and be it further

**RESOLVED**, that the November meeting shall be held in the Legislative Chambers in the Allison Parris Office Building, 11 New Hempstead Road, New City, New York.

Motion to Approve  
Dusanenko/Moroney

Unan.

**Item #7**

**RESOLUTION NO. 44 OF 2004  
SETTING A DATE FOR A PUBLIC HEARING  
FOR THE ADOPTION OF THE BUDGET FOR THE FISCAL YEAR 2005  
AND FOR THE ESTABLISHMENT OF RATES, FEES, AND OTHER CHARGES**

**WHEREAS**, the Rockland County Solid Waste Management Authority (the "Authority") was organized and exists pursuant to Title 13-M of the Public Authority Law of the State of New York, and,

**WHEREAS**, the Authority is required to hold a public hearing prior to the adoption of the 2005 Budget and of any rate, or user fee to be imposed on owners of all real property within the County of Rockland, now, therefore be it,

**RESOLVED**, that a public hearing shall be on November 18, 2004 at 5:00 p.m. in the Allison Parris Office Building, 11 New Hempstead Road. New City, NY in the Legislative Chambers for the purpose of hearing all interested persons concerning the adoption of the year 2005 Budget and the establishment of a rate, fee or other charges to be imposed on all real property within Rockland County, and it is further,

**RESOLVED**, that the Executive Director is hereby authorized to publish such notice of said hearing in the official newspapers as designated by the Authority and as otherwise required by law.

Motion to Approve  
Phillips/Gromack

Unan.

**Item #8**

C. St. Lawrence recommended that the tipping fees for the Transfer station for 2005 would remain the same.

**Resolution No. 45 of 2004**

**Setting the Tipping fee for the Transfer Station for the Year 2005**

**WHEREAS**, the Rockland County Solid Waste Management Authority (the “Authority”) was organized and exists pursuant to Title 13-M of the Public Authority Law of the State of New York, and,

**WHEREAS**, it is the Chairman’s recommendation that the tipping fee for the transfer station for the year 2005 remain at \$71/ton for commercial and \$63/ton for municipalities, and, therefore be it,

**RESOLVED**, that the tipping fee for the Transfer Station for the year 2005 remain at 71/ton for commercial and \$63/ton for municipalities.

Motion to Approve  
Phillips/Berliner

Unan.

**Item #10**

T. West stated that this amendment for the procurement policy is in case there is a disgruntled bidder or proposer that wants to review the procurement policy. The Authority might be open to litigation. With this amendment it allows for administrative remedies that would help in a bid protest.

**Resolution No. 46 of 2004  
Amending Procurement Policy to  
Include Bid/Proposal Protest Procedures**

**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 has determined that a bid/proposal protest procedure should be instituted to apply to all procurements conducted by Authority to provide bid/proposal protesters with a mechanism for bringing challenges to bids and/or proposals issued by the Authority; and

**WHEREAS**, the attached procedures have been approved by the Authority Board; now therefore be it

**RESOLVED**, that the attached Bid/Proposal Protest Procedures are hereby adopted; and it is further

**RESOLVED**, that said Bid/Proposal Protest Procedures be effective immediately.

# **ROCKLAND COUNTY SOLID WASTE MANAGEMENT AUTHORITY**

## **BID/PROPOSAL PROTEST PROCEDURES**

### **1. Introduction**

1.1 The following procedures shall apply to all procurements conducted by the Rockland County Solid Waste Management Authority (the “Authority”).

1.2 All actual or prospective bidders, proposers or offerors whose direct economic interest would be affected by the award of, or failure to award, a contract shall be deemed “Interested Parties” for the purposes of these procedures. Protests regarding procurements will only be accepted from Interested Parties.

1.3 All protests shall be filed in writing with the Executive Director for the Authority, and shall be addressed as follows:

Executive Director  
Rockland County Solid Waste Management Authority  
420 Torne Valley Road  
Hillburn, New York 10931

1.4 A protest found by the Authority to be patently without merit or not brought in a timely manner may be rejected without further consideration. Protest submissions should be factual, complete, concise, logically arranged and clearly state all grounds for the protest. All protests must include the following information:

- Name, address, telephone and facsimile number of protestor and designated contact person for purposes of the protest;
- Solicitation or contract number which is the subject of the protest;
- Detailed statement of the legal and factual grounds of the protest, including copies of relevant documents;
- Basis for the protestor’s status as an Interested Party;
- Date on which the protestor first learned of the alleged improprieties, if applicable; and
- Statement as to what relief is requested.

1.5 If the Authority finds that none of the conditions set forth in Section 1.4 apply, and a protest is timely filed pursuant to the provisions set forth in Section 2, below, the Authority will cease all further actions regarding a procurement until the protest is decided. Therefore, while such a protest is being decided, the Authority will not open bids or proposals, or award the contract if such steps have not already been taken. The Authority may, in its discretion, accept further bids or proposals to be held unopened until the protest is decided.

1.6 False statements or accusations of impropriety for which the protestor fails to offer a reasonable factual basis may be grounds for a rejection of a protest.

1.7 Compliance with these Procedures shall be a condition precedent to the filing of any legal challenge regarding a procurement by the Authority.

### **2. Time for Filing Protests**

## 2.1 Protests Regarding Specifications

Protests that are based upon claims by any Interested Party that the Specifications are in any way ambiguous, incorrect, incomplete, or unduly restrictive, must be filed in accordance with Section 1.3 of these Procedures so that the Authority receives the protest no later than fourteen (14) business days prior to the closing date for receipt of initial bids or proposals.

## 2.2 Protests Regarding Alleged Improprieties in Solicitation

Protests that are based upon claims by any Interested Party that there are improprieties regarding any type of solicitation, other than those governed by Section 2.1, above, must be filed in accordance with Section 1.3 of these Procedures so that the Authority receives the protest within five (5) business days following the date on which the Interested Party learned of the alleged improprieties, and no later than seven (7) business days prior to the bid or proposal opening date.

## 2.3 Post-award Protests

Protests that are based upon alleged improprieties in any type of solicitation which are not apparent before the time periods set forth in 2.1 and 2.2, above, must be filed in accordance with Section 1.3 of these Procedures so that the Authority receives the protest no later than two (2) calendar weeks after receipt of notification of the identity of the apparent low bidder or of the apparent successful proposer. Late protests may, for good cause shown, be considered by the Authority in its discretion.

## 2.4 Notice for Post-award Protests

Where a Contract has already been awarded at the time a protest has been filed, the Authority shall provide written notice of the protest to the Contractor that received the contract award. The Authority shall also provide a copy of the protest to that Contractor.

## **3. Authority's Response to Protests**

3.1 An award of a contract prior to the protest determination may be made when the Authority determines that:

- The items or services to be procured are urgently required; or
- Delivery or performance will be unduly delayed by failure to make the award promptly; or
- Failure to make prompt award will otherwise cause undue harm to the Authority; or
- The Authority determines that the process for making a determination will involve an investigation that may become lengthy.

3.2 The Executive Director, or his or her designee, will give written notice to the protestor when a decision has been made by the Authority to proceed with the award prior to the protest determination pursuant to Section 3.1, above.

3.3 The Executive Director, or his or her designee, will issue a written response to each protest addressing the material issues raised by the protestor. The Authority's decision will be final and binding.

Motion to Approve  
Zebrowski/ Soskin

Unan.

**Item #12**

K. Braunfotel stated that Scuffy Carting is current and as of this am. The Authority issued litigation and took it upon himself not to issue the litigation in light of the fact that they are making payments and are current now and will be ahead by the end of September. Sonny Boy Zito was a delinquent carter that started making payments and is now current. The credit card system has the money in our account within 48 hours and that is helping with our collections problems.

H. Phillips questioned how much was outstanding?

K. Braunfotel answered that Scuffy had an outstanding balance of \$52,000 and had a payment plan in place and got behind. Currently they have an outstanding balance of \$3,000, so he felt that litigation was not necessary.

H. Phillips commends K. Braunfotel for his outstanding work.

**Item #11**

**Resolution No. 48 of 2004  
Authorizing Settlement Agreement with  
Miele Sanitation Co. N.Y., Inc. Regarding  
The Authority's Transfer Station**

**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 and Miele Sanitation Co. N.Y., Inc. ("Miele") are Parties to an Amended and Restated Transfer Station Agreement dated January 1, 2003 (the "Transfer Station Agreement") to operate and maintain the Authority's Transfer Station to transport and dispose of Acceptable Waste delivered thereto, and generally perform the services specified in the Transfer Station Agreement; and

**WHEREAS**, the Parties have agreed to the early termination of the Transfer Station Agreement and to settle disputes that have arisen thereunder pursuant to the terms and conditions set forth in the Transfer Station Agreement; and

**WHEREAS**, the Parties have documented their decision to resolve and settle all claims or potential claims that the Parties may have against each other in connection with

or arising out of the activities contemplated under the Transfer Station Agreement; now therefore be it

**RESOLVED**, that the Chairman of the Authority is authorized and directed to execute the Settlement Agreement with Miele, subject to review by the Attorney for the Authority.

### **Discussion**

C. St. Lawrence stated that all attorneys have met and the Authority was able to capture all the details for the final payment. There is one error of \$34,000 that will be corrected. The payment to Miele is \$75,000.

H. Phillips clarified that this payment has to do with outstanding tipping fees and damaged to the transfer station.

C. St. Lawrence answered, yes, damaged to the overhead doors, lighting and utility bills, etc. St. Lawrence feels that Miele did a wonderful job even with the change to Sullivan County. The Authority is operating the transfer station ourselves and using Santaro Trucking and each month there will be an update provided to the Authority Board on the price per ton to operate the TS.

D. O' Donnell stated that it costs the Authority \$58-59/ton.

E. Devine questioned if those updates will be given through the Executive Director reports each month?

C. St. Lawrence answered yes.

Motion to Approve  
Zebrowski/Kleiner

Unan.

### **Item #13**

C. St. Lawrence stated that Garden State Paper was a part of the Enron bankruptcy situation. GSP owes the Authority \$30,000 and the settlement company wanted to give the Authority \$900, but the Authority is entitled to \$1,500 of the \$30,000. C. St. Lawrence feels that the Authority should wait for the \$1,500 because it gives the Authority the ability to write off other potential monies.

B. Gauntlett stated that Enron and GSP filed an adversary proceeding against the Authority and they have been trying to set aside payment that GSP may give to the Authority in court proceedings. If the Authority waits on collecting the claim the

Authority can use the \$30,000 claim, as a set off if they should some how be successful on the \$56,000 claim.

B. Gauntlett recommended that the Authority not accept offer.

Motion to Approve  
Zebrowski/Moroney

Unan.

**New Business**

**RESOLUTION NO. 47 OF 2004  
AUTHORIZING THE FILING OF AN APPLICATION  
FOR STATE ASSISTANCE  
FROM THE HOUSEHOLD HAZARDOUS WASTE (HHW)  
STATE ASSISTANCE PROGRAM  
AND SIGNING OF THE ASSOCIATED STATE CONTRACT,  
UNDER THE APPROPRIATE LAWS OF NEW YORK STATE**

**WHEREAS**, the State of New York (“State”) provides financial aid for household hazardous waste programs; and

**WHEREAS**, the Rockland County Solid Waste Management Authority (the “Authority”), has examined and duly considered the applicable laws of the State of New York and deems it to be eligible for such State aid; now therefore be it

**RESOLVED** by the Rockland County Solid Waste Management Authority,

1. That the filing of an application in the form required by the State and in conformity with the applicable laws of the State of New York, including all understandings and assurances contained in said application, is hereby authorized;
2. That the Executive Director or his designee is directed and authorized, as the official representative of the Authority, to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the State;
3. That the Authority agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by State for the State share of such costs;
4. That the Authority set forth its respective responsibilities by attached resolution relative to the programs conducted at the Household Hazardous Waste Facility;

5. That five (5) Certified Copies of this Resolution be prepared and sent to the NYSDEC together with a complete application.
6. That this resolution shall take effect immediately.

Motion to Approve  
Soskin/Dusanenko

Unan.

**Presentation**

H. LaFever introduced himself as a representative of Sterns & Wheler Company. What was presented was a potential solution to help the County to become more self-efficient with dealing with its solid waste problem. A packet was handed and a power point presentation was viewed.

C. St. Lawrence stated that Orange County would host the facility if the Authority is interested and it would be a regional facility.

H. LaFever stated that on October 14, 2004 a trip is schedule for Quebec, the flight is at 8:00 am and will be returning 4-5 pm the same day.

Motion to Adjourn  
Corallo/Marshall

Unan.

Respectfully Submitted

Camille Guido-Downey