

Rockland County Solid Waste Management Authority
Minutes
March 25, 2004

Members Present

C. St. Lawrence
B. Berliner
S. Corallo
E. Devine
T. Dusanenko
A. D. Jobson
C. Holbrook
T. Kleiner
H. Marshall
P. Moroney
H. Phillips
I. Schoenberger
P. Soskin
F. Wassmer
Dr. Yarmus
K. Zebrowski

Members Absent

D. Jobson

Others Present

R. Delo
T. West
B. Gauntlett
T. Pytlar
B. Beckmann
T. Judge
J. Burnet
J. Klos
D. O'Donnell
K. Braunfotel
L. Martorelli

The Chairman called the meeting to order at 5:15 p.m.

Item #3

Resolution No. 9 of 2004
Adoption of Minutes, Meeting of February 26, 2004

H. Phillips offered the following resolution, which was seconded by B. Berliner and was approved unanimously, and,

RESOLVED, that the transcribed Minutes of the Rockland County Solid Waste Management Authority for the meeting of February 26, 2004 as recorded by the Clerk are hereby adopted.

Item #4

WFC

T. Pytlar described the following activities for the month of March 2004:

- β Continued work on the procurement for a new contract for the MRF. Proposals are due April 8, 2004.
- β Continued work on the procurement for the cocomposting facility.
- β Assisted the Authority with the first meeting for the Waste Wise Committee.
- β Final application was prepared for the wood drying and storage area at the composting facility.
- β Preliminary design is being prepared for the yardwaste facility along Torne Valley Road.

⌘ The review period for the SEQRA for the yardwaste facility is ending in early April and the Authority has not received any comments from the DEC.

C. St. Lawrence questioned what would be the increase in the available capacity at the cocomposting facility?

T. Pytlar answered that WFC and the Authority are not sure yet, it depends on the options for increasing capacity and what the market will bare.

Executive Director

R. Delo stated that the Authority is advertising for a new tubgrinder, which the Authority received an EPF grant for. The Village of Haverstraw bid specs are being finalized and out for bid in April. Once the Village of Haverstraw bid is out then the Authority will work on the County Office Building bid.

C. St. Lawrence stated that in the packets there is a MRF brochure that was put out by WM. The Authority did not put this out if we did there would have been all the Authority Members names on it.

Item #5

Pulled

Item #6

C. St. Lawrence stated that the Authority is no longer considering the Kay Fries site for a Yardwaste Facility.

H. Phillips requested a formal resolution.

Resolution No. 10 of 2004

Rockland County Solid Waste Management Authority No Longer Considering Development of Additional Yardwaste Processing Facility at the Kay Fries Site

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 Authority at its February 26, 2004 monthly meeting proposed an Additional Yardwaste Processing Facility at the Kay Fries Site to be financed and constructed by the Rockland County Solid Waste Management Authority as part of a comprehensive plan to provide yard waste composting services to areas of Rockland County, and,

WHEREAS, Howard Phillips, Supervisor for the Town of Haverstraw requested time to review the preliminarily preferred site that was identified by the Rockland County Solid Waste Management Authority, and,

WHEREAS, said requested was granted by the Rockland County Solid Waste Management Authority, and,

WHEREAS, after further review by the Rockland County Solid Waste Management Authority and the Town of Haverstraw they have decided that the Rockland County Solid Waste Management Authority is no longer considering development of a additional yardwaste processing facility at the Kay Fries Site, and be it further,

RESOLVED, that the Rockland County Solid Waste Management Authority is no longer considering development of a additional yardwaste processing facility at the Kay Fries Site.

Motion to Approve
Zebrowski/Phillips Unan.

Item #7

**RESOLUTION NO. 11 OF 2004
APPOINTMENT OF AN ATTORNEY TO THE ROCKLAND COUNTY
SOLID WASTE MANAGEMENT AUTHORITY**

WHEREAS, the Rockland County Solid Waste Management Authority (the "Authority") is a Public Authority Corporation, duly organized and existing under the Rockland County Solid Waste Management Authority Act, (the "**Act**") and set forth under Title 13-M of the Public Authority Law of the State of New York, and,

WHEREAS, such law provides that an Attorney shall be selected by the Members of the Authority, and,

WHEREAS, the current Attorney of the Authority has submitted his resignation to the Executive Director necessitating selection of a new Attorney for the Authority, and,

WHEREAS, Bridget Gauntlett, Esq. is hereby selected as the Attorney for the Authority to serve in such capacity at the pleasure of the Authority, or until a successor is selected and qualified to act in such capacity, and, therefore it is hereby,

RESOLVED, Bridget Gauntlett, Esq. is hereby selected as the Attorney for the Authority to serve in such capacity at the pleasure of the Authority effective on April 19, 2004 subject to approval of her application by the County Personnel Department, and, still be it further,

RESOLVED, that the compensation for the Attorney's services for the year 2004 shall be the sum of \$77,500 annually and the same benefits as other full time employees of the Authority and, be it further,

RESOLVED, that the attorney shall perform 35 hours of legal services per week and that a summary of the work performed will be provided in writing to the Chairman and/or Executive Director prior to each meeting of the Authority.

T. Kleiner requested the Chairman to address the Board of her qualifications.

C. St. Lawrence stated that the Authority interviewed several candidates for this position and are very fortunate to have found someone of this caliber. Bridget is a graduate of Dartmouth College and received her law degree from Columbia where she clerked for various judges in DC. The past 4 years she has been working for Westchester County.

S. Corallo questioned who is handling the Authority's needs now?

R. Delo answered T. West and A. Etelson.

Motion to Approve
Zebrowski/Phillips Unan.

B. Gauntlett addressed the Board and thanking them for the opportunity to serve the Authority and the County of Rockland.

Item #8

R. Delo stated that the Authority has an opportunity under NYSERDA to get a personal planning grant, which would do an energy survey of the composting facility and dewatering operations survey of the various WWTP in Rockland County. The Authority believes that the WWTP are only dewatering at 12-15% and that downgrades our facility. This grant will give the Authority the opportunity to upgrade some of the WWTP dewatering equipment, which would allow them to produce a dry sludge and increase the Authority's throughput capacity. The grant could be as much as 50%. The Authority would visit all the plants and come back with the analysis for the Board.

H. Phillips questioned if there are any matching funds?

R. Delo answered that it could be a 50% grant and the Authority would pick up the remaining 50%. The study would be a minor cost.

H. Phillips questioned if the Authority would do this regardless of the grant?

R. Delo answered yes, the Town of Stony Point is currently looking at replacing their belt press and the rest of the Towns/Villages will be looking to replace their equipment. If the Authority can get this grant and replace their equipment with better equipment then it is a win-win situation.

H. Phillips questioned who files the grant?

R. Delo answered that the Authority would file the grant and the staff would look for technical assistance from our consultants and our new attorney would also assist the Authority.

Resolution No. 12 of 2004
Authorize the Executive Director to File a NYSERDA Grant

WHEREAS, the Rockland County Solid Waste Management Authority (the "Authority") is a Public Authority Corporation, duly organized and existing under the Rockland County Solid Waste Management Authority Act, (the "**Act**") and set forth under Title 13-M of the Public Authority Law of the State of New York, and,

WHEREAS, the Authority has a opportunity to apply for a NYSERDA grant application for funding for a Energy Efficiency Study for the Cocomposting Facility and various Sludge Generator Dewatering Facilities, and,

WHEREAS, it is determined that it is in the best interest of the Authority to try to obtain this grant to reduce the costs of improvements for the various sludge generators and the Authority, and therefore be it,

RESOLVED, that the Executive Director is authorized to file a NYSERDA grant application for funding for a Energy Efficiency Study for the Cocomposting Facility and various Sludge Generator Dewatering Facilities and execute any and all documents that may be needed to complete the filing of said application.

Motion to Approve
Berliner/Zebrowski Unan.

Item #9

R. Delo stated that Sullivan County is experiencing trouble opening up a new cell at their landfill. If Sullivan County cannot get the approval for the new cell they are going to run out of capacity by the end of this year. Sullivan County has contract the E.D. and a meeting took place with Harvey Smith and the Authority was asked if we would agree to a reduction in tonnage that the Authority is allowed to bring there.

C. St. Lawrence added that the tonnage is 80,000/year.

R. Delo continued that Sullivan County is looking to reduce the Authority to 50,000/tpy. Sullivan County may not have a choice but they still are negotiating with the NYSDEC to get approval. Sullivan County also has an application for a permit expansion which has been pending for a long time. There has been an odor issue from the community and now it is a political issue.

C. St. Lawrence added that there is not County Executive and the legislature is in charge. There are 9 legislators and 7-2 republican. Sullivan County residents do not like the fact that they are taking Rockland County's garbage.

R. Delo stated that Sullivan County is the only permitted landfill in our entire region. The Authority has a put or pay agreement for 80,000 tons and that contract was incorporated into the Miele Contract for the operation of the T/S and the Authority passed that responsibility and liability onto Miele. Unfortunately Miele only delivered less than 75,000 tons short the 5,000 tons at a value of \$225,000 that the Authority paid for and did not use.

C. St. Lawrence added that a lot of the times Miele would go there and they would be turned away.

R. Delo continued that a schedule was handed out that was from Sullivan County, which allows the Authority to delivered 95,000 tons and in the beginning of year Sullivan County decreased the tonnage to 83,000 tons. It is very difficult for Miele or anyone else, to turn on and then turn off delivering MSW to Sullivan County then to other locations. It was a challenge for him to do that. When Sullivan County approached the E.D. about the reduction he suggested some relief for Miele. Sullivan County was willing to give the Authority credit for it this year as long as the Authority would agree to the reduction.

H. Phillips questioned if the restriction is on a day to day? And if Sullivan County restricted the Authority why was that not a breach of contract?

R. Delo answered that Sullivan County gives the Authority a weekly allowance and the contract does have a provision that they can cut us back because of Sullivan County residents having priority but only guaranteeing the Authority's 80,000 tons per year. The county residents have priority but they restricted us on a weekly basis as is shown here.

K. Zebrowski stated that he doesn't want to be sarcastic but wasn't it a short time ago that this contract was going to solve all of our problems.

C. St. Lawrence stated we are here now and the Authority went out for a RFP for trucking and the Authority might have to look at that again.

R. Delo stated that Pennsylvania is considering a \$5 per ton increase so Sullivan County is still the best deal in Town.

C. St. Lawrence agreed with R. Delo.

R. Delo stated that he did met with D. Tracy and Miele's proposal currently is \$65/ton for 40% of the T/S tonnage and \$60 for 60% and Miele is now proposing flipping these rates. Miele is also asking for the Authority to negotiate with Sullivan County to get the make up tonnage this summer at no extra cost to Miele and that the Authority get priority usage

for any extra tonnage that they have. The E.D. plans on meeting with Miele, Sullivan County and the Authority's attorneys next week to go over this proposal.

H. Phillips questioned if the Authority has been put on notice that Sullivan County might not have any more room?

R. Delo answered that the Authority has nothing in writing.

H. Phillips questioned if there is anything in the contract about this?

C. St. Lawrence stated that Sullivan County wants the Authority to continue this contract.

R. Delo answered that this problem might fall under the category of an uncontrollable circumstance.

H. Phillips questioned how much time is left in the approve site that they have now?

R. Delo answered that if the Authority agrees to a reduction to 50,000/tpy, Sullivan County might be able to get thru this year without the new cell opening up.

K. Zebrowski stated that the Authority should approach this with caution and before we jump we should protect our interests because we do not want to be at the mercy of Sullivan County or anyone else.

A.D. Jobson questioned how much does the County produce in MSW?

R. Delo answered that the total tonnage from the County is 120,000-150,000 tons. The Authority processed 120,000 tons at our transfer station and half was from out of county/state. The contract with Sullivan County is for 80,000 tpy and the Authority put that burden onto Miele and allowed Miele not only to bring MSW from our transfer station to Sullivan County but also from Clarkstown and Closter. Between the three transfer station Miele has the tonnage to met the Sullivan County contract. It really does not have anything to do with producing less or more MSW it really has to do with Sullivan County not getting the approval from the DEC for the new cell.

C. St. Lawrence added that the Authority did not want to be in a position of a put or pay that if tonnage change and the Authority could not deliver the tonnage and have to pay.

R. Delo added that by Sullivan County asking for the reduction it gives Miele leverage to ask for the money back and if the Authority can help him out with the 5,000 tons.

R. Delo asked any Authority Members who want to attend the meeting with Sullivan County, Miele and the Authority at 11am next week let the office know.

Item #10

Tim Judge thanked the Board for this opportunity to update the Board on the project. The City of Middletown has been moving forward with this project. It has been 8 _ years since this project was first proposed in Middletown. There have been 7 major hurdles that the City and Masada have overcome. A contract has been approved by the City of Middletown and Masada. Masada and the City of Middletown are in the process of moving forward and starting construction.

H. Phillips questioned the technology that is used, was it acid based? Has the technology run into any problems? And are you producing energy?

T. Judge answered that we don't produced energy per say in power to the grid but what we created is liquid transportation fuel called ethanol. It is created by converting the cellulous that is in the carbons which is waste paper and food waste. These items are pulled from the waste stream in a MRF which is the front end of the plant and that cellulous is converted into sugar through an acid hydrolysis reaction. The sugar is then transformed into pure alcohol. The technology is well proven and is in well use in other industries.

I Schoenberger questioned how many tons could you take starting when?

T. Judge answered that the permitted tons are 230,000 a year and that is a rolling average of 800 tons a day. Construction is starting this summer and we will be operating in 2006.

C. St. Lawrence questioned what the cost per ton would be?

T. Judge answered currently right now that have signed 20-year contracts with the City of Middletown at \$65/ton.

Item #11

Resolution No. 13 of 2004 Adopting a Flexible Benefits Plan

WHEREAS, the Rockland County Solid Waste Management Authority (the "Authority") is a Public Authority Corporation, duly organized and existing under the Rockland County Solid Waste Management Authority Act, (the "**Act**") and set forth under Title 13-M of the Public Authority Law of the State of New York, and,

WHEREAS, the Authority wishes to adopt a cafeteria plan within the content of Section 125 of the Internal Revenue Code for the Benefit of the employer's eligible employees, and be it,

RESOLVED, that the Authority hereby adopts the Flexible Benefits Plan (consisting of the flexible benefits plan document, the Adoption Agreement, and component benefit plan and policies) for the Employer effective as of the date specified in the Adoption Agreement, and, still be it further,

RESOLVED, that any officer of the employer may without further resolution execute the Adoption Agreement and any related documents or amendments which may be necessary or appropriate to adopt the plan or maintain its compliance with applicable federal, state and local law.

Motion to Approve
Schoenberger/Soskin Unan.

Item #12

**RESOLUTION NO. 14 OF 2004
RESOLUTION AUTHORIZING THE AUTHORITY
TO RESCIND RESOLUTION NO. 7 OF 2003 & APPROVE AFLAC of NEW
YORK DENTAL PLAN FOR AUTHORITY EMPLOYEES**

WHEREAS, the Authority, by its approval of Resolution No. 7 of 2003, authorized the Authority to Provide Dental Insurance Coverage to Employees of the Authority Through Delta Dental of New York Preferred Option Plan and further authorized the Chairman and/or Executive Director to execute such agreement, and

WHEREAS, the Authority's Employees decided that Delta Dental of New York did not meet their requirements; and

WHEREAS, the Authority's Employees reviewed a dental plan offered by Aflac of New York and decided that Aflac should provide dental coverage to the full time employees of the Authority at no cost to said employees, and,

WHEREAS, the Authority determined that Resolution No. 7 of 2003 authorizing the Authority to Provide Dental Insurance Coverage to Employees of the Authority Through Delta Dental of New York Preferred Option Plan agreement and authorizing the Chairman and/or Executive Director to execute such agreement should be rescinded; and

NOW, THEREFORE, BE IT:

RESOLVED, by the Authority that the Authority hereby determines that Resolution No. 7 of 2003 is rescinded and be it further,

RESOLVED, by the Authority that the Authority hereby determines that Resolution No. 7 of 2003 is null and void and still be it further,

RESOLVED, that the Authority provide dental coverage to its full time employees pursuant to Aflac of New York's Dental Plan at no cost to said employees.

S. Corallo stated that the Authority approved Delta Dental for its employees last year. Is there a comparison of benefits between Delta Dental and Aflac?

R. Delo answered that the Authority never signed an agreement with Delta Dental. When it was brought to the Board it was just based on mirroring the County of Rockland. The Authority is small entity and we could not get a good deal like the County of Rockland has. The cost for the Authority's employees was higher for the same plan that the County has. The employees of the Authority looked around for other packages. The employees liked Aflac's package better than the Delta Dental. Cost wise it is identical. Based on the recommendation of the Authority employees at the same cost and comparable package we are recommending that we go along with this.

S. Corallo questioned the time frame that this contract would start?

R. Delo answered that there is a time frame for when certain benefits kick in.

I. Schoenberger questioned if Aflac is setting up the Section 125 plan?

R. Delo answered yes.

I. Schoenberger questioned who is paying for the dental coverage?

R. Delo answered the Authority is paying 100% of the dental insurance.

I. Schoenberger questioned if the plan is a direct or supplemental plan?

L. Martorelli answered that the plan can be either. The Authority chose a direct plan.

R. Delo stated that the cancer plan is available to the Authority employees at their cost.

P. Moroney questioned who covers the employees now?

R. Delo answered that there is no dental coverage now for the Authority employees. The original intent of the Authority was to mirror the exact plans that the County of Rockland has. However, the Authority could not find a plan that would cover its employees because of the number of employees.

P. Moroney questioned if the Authority could have been an umbrella under the County?

R. Delo answered that the Authority on a number of occasions made inquiries to the County and were told no.

Motion to Approve
Moroney/Zebrowski Unan.

New Business

R. Delo stated that the Waste Wise kick off meeting went very well and the Chairman attended. The E.D. also made a presentation at the RBA meeting about the Waste Wise Program and feels that it is a great program. The Authority is already working with the post offices to get their junk mail. The Rockland County legislature has approved the collection agreement with the Authority and now the Authority is off of credit watch with the bonding company.

T. Kleiner stated that the County Executive was at the RBA meeting and he spoke very highly of Ron and the program.

T. Dusanenko questioned if it is true that some of the municipalities are falling behind of their payments?

R. Delo answered that the Authority has an issue with Ramapo and that is being worked out and the Authority is working out the issue with the Village of Haverstraw.

Motion to Adjourn
Corallo/Holbrook Unan.

Respectfully Submitted,

Camille Guido-Downey