



SOLID WASTE MANAGEMENT AUTHORITY

P. O. Box 354, 420 Torne Valley Road
Hillburn, NY 10931
(845) 753-2200 Tel. (845) 753-2281 Fax
CHRISTOPHER P. ST. LAWRENCE
Chairman

MINUTES

RCSWMA Meeting

Thursday April 23, 2009, 5:00 p.m.

Legislative Chambers

Present

C. St. Lawrence
V. Altieri
G. Bierker
C. Coker
H. Cornell
E. Devine
P. Du Bow

Present

M. Grant
A. Gromack
D. Kay
T. Kleiner
P. Marino
H. Phillips
P. Soskin

Absent

D. Jobson
P. Moroney
I. Schoenberger

Others

J. Burnet
J. diFrancesca
B. Dillon
R. Fellows
B. Gauntlett
E. Goldman
S. Haggerty

Others

J. Klos
R. Lauria
D. O'Donnell
T. Pytlar
A. Roppolo
K. Scales
J. Sheridan

1. Welcome to the Rockland County Solid Waste Management Authority meeting for Thursday, April 23, 2009.
2. Roll call by Clerk. There is a quorum.

St. Lawrence: Before we adopt the minutes, we have two resolutions that we passed at the last meeting and have the language now. One was Authorizing Investment in Certificates of Deposit and the other was the \$2,500 for the earth day celebration. So I'll submit these into the record for the proper language for the adoption of the minute.

3. **Introduced By: Soskin/Jobson Unan. March 26, 2009**

Resolution No. 18 Of 2009

Authorizing Investment In Certificates Of Deposit Of Domestic United States Banks Recommended By RBC Capital Markets, Corp.

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

WHEREAS, Section 2053-m of the Public Authorities Law provides that the Authority "shall have power, notwithstanding the provisions of this section, to contract with the holders of any bonds, as to the ... investment ... of any moneys of the authority ..."; and

WHEREAS, the Authority's Bond Resolution, its contract with the holders of its bonds, expressly authorizes and requires the Authority to invest bond funds not needed for

immediate use or disbursement, and specifically authorizes investment of such funds in certificates of deposit; and

WHEREAS, the Authority's bond funds are presently invested in money market funds that invest only in United States government securities which currently yield very low rates of return; and

WHEREAS, the Authority desires, in accordance with its Investment Policy, "to obtain a reasonable rate of return" on the funds in the Debt Service Reserve Fund ("DSRF") by investing those funds in certificates of deposit; and

WHEREAS, the Authority's Treasurer, Philip Soskin, recommends that the Authority invest the \$1,158,000 in its DSRF in bank CDs of less than \$100,000 in principal, so as to be covered by FDIC insurance. The bank CDs shall be recommended to the Authority by RBC Capital Markets, Corp., a subsidiary of the Royal Bank of Canada, which operates as a broker in the secondary market for CDs. The Treasurer shall select from the list provided by RBC Capital Markets the CDs of domestic United States banks to be purchased. Purchase of the CDs shall be through the Authority's trustee, Bank of New York, which shall be the holder of the CDs for the Authority's account; now therefore be it

RESOLVED, that the Authority hereby adopts the recommendation of the Treasurer as stated above, and authorizes him to do and perform all acts necessary to effectuate the above-described investments, including the opening of a brokerage account at RBC Capital Markets, Corp. and utilizing the brokerage services of RBC Capital Markets to acquire certificates of deposit of domestic United States banks, so long as the principal invested in and the interest accruing on such CDs are at all times covered by insurance provided by the FDIC.

4. Introduced by: Coker/Jobson/DuBow

Unan.

March 26, 2009

**Resolution No. 19 of 2009
Authorizing the Authority to Sponsor Earth Day Event
in an Amount Not To Exceed \$2,500**

WHEREAS, the Authority has received a request from local environmental artist and educator, Brooke Smokelin, aka "Vox Lumina", to sponsor an Earth Day event, scheduled to take place on May 2, 2009, with a rain date of May 3rd; and

WHEREAS, this second annual Earth Day celebration will include a parade through the streets of Nyack to Memorial Park; environmental art activities, such as making costumes and puppets using recycled and reclaimed materials; and presentation of awards and recycling awards to various individuals, municipal leaders, special guests, and community organizations; and

WHEREAS, the Authority's sponsorship will be recognized on all printed material used to advertise and promote the event, and any banners or posters displayed during the event; and

WHEREAS, the Authority desires to be a sponsor of the event in an amount not to exceed \$2,500.00; now therefore be it

RESOLVED, that the Authority will sponsor the Earth Day event organized by Brooke Smokelin, aka Vox Lumina, in an amount not to exceed \$2,500.00.

5. Introduced by: Phillips/Marino

Unan.

April 23, 2009

**Resolution No. 23 of 2009
Adoption of Minutes, Meeting of March 26, 2009**

RESOLVED, that the transcribed Minutes of the Rockland County Solid Waste Management Authority are approved for the meeting March 26, 2009, as recorded by the Clerk, and are hereby adopted.

Roppolo: We had an audit committee meeting with our auditors Bennett Kielson and discussed the 2008 draft financial statements and will be discussed at the next board meeting.

The work on the temporary storage pad at Clarkstown has not commenced. The DEC still has not responded to the plans we submitted in the beginning of February. We reiterated the urgent need for them to respond to our submission so we can meet their timeline which is outlined in the Dec consent Order.

St. Lawrence: I called up to the DEC so that we could speed up this process. I was told this could be done in a timely fashion and we need to have that moved forward.

Roppolo: We met with the carters, landscapers and the Rockland Business Association to receive input regarding the flow control regulations we discussed operational concerns and all the meetings were very informative and we were able to receive valuable input from these groups and also answered their questions regarding the regulations.

Gromack: Is flow control in place now and operational and are we doing anything to ensure that we are capturing all the waste and it's not going out of the County? There's some thought that we are not getting everything under the law.

St. Lawrence: The first thing I said at the meeting we had with the carters last week, is that the United States Supreme Court changed the law on April 1st of last year for flow control and the County adopted that law later in the year. If carters are picking up from any municipality in Rockland and taking it somewhere else, then it's against the law. We're going to call in police forces and there's no reason why in conjunction with the Solid Waste Authority we can't track what municipalities the different carters are picking up from. We also have the Authority doing a study on the historical numbers of how much is being generated in each municipality to see if that matches up. This board did vote to have inspectors to be hired. So we are going to move forward with more enforcement.

Phillips: Just to communicate upon how we had spoken in the past when I had concerns, I have to say they were addressed very quickly by the Solid Waste Authority. We had some carters that were not hauling to our transfer station and we've corrected that since then. We had everybody register and give all their locations and neighborhoods so we've been going around to track and check as well.

Gromack: Ralph do you have any insight on this within Clarkstown?

Lauria: We do sometimes see that carters aren't going to Clarkstown, but we don't know where they are going. I don't know how much we can enforce this in the town. We do know there was a previous incident where brush was going to Tuxedo.

Cornell: I guess we have to look then at the town code officers as to what they do when they see this. Whether they can or can not enforce this. It could be a weakness as time goes on if we can't issue the summonses.

St. Lawrence: Yesterday I informed the carters if they are picking up in a municipality in Ramapo and not bringing it to our facility then they will be running into the police. In Essex County where they have flow control there is a one-time fee of \$50,000 if you do not go to their facility which they enforce.

Phillips: What is our fine currently?

Gauntlett: The county flow control law does have fines of \$1,000.

Phillips: Why don't we encourage the county to increase that?

Cornell: We certainly can look at that, but I also do think there needs to be some clarification for all the code officers across the towns of what they should be doing about this.

St. Lawrence: We can look at a more monetary penalty, but I think education and notification to the carters that they have to do this and that we are enforcing.

Gromack: Perhaps we could meet with the police chiefs at the monthly association meeting so we could meet with them all at the same time and explain the law and how they would help us.

St. Lawrence: That sounds like a good idea.

Roppolo: I just want to note that the HHW resolution in the packet is for a one-year grant. The previous submission was for a three-year period, but the state only allows us to submit for one year.

Finally, Kerri was at RCC today for earth day.

Scales: We had 300 middle school age kids. I was a keynote speaker and I got a lot of feedback that it was the best presentation of the day.

St. Lawrence: I want to congratulate Janet Burnet as she will be receiving tomorrow the 2009 EPA Environmental Quality Award. This is a national award and we're very proud you bring this honor to us.

6. Introduced by: Gromack/Altieri Unan. April 23, 2009

**Resolution No. 24 Of 2009
Authorizing The Filing Of An Application For State Assistance From The
Household Hazardous Waste 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 herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the MUNICIPALITY deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein call the STATE, and the MUNICIPALITY be executed 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 of New York in conformity with the applicable laws of the State of New York, including all understanding and assurances contained in said application, is hereby authorized;
2. That the Executive Director or her designee is directed and authorized as the official representative of the MUNICIPALITY, 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 MUNICIPALITY agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by the State for the State share of such costs;
4. That five (5) Certified Copies of this Resolution be prepared and sent to the NYSDEC together with a complete application.
5. That this resolution shall take effect immediately.

7. Introduced by: Phillips/Grant Unan.

April 23, 2009

**Resolution No. 25 Of 2009
Establishing The Position Of Control Clerk I (RCSWMA)**

WHEREAS, the Authority is in the process of acquiring additional facilities and operations and needs an additional staff position of Control Clerk I (RCSWMA), 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; and

WHEREAS, the position of Control Clerk I (RCSWMA) to the Rockland County Solid Waste Management Authority has been established by the Rockland County Department of Personnel; and

WHEREAS, the position of Control Clerk I (RCSWMA) to the Rockland County Solid Waste Management Authority also must be established by the Authority Board; now therefore be it

RESOLVED, that the position of Control Clerk I (RCSWMA) to the Rockland County Solid Waste Management Authority be and it is hereby established as a full-time position.

Bierker: No documentation was submitted other than the job specification. I don't have anything from the office of Personnel so I'm somewhat in the dark about this positive. I think we should be more diligent to provide these documents for new positions and was this budgeted for?

Roppolo: The PO27 wasn't in the packet because it was signed after the packet went out and yes the position is in the budget for \$35,000.

8. Introduced By: Phillips/Grant
Bierker – Oppose
Kay - Abstain

April 23, 2009

Resolution No. 26 Of 2009
Appoint Control Clerk I (RCSWMA)
To The Rockland County Solid Waste Management Authority

WHEREAS, the position of Control Clerk I (RCSWMA) was established by the Rockland County Department of Personnel and by Authority Board Resolution No. 25 of 2009; and

WHEREAS, the Authority Board desires to fill that position with the provisional appointment of Noreen Gelok, at an annual salary of \$35,000.00, and all other benefits of such employment; now therefore be it

RESOLVED, that the Authority Board hereby provisionally appoints Noreen Gelok as Control Clerk I (RCSWMA) to the Rockland County Solid Waste Management Authority, effective May 18, 2009, at an annual salary of \$35,000.00, and all other benefits of such employment.

Kay: When we discuss personnel, should we be in an executive session? The resume is not attached so we have no background and was this person taken off the County list?

Roppolo: There was not a list for this position?

Kay: Since there's no list doesn't the person have to go through the County procedure?

Roppolo: Yes. The person did go through the County procedure the position went to the County and classified as Control Clerk I and when the state puts out the test the person will take the exam.

Kay: So currently there is not one on the list?

Bierker: Was the job posted so others could apply for the position?

Roppolo: No

Bierker: I strongly urge that this gets tabled.

Phillips: I'd like to remind my colleague that we have had a number of occasions where we have created positions because the Executive Director has come to us and said this is the position I need. People have applied for positions constantly at the Solid Waste Authority. This is a competitive position and it's not

as if this position is not going to go under the scrutiny of Civil Service. We have a motion and a second and I would like to vote on this.

Kay: There's only one applicant?

Roppolo: There were a couple of people that were interested, but this person showed she had the background for what was needed.

Phillips: This position will be located where?

Roppolo: This position will be located at the Haverstraw and Clarkstown transfer stations.

Marino: Were you the person that did the interviews?

Roppolo: Primarily and Suzanne. This is a competitive position and they have to take an exam.

9. Introduced By: Gromack/Phillips Unan. April 23, 2009

**Resolution No. 27 Of 2009
Authorizing The Filing Of A SEQRA Negative Declaration In
Connection With Improvements To Clarkstown Solid Waste Facilities**

WHEREAS, by Resolution No. 32 of 2007, the Authority authorized the acquisition of the Town of Clarkstown Transfer Station, Scale House, Yard Waste Composting Facility, Wood Mulching Operation, and Concrete and Asphalt Crushing Operation (collectively, "Clarkstown Solid Waste Facilities"); and

WHEREAS, the Authority desires to make certain improvements to the Clarkstown Solid Waste Facilities set forth in the attached Short Environmental Assessment Form ("EAF"), attached hereto as Exhibit "A", prepared by William F. Cosulich Associates, P.C.; and

WHEREAS, the Authority has determined that the proposed action is an Unlisted action under SEQRA; and

WHEREAS, the Authority has reviewed the attached EAF, which considers whether there are any environmental impacts of such proposed improvements to the Clarkstown Solid Waste Facilities; now therefore be it

RESOLVED, that the Authority adopts the findings and conclusion relating to the probable environmental impacts contained within the attached EAF and the Negative Declaration, attached hereto, finding that the proposed action will have no significant impact on the environment; and be it further

RESOLVED, that the Executive Director or her designee is authorized to execute the EAF and file the Negative Declaration in accordance with the applicable provisions of law.

Kleiner: This is on the acquisition for the purpose of conditions for improvements?

St. Lawrence: This is on the improvements with the plan to consent to open.

At the Clarkstown facility we have a pile of about 100 thousand tons of concrete. We have crushed about 60% of the material and we are anticipating taking in concrete again around May 15th.

Phillips: I just want to thank Denis O'Donnell because I had a great tour of the facility. I'm impressed with the amount of compost that is being produced and also the recycling of the macadam. We are actually making money on the side product and I think that's the whole idea of recycling. I urge all of our members to take a tour of what's going on.

St. Lawrence: The next item for the Executive Director is being tabled. We will meet with the Executive Committee and view where we are this year and see what kind of salary savings we can post in 2009 and look to go forward. We will look at the position for Executive Director and the Director of Finance and see what salaries we want for those. We should do one global view and have the Executive Committee report back to the board.

Coker: I appreciate what Legislator Bierker and Mayor Kay brought up about if we are going to vote on personnel, we really do need to look at the resume otherwise we should set it up so that we don't vote on every personnel. I think they brought up something important and so we don't look like the Grinch and that we just don't want to hire these people.

Phillips: I agree with Ms. Coker. But I think if we are going to get into the minutia of clerical positions, it will come down to how we micro manage the Solid Waste Authority. I think we have to leave certain discretion to our Executive Director to be able review these positions and let her interview and determine. Otherwise we'd have to be at the Authority full time as well.

St. Lawrence: I think this was an oversight and timing of getting the information into the board packet. Every Board member should get enough information that is available so they can look the material over and ask questions even before the meeting. Those items weren't in the packet but have been distributed to everyone on the board now. I do agree with Mr. Phillips and the Executive Director made a recommendation with the needs of the Authority and her staff.

Coker: That was my point; don't give us something to vote on without the information. I'm perfectly comfortable having people at the Authority making these decisions without me voting on it. But, if you're going to make me vote, then give me the information.

St. Lawrence: Point well taken.

Bierker: I have no desire to micro manage the Authority and I have no difficulty making sure the Executive Director has a certain degree in autonomy in discharging her duties. However, I do want to avoid the appearance of incestuous relationships between the Solid Waste Authority and other groups. This should have been posted and people should have the opportunity to apply for the position, which as far as I know didn't occur. This has nothing to do with the current applicant. I'm sure she's wonderful. It's not the right way to do business and I'm uncomfortable doing business that way and if I have to be a Grinch to get my point across, so be it.

St. Lawrence: Thank you for your comments I don't look at you as being a Grinch at all. I think your scientific background at many of our meetings very helpful. I know you are a big supporter of the Authority and the wonderful things we've accomplished here in Rockland County.

Kleiner: I just want to mention that Clarkstown is sponsoring an environmental meeting tonight and Saturday Orangetown is having a recycling fair at the Orangetown Highway Department.

St. Lawrence: Motion to adjourn?

Marino: Moved

Philips: Seconded

Respectfully submitted,
Suzanne Haggerty