

Rockland County Solid Waste Management Authority
Minutes
April 29, 2004

Members Present

B. Berliner
E. Devine
T. Dusanenko
A. D. Jobson
C. Holbrook
T. Kleiner
H. Marshall
H. Phillips
I. Schoenberger
P. Soskin
F. Wassmer
K. Zebrowski

Members Absent

C. St. Lawrence
S. Corallo
D. Jobson
Dr. Yarmus
P. Moroney

Others Present

R. Delo
B. Gauntlett
T. West
T. Pytlar
J. Burnet
J. Klos
S. Simon
K. Scales
H. Benado
D. O'Donnell

Supervisor H. Phillips, Vice Chairman called the meeting to order at 5:10 p.m.

Item #3

Resolution No. 15 of 2004
Adoption of Minutes, Meeting of March 25, 2004

T. Dusanenko offered the following resolution, which was seconded by H. Marshall and was approved unanimously, and,
RESOLVED, that the transcribed Minutes of the Rockland County Solid Waste Management Authority for the meeting of March 25, 2004 as recorded by the Clerk are hereby adopted.

Item #4
WFC

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

- ℞ Continued to assist Authority with support to the WasteWise Committee and the Reduction Program and Commercial/Institutional Recycling Program
- ℞ Assist Authority staff in procurement of recyclables collection vehicle and containers; part of CI program implementation
- ℞ Assisted Authority staff in obtaining waste generation, collection, and recycling information from schools
- ℞ Received and reviewed proposals for Materials Recovery Facility (MRF) operator replacement contract
- ℞ Attended presentations by proposers and prepared questions for response by proposers

- ℞ Preparation of SEQR Negative Declaration for proposed Torne Valley Road compost operation
- ℞ Assisted Authority in discussions with Orange and Rockland Utilities/Con Ed, Ramapo Land Company, and the Town of Ramapo regarding easements and acquisition of the Composting site
- ℞ Prepared preliminary grading and storm water control plans for the Composting site
- ℞ Prepared Storm Water Management Program Annual Report
- ℞ Continued work on Cocomposting Facility Replacement Operator Procurement
- ℞ Inspected Sludge Composting Facilities with regard to corrosion control and expansion options
- ℞ Continued preparation of analysis of expansion and efficiency improvement options
- ℞ Prepared final grant application for Wood Drying Project
- ℞ Contacted NYSDEC regarding status of Authority request for Transfer Station modification for solid waste intake increase
- ℞ Transfer Station Permit renewal issued by NYSDEC

K. Zebrowski complimented T. Pytlar & WFC for work that was preformed on the proposals for the MRF.

Executive Director

R. Delo stated that it appears that Sullivan County will not available to the Authority in the near future. R. Delo has not spoke with H. Smith of Sullivan County to see the time frame for this termination but have spoken with J. Miele of Miele Sanitation, operator of transfer station to set up a meeting to discuss what this will mean for the operations of the transfer station.

H. Phillips questioned when the meeting with Miele is?

R. Delo answered that the meeting is set up for next week when R. Delo and J. Miele are at the Solid Waste Conference at the Sagamore.

H. Phillips questioned the time frame for when the Authority can no longer use Sullivan County?

R. Delo answered that he does not have a date as of yet.

K. Zebrowski recalled a year and half ago when the Authority Board were having discussions about this same thing and it appears that the panacea that the Authority hoped for has now fell through. Is that correct?

R. Delo answered yes and the Authority had the advantage to using the facility for the past year and a few months at good rates and it is still a possibility that if the expansion is approved we can go back there.

K. Zebrowski stated that there is a lesson to be learned.

R. Delo stated that one of the dilemmas that Rockland faces is that we are dependant on the exportation of waste and politics change and the panacea will evaporate.

H. Phillips questioned if the Authority would be looking at Masada?

R. Delo stated that Masada has been telling us for a number of years that construction will start and the schedule keeps getting changed. It is something that we should track.

K. Zebrowski questioned if the technology is sound?

R. Delo answered that is has not been tried and tested but will the technology work at an economic price and the way that they want to do it, he is unsure.

H. Phillips questioned what are we doing now to come up with a new source of disposal?

R. Delo answered that the current operator at the transfer station is responsible to provide disposal for all the waste at the transfer station. Sullivan County was only a proportion of the total amount of waste that the Authority needed. The real issue is that Miele is going to seek additional compensation for not having Sullivan County available at \$43/ton. There will not be an issue finding a place to take the MSW but how much more it is going to cost.

K. Zebrowski stated that we are confronting the same issue as a year and a half ago.

R. Delo agreed.

H. Phillips questioned if Miele has given us a proposal?

R. Delo answered that he is seeking a \$1/ton with delivering some waste to Sullivan County and now that we are not going to be taking any waste their R. Delo thinks that there would be a \$2/ton increase.

H. Phillips questioned if the Authority has money in contingency for this?

R. Delo answered that he thinks that the Authority will be ok however the Authority established the tipping fee at \$71/ton for everything coming in and a rebate program to rebate the participating municipalities \$8/ton on the basis that the Authority was paying Miele \$62/ton and the Authority kept \$1/ton for administrative fees. If the Authority pays Miele \$64/ton then the Authority will be losing \$1/ton on the rebate and may have to revisit this rebate program.

H. Marshall questioned what happened to the contract?

R. Delo answered that our attorney's are looking at that but this would fall under an uncontrollable circumstance.

K. Zebrowski stated that the real issue was that the Authority look at this as a long-term answer and we shifted responsibility from the operator to the Authority and now we are shifting the responsibility back to the operator. Good lesson for the future to safe guard our situation.

R. Delo reminded the Board that 1 year ago the Authority got into this situation because the state of Pennsylvania imposed a tax on all waste coming into Pennsylvania and it is R. Delo's understanding that that the Governor has put into his budget another tax increase and as a result of this increase Mr. Miele wanted out of his contract because under the contract the Authority did not think that Miele was entitled to the increase and the Authority might end up in litigation. The Authority ended up negotiating the contract but it cost the Authority more money.

A. D. Jobson questioned if the Peekskill site is available to the Authority?

R. Delo answered at a higher cost and the Peekskill facility has limited capacity. In the future the Authority might be able to work out with Peekskill an agreement to trade waste because Peekskill exports all their yardwaste.

R. Delo stated that he hopes all the members received the HHW brochure and immediately the number of cars at the facility went up by 100 cars. J. Klos is researching the electronic display signs at various government locations.

Motion to Approve WFC and Executive Director's Reports
Zebrowski/Wassmer Unan.

Item #5

**RESOLUTION NO. 16 OF 2004
ESTABLISHING THE WORKING HOURS FOR THE
CONFIDENTIAL SECRETARY**

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 person encumbering the Confidential Secretary position has requested a reduction in hours as per the attached memo dated April 8, 2004, and

WHEREAS, that the Confidential Secretary shall perform 70 hours of service to the Authority per bi-weekly pay period with full benefits at the same hourly rate, and be it,

RESOLVED, that the Confidential Secretary shall perform 70 hours of service to the Authority per bi weekly pay period with full benefits.

H. Phillips stated that this position is currently an 80-hour per bi-weekly pay period and a reduction to 70 hours per pay period with full benefits is requested.

T. Dusanenko questioned if the office is open 40 hours per week?

R. Delo answered that the office has staggered hours so that there is always coverage.

T. Dusanenko questioned if the person wants this?

R. Delo answered the employee requested it.

Motion to Approve

Schoenberger/Zebrowski Unan.

Item #6

R. Delo stated that three firms were interviewed on Tuesday, FCR, Hudson Baylor and Recycle America (Waste Management), the time frame that we have asked each of the proposers to get back to us is next Friday with answers to written questions and to sharpen their pencils to reduce their costs. The Authority also requested floor prices that can be held firm for 2-5 years.

K. Zebrowski questioned is May 27 enough time?

R. Delo answered that it will be very tight. Might have to move the May meeting to June.

Item #7

Resolution No. 17 of 2004 Rejecting All Bids for Tub Grinder

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

WHEREAS, the Authority has issued an Invitation to Bid for "one heavy-duty commercial diesel powered tub grinder, hammermill type, with rotating tub, fifth wheel mounted, towable and self-loading with rational grapple" and,

WHEREAS, the Authority has received two bids for such tub grinder and upon review of such bids has determined that the best interest of the Authority will be served by rejecting all bids and advertising for new bids; therefore be it

RESOLVED, that the Authority hereby rejects all bids received for the above-referenced tub grinder.

H. Phillips stated that the Authority is rejecting all the bids and will be re-bidding this.

Motion to Approve
Holbrook/Kleiner Unan.

Item #8

R. Delo stated that in the packets is the draft of the Storm Phase II Annual Report as part of our Solid Waste Facilities. The Authority is required to discuss this in an open meeting and this document is one file at the office if anyone wants to look at it. This report is to show that the Authority properly inspects, cleans and maintains our storm water drains. Also our contractors for the MRF and Coco are required to do certain things and I have letters from them stating that they do perform these tasks. The other part has to do with education and the Authority is very active with the Stream Team Program, markers are being put on all of the drains and the HHW brochure advertise about the stream team program.

Motion to accept the report
Holbrook/Marshall Unan.

Item #9

Pulled

New Business

Motion to waive all the rules and consider the items under New Business

Zebrowski/Wassmer Unan.

Item 1A

**RESOLUTION NO. 18 OF 2004
APPOINT JOHN DOWNEY, AS WEIGHER II W/CDL 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 Title 13-M of the Public Authority Law of the State of New York, and,

WHEREAS, John Downey is reachable on the Eligible List #03158 and it is the Authority’s desire to permanently appointment this employee to the position of Weigher II w/CDL and, therefore be it

RESOLVED, that the Authority Board of the Rockland County Solid Waste Management Authority hereby appoints John Downey, as Weigher II w/CDL to the Rockland County Solid Waste Management Authority as a permanent employee and, be it,

RESOLVED, that this resolution be sent to the Department of Personnel for his appointment.

Motion to Approve
Zebrowski/Holbrook

I Schoenberger questioned if this is a current employee?

R. Delo answered yes.

Unan.

Item 1b

**RESOLUTION NO. 19 OF 2004
APPOINT ERICA ANDERSON, AS WEIGHER II 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 Title 13-M of the Public Authority Law of the State of New York, and,

WHEREAS, Erica Anderson is reachable on the Eligible List #03158 and it is the Authority’s desire to permanently appointment this employee to the position of Weigher II and, therefore be it

RESOLVED, that the Authority Board of the Rockland County Solid Waste Management Authority hereby appoints Erica Anderson, as Weigher II to the Rockland County Solid Waste Management Authority as a permanent employee and, be it,

RESOLVED, that this resolution be sent to the Department of Personnel for her appointment.

Motion to Approve
Wassmer/Berliner Unan.

Item 1C

**RESOLUTION NO. 20 OF 2004
DECLARING THE INTENT OF THE RCSWMA TO ISSUE A
NEGATIVE DECLARATION FOR THE TORNE VALLEY
YARD WASTE FACILITIES**

WHEREAS, the Torne Valley Yard Waste Facility is to be financed and constructed by the Rockland County Solid Waste Management Authority (RCSWMA) as part of a comprehensive plan to provide yard waste service to areas of Rockland County, and

WHEREAS, a preliminarily preferred site has been identified by the Solid Waste Management Authority, and

WHEREAS, under SEQR, a lead agency must be designated to conduct the environmental review of the proposed action, and

WHEREAS, The RCSWMA is the agency that will most closely be involved with the planning, designing, and construction of the Torne Valley and Stony Point Yard Waste Facilities, and the operation and maintenance of the completed Yard Waste Facility, and

WHEREAS, on or about March 4, 2004, the RCSWMA declared its intention to be lead agency for the purpose of conducting an environmental review of the Torne Valley Yard Waste Facility, and

WHEREAS, absent any objections to this Declaration on April 5, 2004, the RCSWMA became lead agency for this project, and

WHEREAS, the RCSWMA, as lead agency, has conducted a coordinated review of this proposed project, and

WHEREAS, the RCSWMA has determined that the proposal project is an unlisted action and will not have a significant environmental impact, and now therefore, be it

RESOLVED, that the Executive Director is hereby authorized and directed to take any and all necessary or appropriate actions for the Authority to issue a Negative Declaration for this project.

Motion to Approve
Wassmer/Zebrowski Unan.

Item 1d

H. Phillips stated that this item is for a deputy counsel for the Authority at a salary of \$20,000/yr. The Chairman has interviewed this individual and he has intensive background in the labor relations' field. The candidate's name is Keith Braunfotel.

RESOLUTION NO. 21 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 benefit corporation, duly organized and existing under the Rockland County Solid Waste Management Authority Act (the "**Act**"), Title 13-M of the New York State Public Authorities Law and,

WHEREAS, Section 2053-c (4) of the Act provides that an Attorney shall be selected by the Members of the Authority and,

WHEREAS, the Authority has determined that a new position of Assistant Attorney to the Authority shall be created and,

WHEREAS, Keith Braunfotel, Esq. is hereby selected as Assistant Attorney to the Authority to serve in such capacity at the pleasure of the Authority, and therefore it is hereby,

RESOLVED, Keith Braunfotel, Esq. is hereby selected as the Assistant Attorney to the Authority to serve in such capacity at the pleasure of the Authority, subject to classification of the position and approval of his application by the Rockland County Personnel Department, effective immediately upon such approval, and be it further

RESOLVED, that the compensation for the said deputy counsel's services for the year 2004 shall be the sum of \$20,000 and be it further,

RESOLVED, that the deputy counsel shall perform 12 hours of legal services per week under the general supervision of the Authority Attorney and be it further,

RESOLVED, that the Executive Director of the Authority is authorized to transfer money into the appropriate account to pay for said deputy counsel's services.

Motion to Approve
Wassmer/Zebrowski

T. Kleiner questioned what is the need for this position?

K. Zebrowski answered that this position will compliment B. Gauntlett's position and help with labor issues.

T. Dusanenko questioned A. Etelson's salary?

R. Delo answered \$48,000/yr.

T. Dusanenko questioned the replacements salary?

R. Delo answered \$77,800/yr.

T. Dusanenko stated plus an additional \$20,000/yr.

Roll call was taken:

Yeas:

B. Berliner, E. Devine, A. D. Jobson, C. Holbrook, H. Phillips, I. Schoenberger, P. Soskin, F. Wassmer, K. Zebrowski

Nays:

T. Dusanenko, T. Kleiner, H. Marshall

Motion carries.

P. Soskin questioned if the meeting will be moved to June?

R. Delo stated that it would be moved to the first week in June.

Item 1e

RESOLUTION NO. 22 OF 2003 RESCHEDULING OF MAY 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 Authority Board and the Executive Director requested to move the May 27, 2004 monthly meeting ahead one-week to have enough time to complete the review for a new operator at the Material Recovery Facility, and, now therefore be it

RESOLVED, that the Authority meeting for the month of May shall take place on Thursday, June 3, 2004, and be it further

RESOLVED, that the June 3, 2004 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
Berliner/Kleiner Unan.

No public participation was offered.

Motion to Adjourn
Marshall/Berliner Unan.

Respectfully Submitted,

Camille Guido-Downey