

**Minutes**  
**Rockland County Solid Waste Management Authority**  
**May 23, 2002**

**Members Present**

K. Zebrowski  
B. Berliner  
S. Corallo  
E. Devine  
T. Dusanenko  
F. Fornario  
D. Jobson  
T. Kleiner  
H. Marshall  
F. Wassmer  
Dr. Yarmus

**Members Absent**

C. St. Lawrence  
C. Holbrook  
S. Hurley  
R. Karben  
H. Phillips  
I. Schoenberger

**Others Present**

R Delo  
A. Etelson  
T. Pytlar  
T. West  
K. Scales  
H. Schucker  
S. Simon  
B. Butterworth  
S. Orfini  
K. DeLong

The meeting was called to Order by K. Zebrowski at 5:10 pm.

**Item #3**

**Resolution No. 17 of 2002**  
**Adoption of Minutes, Meeting of April 25, 2002**

B. Berliner offered the following resolution, which was seconded by S. Corallo and was approved unanimously,

**RESOLVED**, that the transcribed Minutes of the Rockland County Solid Waste Management Authority for the meeting of April 25, 2002 as recorded by the Clerk are hereby adopted.

**Item #4**

**Reports - WFC**

T. Pytlar stated that WFC has been working on grant funding from the State, which is now approving money for the recycling and composting programs. The NYSDEC has informed the Authority that in the near future the Authority will need to submit the final application for various equipment at the MRF and Coco that would apply to the efficiencies of the operations at the facilities and also enable small businesses and institutions to deliver materials to the Authority's facilities. WFC has continued to assist the Authority with the dispute with WM regarding the operation of the MRF. WM has been finding various means of withholding money from the Authority that has included items outside the contract. WM has been charging the Authority for the negative market situation. WM is stating that the Authority should pay to dispose of the material when the market is negative. WM is also charging the Authority for when the recyclables are downgraded by the market. These items are in violation of the contract. The Authority

also feels that WM is underpaying them for the value of the newspaper. In addition, WM is attempting to reject loads at the facility without justification as per the agreement. WFC has been assisting the Authority in these matters and supporting the Authority in the same. At the transfer station the final punch list items are under way. The contractor has carried out the major repair work to the transfer station floor.

**Executive Director**

R. Delo introduced Kira Delong from Global Action Plan as the new campaign manager who will be working with Renee Fogerty. R. Delo stated that he has been interviewing candidates for the Recycling Coordinator position. There is a civil service list for this position and there are six people on the list. Follow up work will be completed soon to select a candidate. The Authority is waiting for the classifications from the County for the positions at the pre-processing facility. The floor has been repaired and the Authority is waiting for the positions to get established to get the facility on-line. WFC is assisting the Authority with the WM dispute with the technical issues of the dispute. R. Wasserman, special counsel for this matter, has drafted a request for documents from WM and has an amended complaint to address these issues. WM has also used an excess of electricity at the facility for the past two years. The Authority notified WM of the amount owed and WM is now disputing this amount so this item is now included in the complaint for the courts to decide. This dispute is moving slowly but is moving.

H. Marshall questioned what is being done to monitor the recyclables that are being put into the garbage. WM is the Village's carter and the Village has strong evidence that the carter is mixing the recyclables with the garbage.

R. Delo answered that what the Authority does in these cases is call the municipality to advise them of the situation and then call the health department who is the enforcer of the local law. This activity is a violation of the County Source Separation Code. WM that operates our facility and WM that does residential pick up is not the same contract. WM is not under contract with the Authority for any residential pick up contracts. R. Delo advised H. Marshall to phone J. Puchalik at the Health Department to discuss his concerns. R. Delo also stated that the Authority would help in any way.

**Item #5**

**RESOLUTION NO. OF 2002  
AUTHORIZING AMENDMENT NO. 14 TO WILLIAM F. COSULICH  
ASSOCIATES CONTRACT WITH THE AUTHORITY TO EXPEND  
ADDITIONAL ENGINEERING FEES REQUIRED FOR CONSULTING  
SERVICES FOR THE AUTHORITY'S OPERATIONS**

**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**, in order to serve the public need as set forth in its enabling legislation, the Authority has constructed a Materials Recovery Facility and Sludge Cocomposting Facility at its site at Torne Valley Road in Hillburn, New York, and

**WHEREAS**, said facilities have been in operation since June, 1998, and

**WHEREAS**, the firm of William F. Cosulich Associates (the "Engineers") are the engineering consultants to the Authority under the 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 May 17, 2002 letter together with Attachment I consisting of three pages which attachment describes the tasks, total amount budgeted through Amendment No. 13 in the sum of \$874,100.45 and the total amount billed through April 26, 2002 in the sum of \$847,069.93, and Attachment 2 dated May 17, 2002 consisting of two pages which attachment describes the proposed tasks and proposed budget for Amendment 14 totaling \$374,500, and

**WHEREAS**, the additional budget in large part is necessitated by the extensive work that William F. Cosulich has performed and will continue to perform in connection with the dispute and litigation with Waste Management of New York concerning the Materials Recovery Facility, and

**WHEREAS**, the Executive Director has reviewed the proposed amendment No. 14 and recommends its approval, therefore, be it

**RESOLVED**, that the contract for services with William F. Cosulich Associates be enlarged by Amendment No. 14 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 \$374, 500, and it is further

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

K. Zebrowski stated that at the request of the Chairman this item is pulled for further discussion at a later meeting. K. Zebrowski deferred to T. Pytlar to make a presentation on this item.

T. Pytlar stated that the Authority approved Amendment No. 13 one year ago. That amendment outlined various tasks that WFC was to perform which were intended to acquire a one-year term. One task that was carried out for the Authority has remained in budget but a number of tasks in that amendment were not carried out due to a lack of grant authorization from the State. However a major item of work that was not anticipated was the efforts to assist the Authority with the dispute with WM regarding the

operations of the MRF. These efforts that WFC has been assisting in consists of monitoring WM operations, documenting WM actions as per the agreement, conducting a study of sampling of the materials that were rejected at the facility. These items used up a lot of the budget that was allocated from last year. In summary, WFC has remained in budget from last year however the WM dispute has used up a lot of the money.

S. Corallo stated that the total amount of amendments from 1998 to now is \$874,000. For this Amendment WFC is requesting \$374,500 which is almost a 50% increase. Is this increase for more than one-year term?

T. Pytlar answered that some tasks are for one year such as monitoring the operations of the facilities to make sure that the contracts are compiled with. Some items are project basis such as the design of the wood drying area/system at the Cocomposting facility. This project design will cost \$150,000. In addition there is a cost to design of a recycling ramp for the Town of Orangetown because they cannot use the Clarkstown Facility for off loading their recyclables. In conclusion, there are some items that are one-year terms and there are some items that are longer. With the WM dispute, WFC is allocating \$50,000 to continue to assist the Authority. This item is WFC's best guess of what it would cost, no one knows how long the dispute will last.

C. Corallo requested a break down of how these costs and how they were arrived at for the board at our next meeting.

K. Zebrowski clarified that T. Pytlar should provide a segregation of items list of what funds were spend in each area.

T. Pytlar agreed and will forward to the board.

**Item #6**  
**Information-Authority Audit for Year Ending 2001**

K. Zebrowski requested the board to hold comments until the next meeting.

**Item #7**  
**New Business**

T. Dusanenko stated that on the summary of outstanding amounts owned the Authority should watch Interstate Waste balances. They look as though they are accumulating a large balance quickly.

R. Delo stated that the Authority is watching IWS closely and they have doubled their usage at the transfer station in a short period of time. However, the Authority has an agreement with them and the Authority has a \$200,000 payment bond in place. IWS is going to continue to bring in waste at this high volume and the Authority has been discussing with IWS increasing the payment bond to \$300,000.

Motion to adjourn  
Yarmus/Corallo      Unan.

Respectfully Submitted,  
Camille Guido