

Minutes
Rockland County Solid Waste Management Authority
April 27, 2000

Members Present

C. St. Lawrence
L. Dessau
T. Dusanenko
F. Fornario
C. Holbrook
S. Hurley
D. Jobson
T. Lawless
H. Phillips
H. Reisman
Dr. J. Yarmus
K. Zebrowski

Members Absent

J. Dillon
R. Karben
T. Kleiner
A.Thompson

Others Present

R. Delo
A.Etelson
T. West
S. Orfini
B. Beckman

The meeting was called to order at 8:20 p.m.

Item #3

RESOLUTION NO. 23 of 2000

ADOPTION OF MINUTES, MEETING OF APRIL 27, 2000

C. Holbrook offered the following resolution, which was seconded by K. Zebrowski and was approved unanimously,

RESOLVED, that the transcribed minutes of the Rockland County Solid Waste Management Authority as recorded by the Clerk are hereby adopted.

Item #4-REPORTS

a) William F. Cosulich Associates

R. Delo stated that T. Pytlar was unable to attend this meeting due to a death in the family. There is the monthly report in the packet and R. Delo would answer any questions.

Motion to Accept
Zebrowski/Dessau Unan.

b) Executive Director

R. Delo stated that reports from various staff members are in your packets. Our dedication went very well and everything is operating satisfactorily.

C. St. Lawrence stated that the Authority would like to thank Hawkins Delafield & Wood and William F. Cosulich Associates for hosting the dedication.

Item # 5

**RESOLUTION NO. OF 2000
ESTABLISHING THE POSITION OF
PROGRAM ASSISTANT AND
SETTING THE SALARY FOR SAME**

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, the Authority has completed construction of its Solid Waste Management Facilities (the “Facilities”), comprised of the Cocomposting Facility (the “Coco”) and the Materials Recovery Facility (the “MRF”), and,

WHEREAS, an Education Center was built within the MRF to better educate the public on the Authority’s Solid Waste Management Programs, and,

WHEREAS, to forward those services the Authority requires certain employment positions to be filled, and, therefore be it,

RESOLVED, that the Authority does hereby establish the position of Program Assistant, and, be it further,

RESOLVED, the new Program Assistant for the Rockland County Solid Waste Management Authority shall have the starting salary of \$35, 938 per year, with a 40 hour per week work schedule, and be it further,

RESOLVED, that the Executive Director is hereby authorized and directed to take such steps as may be necessary to carry out the intent of this Resolution.

(This item was pulled)

Item #6

**RESOLUTION NO. 24 OF 2000
Establishment of Policy for Value of
Capitalized Items Versus Expendable Items**

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, the Authority employs the firm of BENNETT, KIELSON, STORCH, YABLON and DESANTIS, LLP, certified public accountants to audit their financial records, and

WHEREAS, the said accounting firm has suggested in a written audit for the Authority that the Authority establish a policy of setting a value for items purchased by the Authority as capitalized purchases or expendable purchases, and

WHEREAS, the Authority has decided to place a value of no more than two thousand five hundred and 00/100 (\$2,500.00) dollars for expendable purchases of single items and to capitalize all purchases in excess of two thousand five hundred and 00/100 (\$2,500.00) dollars of single items, now therefore be it

RESOLVED, that all future purchases of single items by the Authority exceeding two thousand five hundred and 00/100 (\$2,500.00) dollars be capitalized and all future purchases of single items by the Authority of two thousand five hundred and 00/100 (\$2,500.00) dollars or less be expendable and that the same be so carried on the books of the Authority.

Discussion

R. Delo stated that Bennett & Kielson did our audit last year and they recommend that we establish a policy for the value of an item that would be considered expendable versus a capitalized item. The letter in the packet from Bennett & Kielson recommending this and based on the discussions with them I am recommending that we set the limit at \$2500.00. Any item that was purchased at \$2500.00 or more is a capitalized item and any item under that is an expendable item.

A. Etelson stated that the correct wording is if it exceeds \$2500.00 or more.

Motion to Approve
Zebrowski/Fornario Unan.

Item #7

**RESOLUTION NO. OF 2000
Establishment of Salary Schedules for
Part-time Positions of the 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, the Authority employs full-time personnel and part-time personnel in order to handle its day to day operation, and

WHEREAS, all of the full-time personnel of the Authority receive, in addition to their salary, yearly increments in the sum of five (5) percent at the conclusion of their respective first, second, third, fourth, fifth, sixth, tenth, fifteenth, twentieth, and twenty-first years of service, cumulatively, and

WHEREAS, the full-time and most part-time personnel of the County of Rockland likewise receive similar increments in salary, and

WHEREAS, the Authority believes that in fairness and consistent with the increments received by part-time personnel receive comparable increments of salary, now therefore be it,

RESOLVED, that the part-time personnel of the Authority receive the same increments in salary as the full-time personnel as set forth above.

K. Zebrowski stated that this item be deferred to the next meeting of the Authority.

(This item was pulled)

Item #8

Discussion-Proposed Investment Policy

T. West stated the investment committee met and reviewed the policy that was adopted by the County of Rockland and which the Authority has been following. The committee modified the policy to fit the Authority needs i.e. the requirements of the Act and the day to day operations of the Authority. A summary of the proposed investment policy has been circulated to the Authority Members. The summary of the investment policy includes a scope, objectives, delegation of authority, prudence, diversification, internal controls, designation of depositaries, collateralizing of deposits, permitted investments, safekeeping & collateralization. The treasurer is actually delegated to administer and implement the policy. One important part of the internal controls is a cash management system which is available at any given time, you can pull up on the computer the total money available. One major change is the permitted investment is a change from the County Law which are under local finance laws, the Authority has similar laws under the act. When the Authority issue bonds and invest our bond proceeds we can invest them into security and custodial agreements. It was modeled from the County and modified for the Authority.

S. Hurley questioned modernization, in the towns we have a list of formulas. Is that going to be in this policy?

T. West stated that this is only the summary and the policy will have that. Once the investment committee reviews that we will input that into the policy.

S. Hurley questioned if the Authority still relies on the County to do the investing for the Authority?

R. Delo stated no, the Authority does its own investing.

T. West stated in the policy there would be an internal cash management system.

F. Fornario questioned if the Authority has any arbitrage events?

R. Delo stated that the Authority does have some events.

T. West explained that it is only on the bonds for the Cocomposting Facility because it was EFC money, which is a very low interest rate. So you tend to have a higher yield and with the construction that went longer then it was supposed to.

F. Fornario questioned if it is an honor system or is the federal government able to check up on it?

T. West stated that it is honor system, but that they can always check up on you. We have made those rebate calculations when going though the funds available for the Transfer Station Project, we ear marked the funds that were needed to cover the expense.

C. St. Lawrence stated that looking over the banks, the County investment policy prohibits Provident Bank from being one of the designated banks because it is a charter bank. Under the NYS Laws they can not participate. Under our laws I think that they might be able to participate with the Authority. They are a local bank and they do a lot for the community. Any input any member might have please give to the committee which consists of C. St. Lawrence, Zebrowski, Fornario, and Karben, along with the Executive Director, Authority Accountant, Financial Advisor. It is very important that the Authority has an investment policy, since up to now the Authority does not

Item # 9

Discussion-Solid Waste and Recyclables Collection Licensing Law

C. St. Lawrence stated that Chairman Reisman last year set up a committee to review the possibilities of setting up some licensing laws for the carters.

T. West stated that in your packets is a summary of Westchester County, New York City, and Town of Clarkstown Solid Waste or Waste Trade Licensing Commissions. The licensing process is a background check and financial disclosure by the carters in a effort to eliminate the influence of organized crime. This is something that would have to be enacted by the County Legislature. The Authority can license haulers to use our facility but not to give them permission to haul within the County. With all of the three commissions they issue the licensing. These commissions are created just to issue licenses.

K. Zebrowski stated that he has established an open dialog with George Latermer, Chairman of the Westchester County Board of Legislators, and would be more then happy to widen that dialog to include this issue.

C. St. Lawrence stated that Abby Popper from Westchester Solid Waste invited the Authority to visit the Facility and to go over the ethic policy, F. Fornario, S. Hurley, K. Zebrowski, Dr. Yarmus and our counsel should attend.

T. Dusanenko stated that when the committee meets with Westchester officials, we should question if there is licensing through the towns and villages in addition to the Westchester County Commission licensing? Clarkstown has done an excellent job with their commission and there should not be both Village or Town and County licensing. That adds a burden on the carter and on each Town or Village and County by extra paperwork.

C. St. Lawrence stated that it could be a policy that would be taken up by the Towns or Villages to implement. When the meeting is coordinated with Westchester please let the committee know.

Item # 10

Discussion- Policy for Commercial Use of Authority Facilities

A. Etelson stated that the purpose of the policy is to eliminate delinquencies in payments by the haulers. This proposed credit account agreement for new and old haulers describes what the requirements are for keeping up to date on payments. The current billing process is to pay their bills by the 20th day after the last receiving day of the month. If not paid by the 30th, that will indicate that they are in default of their agreement, at that point they will be on a C.O.D. basis. After 60 days the carter can no longer use the Transfer Station. They may resume dumping at the Transfer Station if they come up with a certified check or bank check for the arrears. Also a 1% interest penalty a month, plus attorney fees are needed. Carters might see that they have to pay additional charges and it might discourage them from not paying. Also a personal guarantee is in the document. I suggest that the billing should go out more often. Bill every two weeks or once a week.

C. St. Lawrence stated that we have had a situation in the past where we had them past a little bit at a time. By doing that it also tends to build up.

R. Delo stated that any input is needed before formal adoption.

C. St. Lawrence requested that F. Fornario and himself would be on a committee of two to review the policy.

R. Delo stated that we have been working with each carter and cut some of them off, but we still have to go after them for payment of the arrears. On some carters, we have worked out a payment schedule on what they owed plus staying current. We do not want to turn anyone away, but at the same time we do not want to be a credit bureau. At this point we need to go after a couple of carters legally to get some of the money.

S. Hurley stated that as a legal point this is giving us a policy that we could move forward with.

R. Delo stated that the intent is that we would have every carter that wants to use out facility sign this and agree to this policy. It gives the Authority more rights to go after the carter for non-payment.

S. Hurley questioned if the carters currently sign anything when they come to the scale?

R. Delo stated that they sign a dump ticket and this policy would give the Authority more right to go after the Carter.

C. St. Lawrence stated that at the scale a dump ticket is signed but it needs to be tightened up as per counsel and I agree.

T. Dusanenko questioned the largest amount a carter owes the Authority now?

R. Delo stated that the largest amount is \$175,000.00 for one carter. It accumulates rapidly with a charge of \$61.00 per ton. Billing more frequently will reduce the amount of money out.

T. Dusanenko stated that he is concerned is when the carter that currently owes the Authority \$175,000.00 is bought out by another company, there is outstanding money?

R. Delo stated that we are very aggressive with these carters, and that delinquent carters are not allowed to dump anymore. These carters have to be pursued legally.

S. Hurley questioned if there is a way we can have them put up a bond?

R. Delo stated that lots of these carters are small and can not get a bond. We have had that discussion, and it is very hard, for a big company it is no problem.

A. Etelson questioned is a cash deposit necessary from the carters?

R. Delo stated that it would also be very difficult for the small carters.

D. Jobson asked if the 1% that we charge for the arrears should increase each month?

A. Etelson stated that it could be higher.

R. Delo stated the reason we charge 1% is that this is the amount, the County also charges.

T. West stated that he would look into the percentage that the Authority could charge.

C. St. Lawrence questioned the total amount of indebtedness from all the carters?

R. Delo stated that some carters are 30 to 60 days behind and still are paying and being charged interest. We have tried to work with the carters and it is very time consuming.

S. Hurley questioned if the billing process will be looked at also, to be billed on a weekly basis?

A. Etelson stated that we might bill on a weekly.

R. Delo stated that some carters are on a C.O.D. basis now. Other carters are fine and the monthly billing works out fine.

L. Dessau asked that if some carters were in arrears and you put them on a cash basis would they be able to function?

R. Delo stated that some were not able to function. What the Authority sees is that the carters are bouncing around from transfer station to transfer station, and at each transfer station they wait until they get cut off and then move to the next one.

C. Holbrook stated that Clarkstown has cut off people and they have put carters on a cash basis.

R. Delo stated that Clarkstown is a different situation, most carters are part of the carting association and they are paying them for a service and if they do not pay there fees, Clarkstown has a pocket to go into and not pay them. We are a commercial facility and we do not have a contract with these carters other than Miele. I would like A. Etelson to review if the Authority can go to a Village that has a contract with a carter that owes us money and ask them for help.

S. Hurley stated that when the Authority is looking at licensing we should tie into non-payment.

R. Delo stated that what happens when you put a carter out of business, you don't get paid.

A. Etelson stated that we should ask for a credit references before you get started.

C. St. Lawrence stated that we should look at tying into the licensing laws for the non-payment. A threshold schedule if your delinquent, then you will go onto a difference kind of payment schedule and it should be set.

R. Delo stated that the schedule is in the policy.

H. Reisman suggested that 30 days is too long to issue credit, go with two weeks. Some landfills in the State give credit for one week.

T. Dusanenko suggested that carters be put on a cash basis if a carter is in the rears, a certain percentage is paid to the back amount along with the current money owed.

C. St. Lawrence requested a list of the total amount that all the carters owed be forwarded to all the members.

Dr. Yarmus stated that vouchers number 10517-10526 did not show the signature of the treasurer.

R. Delo stated he would look into it.

Motion to Adjourn

Fornario/Jobson

Unan.

Respectfully Submitted,
Camille Guido