



SOLID WASTE MANAGEMENT AUTHORITY

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CHRISTOPHER P. ST. LAWRENCE
Chairman

MINUTES

RCSWMA Meeting

Thursday October 29, 2009, 5:00 p.m.

Legislative Chambers

Present

C. St. Lawrence
H. Cornell
P. Du Bow
M. Grant
A. Gromack

Present

D. Kay
P. Marino
H. Phillips
P. Soskin
I. Schoenberger

Absent

V. Altieri
G. Bierker
C. Coker
E. Devine
D. Jobson
T. Kleiner
P. Moroney

Others

H. Benado
K. Braunfotel
J. Burnet
J. diFrancesca
B. Gauntlett
S. Haggerty
J. Klos
C. Lim
R. McCarthy
J. Meyer

Others

J. Miele
D. O'Donnell
T. Pytlar
A. Roppolo
K. Scales
J. Sheridan
L. Stevenson
J. Testone
K. Trotta
T. West

1. Welcome to the Rockland County Solid Waste Management Authority meeting for Thursday, October 29, 2009.
2. Roll call by Clerk. There is a quorum.
3. Introduced by: Marino/Soskin Unan. October 29, 2009

RESOLUTION NO. 48 OF 2009 ADOPTION OF MINUTES, MEETING OF SEPTEMBER 24, 2009

RESOLVED, that the transcribed Minutes of the Rockland County Solid Waste Management Authority are approved for the meeting September 24, 2009, as recorded by the Clerk, and are hereby adopted.

Roppolo: The replacement agitator at the Cocomposting Facility was installed on August 18th. Since we were able to get the agitator in a much shorter period of time than it normally takes, there was no bypass of sludge. I'd like to thank Brian Fleury of WeCare Organics for working on the operation process so that sludge did not have to be bypassed. We are continuing to work with the insurance adjustor regarding our claim. We also are working with the Stayflex applicator and WeCare so that we have a timeline for the application process that does not impede our operations.

The trailer pad at Clarkstown is now complete. This was a requirement of the DEC consent order. We just obtained DEC approval of the retaining wall for the recycling drop off at Clarkstown and will be going out to bid shortly. We have reviewed plans and specs of the tip floor with Cosulich and

resubmitted this to the DEC and are awaiting their response. We meet on a weekly basis with Don Weiss the DEC monitor and our engineers to review submissions and responses from the DEC and other agencies regarding our improvements at the site. Ongoing efforts of beautification to the site, as promised, have resulted in the southern entrance being landscaped with shrubs and trees. We are working with Sterling Environmental Associates and Kimberley Rae Shaw, our environmental attorney, on some of the environmental aspects at the Clarkstown site. This is being done in coordination with Cosulich.

Our operator Regional Recycling has been doing a great job at the concrete crushing facility and material has sold for projects such as Sewer District #1 a sub division project in New City, and paving companies really like the product for sub base for driveways.

We are going into the fall phase of composting, this means that the leaves that have been on site have been processed and screened. Additionally, I was invited to meet with the landscaper's association at their general meeting on October 22nd to answer any operational questions regarding the fall leaf drop off season. The meeting went well and I believe all questions were answered. I intend to continue this dialogue in order to answer any questions or concerns as they arise. We did not receive any odor complaints for the compost facility during the summer months. We are working with ORI to perform some maintenance at the facility without impacting operations or minimally impacting operations. In addition, we are going to initiate our second phase of odor surveying in order to have base line readings during this phase of operations.

We have been working closely with the Department of Health regarding the enforcement of flow control. The Department of Health hired three enforcement officers in August. We meet on a weekly basis and discuss the procedures that have been implemented by the Department of Health and deliverables expected. I have a list of action steps that we constantly review in the areas of tracking and enforcement, quality control, education and outreach, and licensing and permitting. Joe diFrancesca and Kerri Scales and occasionally I have been meeting with municipalities to provide information and answer questions in order to ensure all municipalities have a full understanding of flow control. These meetings have been informative and have resulted in several suggestions that we have incorporated with the help of the Department of Health. For example, one municipality offered to provide a list of all building projects to the Health Department. In addition another municipality suggested that new buildings might benefit from having confirmation of a recycling area as a requirement for a certificate of occupancy. We will continue to meet with all the municipalities and I encourage any member of the Board to please call Joe to set up a meeting if they have not already done so.

We have several bids and RFPS out. These include the Village of Haverstraw residential garbage collection RFP, the Hew Hempstead residential garbage collection bid, and the scale house software RFP.

We received \$437,824.75 on August 7th from the State as a response to a grant application to the DEC. This represents 50% of our eligible costs for the 2008 HHW facility. We are awaiting news from the EFC for the low or no interest revolving funds available. We did not receive any funding from the first round of the green initiatives grant funding from EFC but were encouraged by Matt Millea to reapply for the second round.

We had a very successful summer again with our Americorps volunteers, Liz Kiernan and Blare Emmanuel. Together they produced a brochure of the native plants garden that we will be using, a digital catalog of those plants which we will be putting on the website. We also had a successful summer with our intern in the Finance Department, Sundus Mujahid, from the NRHS Academy of Finance. She helped the department with arbitrage calculation information, fuel reconciliations, transfer station tonnage report analysis, and utility spread sheets.

This past season the garden had grown in beautifully and we anticipate that it will be up and ready for public programs in the spring. During the winter we are discussing a potential opportunity for the Rockland Farm Alliance to use the green house in order to grow seedling to be planted in our local farms next spring.

Janet has been working on the facility wide brochure with Nick DeSantis and by the next Board meeting we will have a draft brochure for your review.

I'd like to thank Denis O'Donnell for his tireless efforts in finding an outlet for our crushed glass. Over the last three days there were approximately 134 tandem trucks that moved approximately 3,350 tons of crushed glass. The glass was used for bed piping in a 400,000 square foot facility in Chester.

We hosted the environmental leadership day for Leadership Rockland. We received very positive comments on Kerri Scales, Chuck Stead, and Geoff Welch's presentations. In addition, the Chairman addressed the group and both he and Kerri were ranked as two of the student's favorite presenters. Most of the student's assessment mentioned how interesting the tour of the MRF was.

I would like to respectfully request to go into executive session to address the Board on a personnel issue.

St. Lawrence: We are not going to be able to do that tonight. We are going to have that on our agenda for the November meeting.

Phillips: Is this different from the issue that we planned on discussing in November?

Roppolo: I'm not sure if it's the same or not.

St. Lawrence: We are not going to have an executive session tonight we will do that at our November meeting.

Kay: Anna requested it, are we following proper protocol?

St. Lawrence: The agenda is set up by our Chairman according to our by-laws and it's not on our October agenda so we will have it on the November agenda.

Phillips: If I remember correctly, two members can request any type of meeting. But, if the Chairman has something to add to this, I'm willing to wait until the next meeting.

Motion to go into executive session.

Phillips: Moved

Grant: Seconded

Yeas: Cornell, DuBow, Grant, Gromack, Kay, Marino, Phillips

Nays: Schoenberger, Soskin, St Lawrence

St. Lawrence: Six yeas three nays therefore, the motion fails.

Phillips: I'd like a clarification on that. The motion to go into executive session is by simple majority?

Schoenberger: It's by simple majority, there are 17 board members.

Phillips: It's not a simple majority by quorum it's a simple majority of total membership, Counsel?

Schoenberger: The majority of the total number of members.

Phillips: I'll trust Mr. Schoenberger's response, that it's a simple majority.

St. Lawrence: I'd like to introduce Kevin Trotta he's the team captain for Global Sports Alliance. Which is a coalition of athletes and sports fans working together for environmental awareness. He has been honored with the EPA Environmental Quality Award, the Sports Turf Managers Association President's Award and the Cornell Cooperative Extension Dedicated Leadership Award.

Kevin Trotta gave an overview of the Global Sports Alliance and the Northface Endurance Challenge which is a two-day event at Bear Mountain. He is seeking environmental awareness by doing the right thing for the environment and asking for help to make this a zero waste event by reaching out to the Authority.

St. Lawrence: We have a great staff that will be able to assist you in that.

I also would like to introduce Tim Englert a visionary and energetic member of the PIPC staff who has been actively engaged with various successful events at PIPC Parks from the Nyack Boathouse to Rockland Lake and Bear Mountain State Park. He is the co-founder and project director of the Knickerbocker Ice Festival of 2009, which was the kick-off event for the Hudson River Qualdricentennial and an event that the Authority partnered on with PIPC and OPRHP to help create the first NYS Green public event. We worked together to not only learn how to capture the recyclable waste stream, but also to capture compostable food waste and compostable eating utensils and serving products.

Tim Englert spoke about the Knickerbocker Ice Festival.

4. Introduced by: St. Lawrence/Soskin Unan. October 29, 2009

**RESOLUTION NO. 49 OF 2009
AUTHORIZING AMENDMENT AND RESTATEMENT OF
CLARKSTOWN TRANSFER STATION SERVICE AGREEMENT WITH
CLARKSTOWN RECYCLING CENTER, INC.**

WHEREAS, the Authority entered into an agreement with the Town of Clarkstown (the "Town"), dated November 13, 2008 (the "Acquisition Agreement"), to acquire the Town's solid waste facilities located at Route 303, West Nyack, New York (the "Acquired Facilities"); and

WHEREAS, the Authority and the Town also entered into an Interim Operations Agreement on November 17, 2008, as amended by that certain first amendment to interim operations agreement dated June 30, 2009, giving the Authority the right to use and operate the Acquired Facilities until the full sale, conveyance, delivery, grant or assignment of the Town's various interests in the Acquired Facilities pursuant to the terms of the Acquisition Agreement (the "Closing"); and

WHEREAS, the Authority and the Town also entered into an agreement, dated November 13, 2008, whereby the Town assigned to the Authority its contracts and operating permits related to the operation of the Acquired Facilities, including its agreement with Clarkstown Recycling Center, Inc. (the

“Company”) for the operation and maintenance of the Clarkstown Transfer Station (the “Assigned Agreement”); and

WHEREAS, in order to issue tax-exempt bonds for the purchase of the Acquired Facilities, the Authority required the ability to terminate the Assigned Agreement, without penalty, after two years from the date of execution of this Agreement; and

WHEREAS, the Authority entered into a separate agreement with Casella Waste Systems pursuant to Resolution No. 38 of 2009, for landfill disposal services; and

WHEREAS, the Authority desired to contract directly with Santaro Development, LLC (“Santaro”) and the Company has agreed to assign its agreement with Santaro to the Authority; and

WHEREAS, to reflect the necessary changes to the Assigned Agreement due to the foregoing, the Authority and the Company wish to amend and restate the Assigned Agreement under which the Company will operate and maintain the Clarkstown Transfer Station; and

WHEREAS, negotiations with the Company have proved to be successful in the development of an amended and restated Clarkstown Transfer Station Service Agreement addressing all substantive issues relating to the operation and maintenance of the Transfer Station; now therefore be it

RESOLVED, that the Executive Director is hereby authorized to execute and deliver the Amended and Restated Clarkstown Transfer Station Service Agreement. The Amended and Restated Clarkstown Transfer Station Service Agreement shall be substantially in the form presented at this meeting with such amendments, modifications, changes and omissions thereto as the Chairman and Executive Director of the Authority may approve as in the best interests of the Authority and not inconsistent with the terms of this resolution; and the execution of the Amended and Restated Clarkstown Transfer Station Service Agreement shall constitute conclusive evidence of the valid authorization hereunder of any such amendment, modification, change or omission.

Kay: Is it the same policy that everyone has to vote in favor, or is it a majority of the people here?

St. Lawrence: The resolutions have to be a majority of the entire board.

Schoenberger: There’s a resolution for each of the three transfer stations in each of the three towns on the agenda tonight. With all three of the town’s supervisor present tonight, if the resolutions meet their approval, then I will support them.

5. Introduced by: Phillips/Soskin

Unan.

October 29, 2009

**RESOLUTION NO. 50 OF 2009
AUTHORIZING AMENDMENT AND RESTATEMENT OF
HAULING SERVICES AGREEMENT WITH
SANTARO DEVELOPMENT, LLC**

WHEREAS, the Authority entered into an agreement with the Town of Clarkstown (the “Town”), dated November 13, 2008 (the “Acquisition Agreement”), to acquire the Town’s solid waste facilities located at Route 303, West Nyack, New York (the “Acquired Facilities”), and also entered into an agreement of the same date, whereby the Town assigned to the Authority its contracts and operating permits related to the operation of the Acquired Facilities, including its agreement with Clarkstown

Recycling Center, Inc. (the "Company") for the operation and maintenance of the Clarkstown Transfer Station (the "Assigned Agreement"); and

WHEREAS, the Authority Board has authorized the amendment and restatement of the Assigned Agreement to reflect certain changes, including assignment to the Authority of the Company's hauling services agreement with Santaro Development, LLC (the "Assigned Hauling Agreement"); and

WHEREAS, the Authority desired to contract directly with Santaro Development, LLC ("Santaro"); and

WHEREAS, the assignment of the Company's hauling services agreement to the Authority necessitates changes being made to such Assigned Hauling Agreement; and

WHEREAS, to reflect the necessary changes to the Assigned Hauling Agreement due to the foregoing, the Authority and Santaro wish to amend and restate the Assigned Hauling Agreement under which Santaro will provide hauling services to the Authority for the waste collected at the Clarkstown Transfer Station; and

WHEREAS, negotiations with the Company have proved to be successful in the development of an amended and restated Hauling Services Agreement addressing all substantive issues relating to the hauling services for the waste collected at the Clarkstown Transfer Station; now therefore be it

RESOLVED, that the Executive Director is hereby authorized to execute and deliver the Amended and Restated Hauling Services Agreement. The Amended and Restated Hauling Services Agreement shall be substantially in the form presented at this meeting with such amendments, modifications, changes and omissions thereto as the Executive Director of the Authority may approve as in the best interests of the Authority and not inconsistent with the terms of this resolution; and the execution of the Amended and Restated Hauling Services Agreement shall constitute conclusive evidence of the valid authorization hereunder of any such amendment, modification, change or omission.

Kay: In this agreement we have for hauling, I'm just want to make sure that the agreement will not interfere if we decide to go ahead and use rail.

St. Lawrence: We are not locking ourselves into either rail or hauling. We will have the option.

St. Lawrence: Rick McCarthy is here to give an overview of the investment policy.

McCarthy: This investment policy is not really a new policy. In essence it's the old policy repackaged to be made clearer. There's the Authority Act which sets up the Authority and gives guidance and it says the Authority can enter into contract with bond holders; and as to how the monies are secured the bond holders are invested. The act says you can invest in whatever the bond holders say you can. So then the investment policy in effect says that's alright. The guidelines narrow it down to what I would characterize as extremely conservative savings investments. For example CD's have to be covered by FDIC insurance. So again, the new policy is the same as the old policy, but we tried to set it out clearer.

Cornell: You took the old policy and clarified it and rewrote it but not changed it?

McCarthy: Yes.

6. Introduced by: Phillips/Kay

Unan.

October 29, 2009

**RESOLUTION NO. 51 OF 2009
AUTHORIZING AMENDMENT TO INVESTMENT POLICY**

WHEREAS, the Authority has in place an Investment Policy authorized and approved by Authority Board Resolution No. 28 of 2000; and

WHEREAS, the Investment Policy now needs to be amended to clarify the types of investments that may be made with Authority bond proceeds and to better achieve its stated goal to safeguarding principal, provide sufficient liquidity of funds and obtain a reasonable rate of investment return for any funds of the Authority which are available for investment in compliance with applicable law; and

WHEREAS, the Authority's financial advisor, Environmental Capital, LLC, has reviewed the Investment Policy and proposed certain changes to the policy, which have been reviewed by the Executive Director, Treasurer, and Authority counsel; and

WHEREAS, the Treasurer concurs with the changes to the Investment Policy, and recommend such changes to the Authority Board; now therefore be it

RESOLVED, that the Authority hereby authorizes and approves the revisions to the Investment Policy attached hereto.

7. Introduced by: Schoenberger/Gromack

Unan.

October 29, 2009

**RESOLUTION NO. 52 OF 2009
AUTHORIZING AMENDMENT TO TRANSFER STATION SERVICE AGREEMENT WITH
ALLSERVECO, INC.**

WHEREAS, pursuant to Resolution No. 34 of 2007, the Authority Board authorized and executed the Transfer Station Service Agreement with Allserveco, Inc. (the "Company") to operate and maintain the Authority's Hillburn Transfer Station (the "Agreement"); and

WHEREAS, the Agreement provides that "the Authority shall have the right to select a Designated Disposal Facility, and shall direct the Company to deliver Acceptable Waste to such Designated Disposal Facility"; and

WHEREAS, pursuant to Resolution No. 38 of 2009, the Authority entered into a separate agreement, dated August 6, 2009, with Casella Waste Systems ("Casella") for landfill disposal services at the Ontario County Landfill and the Hyland Landfill owned and/or operated by Casella; and

WHEREAS, the Authority desires to amend the Agreement to designate the Ontario County Landfill and the Hyland Landfill in place and instead of the facilities currently designated therein, to make any other changes incidental thereto; and to modify the Transfer Station Fee to reflect the change in services being provided by the Company; now therefore be it

RESOLVED, that the Executive Director is hereby authorized to negotiate a revised Transfer Station Fee and to execute and deliver the First Amendment to the Transfer Station Service Agreement with Allserveco, Inc. The First Amendment shall be substantially in the form presented at this meeting with such amendments, modifications, changes and omissions thereto as the Chairman and Executive

Director of the Authority may approve as in the best interests of the Authority and not inconsistent with the terms of this resolution; and the execution of such First Amendment shall constitute conclusive evidence of the valid authorization hereunder of any such amendment, modification, change or omission.

8. Introduced By: Phillips/Marino

Unan.

October 29, 2009

**RESOLUTION NO. 53 OF 2009
AUTHORIZING AWARD AND EXECUTION OF CONTRACT FOR BOWLINE TRANSFER
STATION OPERATION, MAINTENANCE AND HAULING SERVICES**

WHEREAS, the Authority issued a Request for Proposals for Transfer Station Operation and Maintenance, and Hauling Services for the Bowline Transfer Station, on September 14, 2009; and

WHEREAS, three (3) potential proposers attended the pre-proposal meeting and the Authority received one (1) proposal in response to the Request for Proposals ("RFP") from Santaro Development, LLC; and

WHEREAS, requests for clarification were submitted to Santaro Development and responses were received by the Authority in writing and at an interview on October 21, 2009, resulting in a complete and responsive proposal; and

WHEREAS, the Executive Director, the Authority's engineers, and Authority counsel reviewed the proposal and clarification responses with Santaro Development and successfully negotiated the terms of the service agreement, addressing all substantive issues relating to the operation and maintenance of the Bowline Transfer Station, and recommend the award of the contract to Santaro Development; and

WHEREAS, Santaro has been operating the Bowline Transfer Station since the Authority's purchase of the facility in June 2008, and providing hauling services for the waste collected at that transfer station, pursuant to agreements authorized by Authority Resolution No. 35 of 2008, and its services have been satisfactorily performed; now therefore be it

RESOLVED, that the Executive Director is hereby authorized to execute an agreement with Santaro Development, LLC for operation and maintenance of the Bowline Transfer Station for a three (3) year period, with two automatic one-year renewals, and the Authority's right to terminate without cause on the two-year anniversary of the agreement. The Executive Director is also authorized to execute a hauling services agreement with Santaro Development, LLC. The attached Bowline Transfer Station Service Agreement presented at this meeting may be amended and modified as the Executive Director of the Authority may approve as in the best interests of the Authority and not inconsistent with the terms of this resolution; and the execution of the agreement(s) shall constitute conclusive evidence of the valid authorization hereunder of any such amendment, modification, change or omission.

St. Lawrence: I'd like to schedule a budget committee meeting for Friday, November 13th at 9 a.m. at the Authority. The budget committee is everyone that was on the committee last year and it's open to all of the Board members.

Phillips: If I'm not mistaken, aren't we supposed to have a resolution according to our by-laws for nominating the committee for next year?

St. Lawrence: We will have that at our next meeting.

Motion to adjourn.

Marino: Moved

Phillips: Seconded

Respectfully submitted,
Suzanne Haggerty