



SOLID WASTE MANAGEMENT AUTHORITY

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CHRISTOPHER P. ST. LAWRENCE
Chairman

MINUTES

RCSWMA Meeting

Thursday December 3, 2009, 4:00 p.m.
Legislative Chambers

Present

C. St. Lawrence
V. Altieri
G. Bierker
C. Coker
H. Cornell
P. Du Bow
M. Grant
A. Gromack

Present

D. Jobson
D. Kay
T. Kleiner
P. Marino
P. Moroney
H. Phillips
P. Soskin
I. Schoenberger

Absent

E. Devine

Others

H. Benado
K. Braunfotel
J. Burnet
J. diFrancesca
B. Gauntlett
S. Haggerty
J. Klos

Others

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

1. Welcome to the Rockland County Solid Waste Management Authority meeting for Thursday, December 3, 2009.
2. Roll call by Clerk. There is a quorum.

Kleiner: Mr. Chairman, I want to recognize Paul Whalen who will be Orangetown's new Supervisor at the end of this month. He's here to sit in as I did fourteen years ago.

Motion to go into Executive Session

Phillips: Moved

Grant: Seconded

Motion to open Executive Session:

Gromack: Moved

Kleiner: Seconded

RESOLUTION NO. 54 of 2009
Adoption of Minutes, Meeting of October 29, 2009

RESOLVED, that the transcribed Minutes of the Rockland County Solid Waste Management Authority are approved for the meeting October 29, 2009, as recorded by the Clerk, and are hereby adopted.

Roppolo: We're continuing to do repairs at the Clarkstown Facility. On December 1st we had a visit from Willie Janeway and he expressed his appreciation for all the work we've done at the sight.

At the Cocomposting Facility work was done as part of the repair due to the fire. We have not received our full insurance payment but, the adjustor has been working diligently on our behalf.

The bulk of the work has been done at the yard waste facility in Clarkstown. The drop off and ticket program initiated by the Authority has been well received. We have gotten feedback from several landscapers as to the neatness of the facility and to the ease of the drop off.

Bierker: Are we intending or are we making any progress on bar coding repeat users of the dump so they don't have to swipe their credit card?

Roppolo: We discussed this with the DEC. There are several items we need feedback on first. We would like to put an additional scale in and then move forward with that.

Moroney: I visited the West Nyack site yesterday. I'd like to congratulate you, Mr. Chairman and your staff and Mr. O'Donnell for the improvements that have been accomplished.

St. Lawrence: I will reiterate that. I was there last week with Denis and I was also amazed at the progress that has been done.

St. Lawrence: Next we'll open the public hearing to fix and determine the rates, rentals, fees and other charges for the use of the facilities of the Authority for the year 2010.

Phillips: Moved

St. Lawrence: Would anyone in the public like to speak on the rates? Since there are no comments we'll close the public hearing.

Jobson: Moved

Phillips: Seconded

4. Introduced by: Phillips/Soskin Unan. December 3, 2009

**RESOLUTION NO. 55 of 2009
ADOPTION OF RATES, RENTALS, FEES OR OTHER CHARGES FOR THE USE OR
AVAILABILITY OF THE FACILITIES AND SERVICES OF
THE AUTHORITY FOR THE YEAR 2010**

WHEREAS, 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, as amended (“Public Authorities Law”); and

WHEREAS, the Authority is authorized under Section 2053-g of the Public Authorities Law to fix and collect rates, rentals, fees or other charges for the use or availability of the Authority’s facilities and services; and

WHEREAS, it is necessary for the Authority to set its rates, rentals, fees or other charges for the use or availability of the Authority’s facilities and services for the year 2010; and

WHEREAS, pursuant to Section 2053-g of the Public Authorities Law, the Authority is required to hold a public hearing at which interested persons have had an opportunity to be heard concerning its rates, rentals, fees or other charges; and

WHEREAS, a public hearing was held on December 3, 2009, for the purpose of setting the Authority’s rates, rentals, fees or other charges for the use or availability of its facilities and services for the year 2010; now therefore be it

RESOLVED, that the Authority Board hereby adopts the rates, rentals, fees or other charges for the use or availability of the Authority’s facilities and services for the year 2010, annexed hereto and made a part of this Resolution as Exhibit “A”; and be it further

RESOLVED, that the Chairman or his designee is authorized to take all appropriate actions to effectuate the levying and collection of such rates, rentals, fees or other charges for the use or availability of the Rockland County Solid Waste Management Authority’s facilities and services for the year 2010.

5. Introduced by: Phillips/Jobson Unan. December 3, 2009

**RESOLUTION NO. 56 of 2009
SETTING THE RATE FOR MUNICIPAL
RECYCLABLES REVENUE PAYMENTS
FOR THE YEAR 2010**

WHEREAS, the Authority owns and operates a Materials Recovery Facility (“MRF”) for processing the commingled paper and commingled fiber collected from throughout Rockland County; and

WHEREAS, the Authority receives revenue from the sale of the recyclables processed at the MRF; and

WHEREAS, in order to encourage municipalities to maximize their recycling rates and to defray their collection and transportation costs for these recyclables, the Authority would like to share the revenue it receives from the sale of the recyclables; now therefore be it

RESOLVED, that the Authority pay to each municipality which has entered into an Intermunicipal Recyclables Management Agreement with the Authority, the sum of \$32.00 per ton for each ton of recyclable materials that such municipality has delivered to the Authority during the Year 2010.

Kay: The rate is \$32 a ton? Is that the same as previous years?

St. Lawrence: Yes it is.

6. Introduced by: Phillips/Jobson Unan. December 3, 2009

**RESOLUTION NO. 57 OF 2009
AMENDING THE 2010 BUDGET**

WHEREAS, the Authority Board has determined that the proposed 2010 budget be amended to increase the salary of the Executive Director to \$127,500.00; now therefore **be it**

RESOLVED, that the proposed 2010 budget is hereby amended to **increase** the salary of the Executive Director to \$127,500.00.

7. Introduced by: Phillips/Kay Unan. December 3, 2009

**RESOLUTION NO. 58 of 2009
ADOPTION OF THE AUTHORITY BUDGET
FOR THE FISCAL YEAR 2010 AS AMENDED**

WHEREAS, the Authority is authorized and empowered to fix and collect rates, rentals, fees and other charges for the use or availability of the facilities or services, and commodities provided by the Authority; and

WHEREAS, the Authority is authorized and empowered to plan, study and develop solid waste management facilities, as set forth in the Rockland County Solid Waste Management Plan; and

WHEREAS, the Authority, after due deliberation and public hearing, did review and discuss a budget for the fiscal year 2010 setting forth the various expenditures of the Authority; and

WHEREAS, by Resolution 57 of 2009 the Authority Board amended the 2010 Budget to reflect an increase in the salary of the Executive Director; now therefore **be it**

RESOLVED, that the Rockland County Solid Waste Management Authority does hereby adopt the budget of the Authority for the fiscal year 2010, as amended, a copy of which is attached to this resolution and marked as Schedule "A-1".

Kay: With the improvements at the Clarkstown site, do we have a record of how much we are going to be spending this coming year and is that in the budget?

St. Lawrence: That comes out of the capital budget.

Phillips: The total increase in our rates is \$6 per family per year. Because percentages can be deceiving, what we're really saying is, other than the advalorem the total increase in your solid waste bill is only going to be \$6 and change for the average family? We go by rates in most of our charges not advalorem we have one advalorem and we have five or six annual rates.

St. Lawrence: Yes.

Kleiner: Do you recall the rate change from 2008 to 2009?

Roppolo: \$4.

Phillips: The largest increase is because of the debt services since incurring two new transfer stations. The advalorem is separate and is based upon each individual property's assessment. The rates themselves are on the total?

Roppolo: Yes that's correct.

Kleiner: The total budget for the Authority in 2009 and 2010 is?

Roppolo: In 2009 the adopted budget was 45,495,335. The proposed budget for 2010 is 43,821,038. It's going down based upon the decrease in the transfer station tipping fees. We had anticipated in having more tonnage in 2009 than we currently had. So if you look at historical tonnage, we adjusted that for 2010 to reflect what the historical trend was. So if you decrease your tonnage, you decrease your revenue.

8. Introduced by: Kay/ Phillips

Unan.

December 3, 2009

RESOLUTION NO. 59 of 2009

**Ratifying Rejection of All Bids for Contract NH-2 for Garbage, Bulky Items
and Recyclable Materials Collection, Transportation and
Disposal Contract for the Village of New Hempstead**

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 issued a Request for Bids for garbage, bulky items and recyclable materials collection, transportation and disposal services for the Village of New Hempstead; and

WHEREAS, the Authority received four bids for such collection, transportation and disposal services and upon review of such bid determined that the best interests of the Authority would be served by rejecting the bids and advertising for new bids; therefore be it

RESOLVED, that the Authority hereby ratifies rejection of all of the bids received for the above-referenced Contract NH-2 for garbage, bulky items and recyclable materials collection, transportation and disposal services for the Village of New Hempstead.

Kay: Why are we rejecting these bids?

Gauntlett: We thought that we should have language in the bid that addressed compliance with the flow control law. So the new bid will include the certification that the bidders would have to complete that they were in compliance with the law. We thought that was very important.

Phillips: Is there any reason why we couldn't have the low bidder comply with the flow control language before they signed the contract or did you think it was necessary to have it in place first?

Gauntlett: We thought it was necessary to have it in place.

Kay: By law in Rockland County is that required?

Gauntlett: Yes it is.

St. Lawrence: We wanted it in the bid specs and we wanted the certification in the bid specs.

Phillips: Who was the low bidder?

Gauntlett: IWS was the lowest bidder and they have the contract now.

9. Introduced by: Phillips/ Grant

Unan.

December 3, 2009

Resolution No. 60 of 2009

Ratifying Rejection of All Proposals for Contract VH-3 for Garbage, Bulky Items and Recyclable Materials Collection, Transportation and Disposal Contract for the Village of Haverstraw

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 issued a Request for Proposals for garbage, bulky items and recyclable materials collection, transportation and disposal services for the Village of Haverstraw; and

WHEREAS, the Authority received three proposals for such collection, transportation and disposal services and upon review of such proposals determined that the best interests of the Authority would be served by rejecting the proposals and advertising for new proposals; therefore be it

RESOLVED, that the Authority hereby ratifies rejection of all of the proposals received for the above-referenced Contract VH-3 for garbage, bulky items and recyclable materials collection, transportation and disposal services for the Village of Haverstraw.

Grant: Who has the current contract and who was the lowest bidder?

Gauntlett: Miele has the contract now and IWS was the lowest bidder.

10. Introduced by: Phillips/ Jobson

Unan.

December 3, 2009

Resolution No. 61 of 2009

Authorizing a Month-to-Month Extension of the Contract Between the Authority and Miele Sanitation For Garbage and Recyclables Collection for the Village of Haverstraw

WHEREAS, on September 23, 2009, the Authority issued a Request for Proposals ("RFP") for Garbage and recyclables collection on behalf of the Village of Haverstraw; and

WHEREAS, the baler and conveyor, which are located in one of the bays of the Clarkstown Transfer Station, are currently inoperative, having not been used for the past 10 to 12 years, and are beyond economical repair; and

WHEREAS, the Authority is required pursuant to the DEC Order on Consent, Case No. R3-20080502-15, assumed by the Authority as part of the acquisition of the Clarkstown Solid Waste Facilities, to make repairs to the floor of the Clarkstown Transfer Station, and to complete such repairs within a certain time period following approval by the DEC, which approval is imminent; and

WHEREAS, the Authority has determined that it has no need for the baler and conveyor at the Clarkstown Transfer Station or any of its other facilities, and that the foregoing baler and conveyor are surplus equipment; and

WHEREAS, the Authority has determined that the baler and conveyor must be removed prior to commencing work on the transfer station floor; now therefore be it

RESOLVED, that the Authority is hereby authorized to dispose of the Mosely Baler, Model No. HLBA 300 and conveyor, as surplus equipment, in accordance with the Authority's Guidelines for Disposal of Authority Real and Personal Property; and be it further

RESOLVED, that the Executive Director is authorized to dispose of such baler and conveyor either by public auction, competitive bidding, or private negotiation, as in her estimation will bring the best price or more beneficial terms and provide for the prompt removal of such equipment from the Clarkstown Transfer Station in order that the schedule for the required floor repairs is not impeded.

Phillips: Are we auctioning it out to bid or are we selling it to someone?

St. Lawrence: We could auction it and see what kind of value it has.

Stevenson: We are using the same auction company the Town of Ramapo and the Town of Clarkstown as well as Rockland County.

St. Lawrence: Next on the agenda is authorizing the agreement with the County of Rockland regarding flow control.

Altieri: There was a mentioning of putting the costs of enforcement in the contract. I just want to make sure there's a complete understanding between the Health Department and the Authority before we put the contract out so it doesn't have to be revised.

Roppolo: There were two items that weren't in the County budget that weren't for us to work out. So when we do that amendment, I'll bring it to the Board.

Gauntlett: We're going to be amending the contract?

Roppolo: Yes. The two items that weren't in the County's budget might not come to pass. For example, there's a hearing officer that may or may not be needed. The other item was an upgrade of one of the positions.

Altieri: Can we table this until our next meeting?

St. Lawrence: Why don't we wait to see what's worked out with the County to see what the responsibility is going to be.

Motion to table the agreement with the County of Rockland regarding flow control.

Altieri: Moved

Jobson: Seconded

Moroney: At the budget meeting, didn't we have some discussion about the Health Department and who works for us?

St. Lawrence: Yes that day we reached out to Mr. Kopf to get some information.

Moroney: Can we have that at the next meeting?

St. Lawrence: Yes.

Kay: I'd like to have an executive session on our agenda for the next meeting.

St. Lawrence: We can do that.

Kleiner: Since this is my last meeting I just want to say with regard to you, Mr. Chairman, even though we haven't agreed on every issue that has come to this Authority, I appreciate your leadership and your incredible hard work. To all my colleagues, I want to wish you good luck because it appears that the Authority will be complex in the years to come.

Marino: I'd like to echo Mr. Kleiner's comments.

Jobson: It's been a pleasure working with both supervisors and I wish them both well.

Moroney: I wish Mr. Marino and Mr. Kleiner all the best; and thank Mr. Kleiner for the excellent job he's done in the community of the Town of Orangetown.

St. Lawrence: Motion to adjourn.

Kleiner: Moved

Marino: Seconded

Respectfully submitted,
Suzanne Haggerty