

Minutes
Rockland County Solid Waste Management Authority
September 20, 2001
5:00 p.m.

Members Present

C. St. Lawrence
S. Corallo
L. Dessau
T. Dusanenko
F. Fornario
C. Holbrook
S. Hurley
D. Jobson
T. Kleiner
I. Schoenberger
A. Thompson
K. Zebrowski

Members Absent

E. Devine
R. Karben
T. Lawless
Dr. Yarmus

Others Present

R. Delo
A. Etelson
T. Pytlar
S. Simon
J. Miele
L. Miele
H. Benado
K. Scales
J. Burnet
D. O'Donnell
S. Orfini
T. Fitzmaurice

The meeting was called to order at 5:10 p.m.

RESOLUTION NO. 28 of 2001
ADOPTION OF MINUTES, MEETING OF JUNE 28, 2001

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

RESOLVED, that the transcribed Minutes of the Rockland County Solid Waste Management Authority for the meeting of June 28, 2001 as recorded by the Clerk are hereby adopted.

Item #4-Reports
WFC

T. Pytlar stated that for the months of May, June and July WFC worked on the following projects:

1. Assisted the Authority in applying for and tracking various applications for grants from the NYSDEP.
2. Assisted in the observation of different test equipment at the MRF. The equipment is designed to help improve the efficiency of the facility. Of the equipment tested one was an automatic screening device for screening newspaper from magazines and cardboard. The other is a device for pre-compacting the soda bottles and milk jugs for recycling at the facility.

3. WFC has been in discussions with WM in regards to WM economics situation at the MRF. WFC has been assisting the Authority with these discussions, analyzing solutions, and responding to WM requests in writing. The Authority is still waiting for a response from WM to the Authority's proposal.
4. Assisted the Authority in obtaining contracts from municipalities outside Rockland County for recyclables at the MRF.
5. In response to last winter's problems with the wet wood amendment at the cocomposting facility, WFC has been working on a feasibility study for solar power to dry the amendment at the facility.
6. Assisted the Authority in the review of bids that were received for the backyard composting bins.
7. WFC is preparing a RFB for the collection of solid waste, recyclables and brush for the Village of Sloatsburg.
8. WFC has also been observing the construction at the transfer station and scalehouse improvements.

S. Hurley questioned when work is done for Sloatsburg, who pays the bill?

R. Delo answered that the Village pays for it. The Authority has a standing resolution that any municipality that requests services from the Authority pass a resolution first and in the resolution state that the Village will incur any costs relating to the preparation of the bid docs. In the packet is a resolution from the Village of Sloatsburg.

Executive Director

R. Delo stated that a RFP is being developed for the continued operation of the Household Hazardous Waste Facility. The current contract expires at the end of this year. A RFP will be out very shortly. All of the Authority's facilities are operating satisfactory. The Authority's Attorney, Accountant and Executive Director have been working to get the delinquent accounts up to par. There has been negotiating with various carters to get their accounts paid. There are resolutions tonight for the award of two bids one for leaf bags and the other composting bins. The Authority has been in negotiation with Miele Sanitation regarding a dispute in the Village of Haverstraw contract over the number of units.

St. Lawrence stated that 848 residents participated in the HHW program last month.

R. Delo stated that HHW is doing a great job and the Authority is very excited about the large participation. The Health Department is concerned that the Authority has outpacing our facility's ability to handle people. The Authority has been working with the Health Department and also with Safety-Kleen (operator of the facility) to discuss everyone's concerns in leveling off the amount of

participants coming to the facility on a scheduled event. There are cars waiting on Pomona Road to dispose of their waste and people should not have to wait that long and it is a safety issue. There are events that take place at the same time at the fire-training center. The Authority does coordinate its yearly schedule with the fire-training center but it still is a problem. The Authority needs to take some steps to level off the people, traffic control and improvement to the facility. These issues are being addressed now and the Authority will come back next month with the Health Department ideas. The Authority has come up with some alternatives such as increasing the number of collection events and some physical improvement that are needed there.

S. Hurley questioned the aging report, which states that one carter is providing the Authority with wood chips in lieu of money that is owed to the Authority?

R. Delo answered that the carter is Interstate Waste Service. The resolution for consideration tonight is not a done deal. The Authority is recommending it. The wood chips would not be credited to an old balance it would only pay the interest that the Authority charged to this carter. The Authority would accept the wood chips as interested waved and in the resolution it spells out the payment terms for this carter.

St. Lawrence stated that Interstate would pay 1/9 instead of the 1/12 and put up a bond of \$100,000. This carter would get billed every 30 days instead of every 15 days.

Item #5

**RESOLUTION NO. 29 of 2001
Changing the November Meeting of the
Rockland County Solid Waste Management Authority**

WHEREAS, the Rockland County Solid Waste Management Authority customarily conducts its monthly meeting on the 4th Thursday of each month, and,

WHEREAS, the 4th Thursday of the month of November falls on a Holiday, and,

WHEREAS, it is essential that a meeting of the Authority take place in the month of November, and, therefore be it,

RESOLVED, that the meeting of the Authority for the month of November be moved to the 3rd Thursday of the month, November 15, 2001.

Motion to Approve
Zebrowski/Hurley Unan.

**Item #6
Appointment of 2002 Budget Committee**

St. Lawrence offered the following names to be on the committee:
Zebrowski, St. Lawrence, Hurley, and Holbrook

This committee will also serve to review the tasks of employee benefits of the Authority staff, they are not meeting the same level as the County of Rockland employees. This committee should also look at the deferred compensation plan that the Authority has.

Item #7

**RESOLUTION NO. 30 of 2001
Setting a Date for a Public Hearing
for the Adoption of the Budget for the Fiscal Year 2002
and for the Establishment of
Rates, Fees, and Other Charges**

WHEREAS, the Rockland County Solid Waste Management Authority (the "Authority") was organized and exists pursuant to Title 13-M of the Public Authority Law of the State of New York, and,

WHEREAS, the Authority is required to hold a public hearing prior to the adoption of the 2002 Budget and of any rate, or user fee to be imposed on owners of all real property within the County of Rockland, now, therefore be it,

RESOLVED, that a public hearing shall be on November 15, 2001 at 8:00 p.m. in the Allison Parris Office Building, 11 New Hempstead Road, New City, New York, in the Legislative Chambers for the purpose of hearing all interested persons concerning the adoption of the year 2002 Budget and the establishment of a rate, user fee or other charges to be imposed on owners of all real property within Rockland County, and it is further,

RESOLVED, that the Executive Director is hereby authorized to publish such notice of said hearing in the official newspapers as designated by the Authority and as otherwise required by law.

Motion to Approve
Zebrowski/Hurley Unan.

Item #8

**RESOLUTION NO. 31 OF 2001
AUTHORIZING APPROVAL OF CHANGE ORDER
NO. 3, TO CONTRACT NO. 1G, HUDSON CANYON
CONSTRUCTION**

WHEREAS, on March 24, 2000 the Rockland County Solid Waste Management Authority (the "Authority") and Hudson Canyon Construction (the "Contractor") executed Contract No. 1G; and

WHEREAS, it would be in the best interest of the Authority to have additional work performed by the Contractor for Contract No. 1G as delineated in the attached letter from WFC; and,

WHEREAS, due to such a change in the scope of work required under Contract No. 1G; a change order, to be known as Change Order No. 3, has to be issued to the Contractor; and

WHEREAS, a copy of Change Order No. 3 is also attached hereto; and

WHEREAS, the value of such services shall be an amount equal to \$80,512; and

WHEREAS, the Executive Director and the Authority's consulting engineer have reviewed Change Order No. 3 and recommend its approval; and

NOW, THEREFORE, BE IT:

RESOLVED, the Authority does hereby approve Change Order No. 3 to Contract No. 1G at a cost of \$80,512 for the additional work described in William F. Cosulich Associates letter dated June 22, 2001.

RESOLVED, that the Chairman and the Executive Director of the Authority, are hereby authorized to execute and deliver any and all other papers, instruments, opinions, certificates, affidavits and other documents, and to do and cause to be done any and all acts necessary or proper in connection with or for carrying out this resolution.

Motion to Approve
Holbrook/Jobson Unan.

Item #9
Discussion-Town of Clarkstown Yardwaste 2002 Budget

R. Delo stated that the Clarkstown Budget is less then 2% increase over last year. If the Authority has any objection we need to advise them as soon as possible.

Item #10
Discussion/Selection of a Committee-RCSWMA Employee Benefits

This Item was covered with Item #6

Item #11

Resolution No. 32 of 2001
ACCEPTANCE OF AGRICULTURAL PESTICIDE SWEEP PROGRAM

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 2001 Mini-Grant Level II New York State Soil and Water Conservation Committee has awarded a grant in the sum of \$15,000 to the Rockland County Department of Health to sponsor a program dealing with the proper disposal of agricultural pesticides, and,

WHEREAS, the program will involve the cooperative effort of the Rockland County Solid Waste Management Authority, Cornell Cooperative Extension of Rockland and the Rockland County Department of Health, and,

WHEREAS, the Legislature of Rockland County by its resolution no. 403 of 2001 has accepted the said grant, and,

WHEREAS, the said resolution dated July 17, 2001 and Schedule A thereto, and Contract Request Form dated August 1, 2001, each annexed hereto, provides for the said funds of \$15,000 to be transferred to and deposited into the account of the Rockland County Solid Waste Management Authority, and,

WHEREAS, the acceptance of this grant and the effort of the Rockland County Solid Waste Management Authority in participating in the program does not require the expenditure of Authority funds, and,

WHEREAS, the Rockland County Solid Waste Management Authority has accepted the grant and has agreed to participate in this cooperative effort involving the program dealing with the disposal of agricultural pesticides, now, therefore, be it

RESOLVED, that the Rockland County Solid Waste Management Authority hereby accepts the said grant and funds of \$15,000 to be deposited into its account to be expended for the purpose of this program, and, be it further,

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

Motion to Approve
Holbrook/Zebrowski Unan.

Item #12a

**RESOLUTION NO. 33 of 2001
CONTRACT FOR THE PURCHASE OF ROCKLAND MUNICIPAL
BACKYARD COMPOSTING BINS AND KITCHEN SCRAP CONTAINERS**

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 Authority has distributed invitations to bid for the purchase of Municipal Backyard Composting Bins and Kitchen Scrap Containers for the residents of Rockland County, and,

WHEREAS, the Authority received bids from the following vendors:

Brave New Products
Norseman Plastics
Greenline Products
Busch Systems International
Cascade Sales
Harmonious Technologies
Obex, Inc.
Covered Bridge Organic, Inc.
Home and Garden Innovations
Gavi International
Enviro Care

and the lowest bidder for Items #1 and #5 was Norseman Plastics in the sum of \$16.50 per composting bin, and,

WHEREAS, the costs and/or samples submitted for Item numbers 2, 3, 4, 6, 7 and 9 were not acceptable, now therefore be it,

RESOLVED, that the Executive Director is hereby authorized and directed on behalf of the Authority to award the bid for Items #1 and #5 for the purchase of Municipal Backyard Composting Bins to Norseman Plastics the lowest bidder for bid number B01-06, and rejecting all other bids for Composting Bins and Kitchen Scrap Containers with the exception of category #8, Vermicomposting Bins, which is still under evaluation, and be it further,

RESOLVED, that the Executive Director of the Authority is hereby authorized to execute and deliver any and all other papers, instruments, opinions, certifications, affidavits, and other documents, and to do cause to be done any and all acts necessary or proper in connection with or for carrying out this resolution.

Item #12b

**RESOLUTION NO. 34 of 2001
CONTRACT FOR THE PURCHASE OF 30 GALLON
BIODEGRADABLE AND RECYCLABLE LEAF BAGS**

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 Authority has distributed invitations to bid for the purchase of 30 gallon biodegradable and recyclable leaf bags for the municipalities of Rockland County, and,

WHEREAS, the Authority received bids from the following vendors:

Dano Enterprise Inc.
Duro Bag & Standard Products LLC
Resourceful Bag & Tag Company Inc.
Central Poly Corporation

and the lowest bidder was Duro Bag & Standard Products LLC. in the sum of \$233.15 per 1000 bags, now therefore be it,

RESOLVED, that the Executive Director is hereby authorized and directed on behalf of the Authority to award the bid for the purchase of leaf bags to Duro Bag & Standard Products LLC the lowest bidder for bid number B01-07, and be it further

RESOLVED, that the Executive Director of the Authority is hereby authorized to execute and deliver any and all others papers, instruments, opinions, certifications, affidavits, and other documents, and to do cause to be done any and all acts necessary or proper in connection with or for carrying out this resolution.

Discussion

R. Delo stated that the Authority has a grant from the NYSDEC to buy backyard-composting bins for the residents of Rockland County. A bid was put out and the date for the opening was extending to Friday due to the tragedy. The Authority received the bids and tonight we are recommending award to the lowest bidder. The bids were very complete and the lowest was \$16.50 per bin. Several categories of bins were bid on and this resolution is recommending award to the lowest bidder and none of the other bins were acceptable. The other bins were too expensive and/or had mechanical problems. In the resolution it states that the Authority will be rejecting all other bins except for the vermicomposting bins. The lowest bidder in the vermicomposting bins did not submit a sample with their bid, when we receive the sample we will then award the bid. The Authority also went out for bids on the leaf bags and are recommending award tonight to the lowest bidder. R. Delo directed K. Scales to show the sample of the composting bin and feels that the residents will find this bin acceptable.

S. Hurley questioned the stages that the bins will be distributed?

R. Delo answered that the bins will be offered to the residents of Rockland County to compost their greenwaste.

S. Hurley questioned if the bins are for free?

R. Delo answered yes, the Authority is receiving a grant for 50% reimbursement. The Authority will be giving the bins away and we will also hold classes to educate the residents how to use the bin properly. The Authority will also be tracing how much waste was reduced by using the bin. The Village of Hillburn did the same program a few years ago and it was very successful.

St. Lawrence questioned what was going to be on the outside of the bin?

R. Delo stated that there would be an Authority logo on the bin.

St. Lawrence questioned about rodents?

K. Scales answered that the bin is drilled into the ground and the top of the bin has a lock on it.

R. Delo stated that he has used this bin and did not have a problem with rodents.

St. Lawrence questioned how many bins would be in the first order?

R. Delo answered that after a survey is done then the Authority could determine how many bins were needed.

St. Lawrence questioned if all the bins have been distributed to the Towns and Villages?

K. Scales answered yes, and if any Town of Village needs them the Authority has a supply.

F. Fornario stated that the bin could be used for alternative uses.

S. Hurley questioned if there is a maximum on the grant?

R. Delo answered that there is a dollar amount maximum. The Authority has enough that this program can get 20,000 bins.

Motion to Approve

Item 12a & 12b

Holbrook/Zebrowski

Unan.

Item #13

Information-Sloatsburg Request for Garbage, Recyclables, Bulk, Leaves and Grass Collection Service

St. Lawrence stated that this item was covered under the WFC report.

R. Delo added that the Authority's intent is to receive bids, so that the Authority can make an award at the October meeting. It is necessary to have this completed asap because the information has to go onto the Town tax roll.

St. Lawrence stated that the Village of Sloatsburg did not have to pay for garbage pickup for the last five years because DiBella was servicing the Village in exchange for a transfer station by DiBella in their Village. The residents in Sloatsburg no longer have that deal and the residents have to pay for garbage removal and they will be paying the Authority.

S. Hurley stated that the resolution does not state the Village's willingness to pay the cost of the RFB. What if the Village decides not to use the RFB?

R. Delo answered that the Village is required to pay up to \$10,000 whether the Village uses the RFP or not. If the Village decides to go ahead the Authority can roll the cost into the contract.

Item #14

Discussion-WMNY's Materials Recovery Facility Agreement Issues

R. Delo stated that no personnel from WM are present to discuss this matter.

St. Lawrence suggested we come back to this item after we address the rest of the agenda.

Item #15

Discussion-Improvements to the Household Hazardous Waste Facility

St. Lawrence stated that there is a letter in the packet from T. Micelli.

This item was addressed under item #4 reports-Executive Director.

Item #16

Discussion-Consideration of an Additional Brush Processing Facility at the Ramapo Landfill

St. Lawrence stated that the Ramapo Landfill and/or an area in the Torne could be made available for an additional brush facility. Clarkstown has really run out of room in their facility.

C. Holbrook stated that the facility is full and it is a good idea to explore another facility.

R. Delo stated that there have been some problems at Clarkstown because of the space constrains. It would be convenient to have an additional facility in Ramapo for the Ramapo communities instead of the residents traveling to Clarkstown. The real question

is where to put it? Developing anything new in the Torne Valley in very controversial. The Chairman indicated that there is room onto of the landfill.

C. Holbrook stated that the Executive Director should look at the feasibility of the Authority constructing a brush facility onto of the Ramapo landfill and report back to the board.

New Business

Resolution No. of 2001 Amending Resolution No. 25 of June 28, 2001 with respect to filing suit against Capasso carting (Interstate Waste)

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 Authority passed resolution no. 25 of June 28, 2001 authorizing suit against Capasso Carting (Interstate Waste) for it arrears owed to the Authority for tipping fees, and,

WHEREAS, since said resolution Christopher P. St. Lawrence and Ronald C. Delo, respectively Commissioner and Executive Director of the Authority, have been in negotiations with Interstate Waste to receive deliveries of amendment (wood chips) from Interstate Waste to the Authority’s Co-composting Facility free of charge in consideration for which the Authority would hold back suit and permit Interstate Waste to pay on a 30 day billing period for future dumping at the Authority’s transfer station provided that it continues to reduce its arrears by monthly payments of 1/9 of its May 16, 2001 balance and by the posting of a surety bond in the sum of \$100,000 to guarantee the payment of future tipping fees, and,

WHEREAS, the Authority has received a payment from Interstate Waste of \$12,735.65 on September 18, 2001 to be applied against its arrears, and,

WHEREAS, the Authority has decided that it would be in its best interest to enter into an agreement with Interstate Waste encompassing the arrangements set forth in paragraph three above, now, therefore be it,

RESOLVED, that the Authority enter into an agreement with Interstate Waste substantially in accordance with paragraph 3 above, and, it is further,

RESOLVED, that counsel prepare such agreement for execution by the Authority’s Commissioner or Executive Director, and it is further,

RESOLVED, that pending Interstate Waste’s compliance with said agreement that the Authority hold up on suit, and it is further,

RESOLVED, that in the event that Interstate Waste breaches said agreement, that the Authority have the authority to institute suit for the then arrears plus interest without further resolution.

Discussion

R. Delo stated that the Authority is going to enter into an agreement with Interstate Waste. In the agreement there will be a clause on the amount of garbage that Interstate came bring in to the transfer station, which would be the equivalent to the amount of the bond.

Motion to Approve
Zebrowski/Holbrook Unan.

K. Zebrowski questioned if he had to file another ethic form if he already filed one with the county?

R. Delo answered no.

St. Lawrence requested R. Delo for an update on the 2nd scale that was installed at the scalehouse.

R. Delo stated that both scales are operational now. The location of the scale is not an ideal location. The scale is along Torne Valley Road and it is very difficult to access the back scale. The Authority is currently using the front scale only.

Item #14

Discussion-WMNY's Materials Recovery Facility Agreement Issues

R. Delo stated that WM is claiming that they are losing money on the Authority's contract and losing money on all of their contracts in this region. WM most recently project manager, Rich Geisser, is reviewing the contract trying to find ways of exercising WM rights as per the agreement to help WM better their financial situation and one area that was found in the agreement stated that WM can reject loads of recyclables that come in with unacceptable loads that have a excess of 10% of reject materials. The Authority has received a number of loads that do have rejects of 10%. The Authority has started a campaign to educate the residents of Rockland County of the acceptable materials. The Authority has already noticed an improvement. The Authority is going to go ahead with its outreach education program. The Authority has had a number of meetings with WM to see what the Authority can do to help their situation. WM came back with a proposal that was unacceptable. The Authority came back with a counter-proposal that would give the facility some enhancements, capital improvements and WM found the Authority's proposal unacceptable. WM last position was that the Authority would receive a letter from WM's lawyer advising the Authority of our legal rights.

St. Lawrence stated that the green and brown glass has no value and this issue was brought up at a meeting with WM and the Authority came up with some ideas for disposal and WM rejected them. One idea was that Tilcon would take the glass, grind up it to use for paving and this idea would of saved WM \$50,000 a year.

R. Delo stated that the Authority has a 5 yr contract with the option to renew for an additional 5 years under the same terms and conditions. WM is advocating that they have a legal position to get out of the contract because they are losing money. In the contract if WM thinks that a load has an excess of 10% they have to go to the Executive Director and he needs to review the load and agree with WM. The Executive Director is the sole judge of whether the load is acceptable or not. WM had sent representatives out to the facility to inspect loads and found nothing, to date no loads have been rejected. The Supervisor and Mayors should be putting the list of acceptable materials in their newsletters to the residents and notifying the residents to rinse the containers.

S. Corallo requested the list of acceptable materials be re-circulated to the Town and Villages.

L. Dessau questioned the major problem at the facility? Is the green and brown glass the problem?

R. Delo answered that green and brown glass is allowed to be put into the recycle bin however it is a problem for WM to dispose of it. WM is paying to dispose of the glass when before WM would get paid for the glass. The value of recyclables has dropped 50% from last year. Last year the Authority took in \$2 million and this year the Authority might collect \$1 million. The Authority shares revenues with the WM and WM this year will collect \$0. The Authority feels that WM has not done an adequate job maintaining the facility and as a result of that WM has had a higher rate of repairs. Rich Geisser has done a better job and they are improving the maintenance of the facility. WM took a big hit with the baler and the loader at the facility for repairs.

S. Corallo questioned how much time is left on the 5 yr contract?

R. Delo answered 2 ½ more years and the Authority can renew for another five years.

S. Corallo questioned at the same rate?

R. Delo answered yes, there is an escalator for the fee per ton but the terms and conditions stay the same.

T. Dusanenko stated that he did not receive a message that the meeting location was changed and the staff of the Authority should only speak with T. Dusanenko himself and he can always be reached on the cell phone. T. Dusanenko also apologized to the other board members for being late.

K. Zebrowski brought to the attention of the board that in the Town of Clarkstown, which he represents, what if anything can be done or should be done for Normandy Village Condominiums in Nanuet, on a regular basis the carter in dumping recyclables into the regular solid waste. This is a 110 unit development, populated primarily of Senior Citizens who go to some extent to separate the recyclables from the garbage. What statute exists to do something about it and what if anything this commission can do to stress our displeasure and enforce the proper disposal of these items?

St. Lawrence answered that Article 17 of the County Law prohibits anyone from mixing garbage with recyclables. This code is enforced by the Health Department, when the Health Department is notified they send out an inspector and the carter and/or owner of the property will be fined.

K. Zebrowski requested the Executive Director make the proper phone calls on this matter.

R. Delo stated that the Health Department has been out to this location several times and has given the carter verbal warning.

K. Zebrowski stated that the Legislature should revisit this situation to do a rate increase for the fines that are given to the carters.

R. Delo stated that the Health Department does do progressive fines such as a friendly reminder to a fine and each step gets worse. The Health Department has already fined carters for mixing recyclables with garbage.

St. Lawrence stated that Article 17 requires that all businesses and condominiums complete a plan for their recyclables.

R. Delo stated that this condominium has a plan in place. R. Delo recalled that some of the residents in this area were putting the wrong recyclables in the wrong bin and if the load is contaminated then the carter is taking it away as garbage. The carter should not do that, the material should be brought to the MRF and the facility can sort out the recyclables. R. Delo also stated that he would follow up on this situation.

Motion to Adjourn
Holbrook/Fornario Unan.

Respectfully Submitted,

Camille Guido