

Minutes
Rockland County Solid Waste Management Authority
July 25, 2002

Members Present

C. St. Lawrence
B. Berliner
S. Corallo
E. Devine
T. Dusanenko
F. Fornario
C. Holbrook
S. Hurley
R. Karben
T. Kleiner
H. Marshall
H. Phillips
I. Schoenberger
Dr. Yarmus

Members Absent

D. Jobson
F. Wassmer
K. Zebrowski

Others Present

R. Delo
A. Etelson
T. Pytlar
T. West
J. Damiani
H. Schucker
D. O'Donnell
D. Gershon
K. DeLong
J. Burnet
K. Scales-Zepf
D. Tracy
S. Orfini
S. Simon
L. Miele

Chairman St. Lawrence called the meeting to order at 5:05p.m.

Item #3

H. Marshall advised the Board of a correction on page 2 of the Minutes where the Clerk mistakenly typed the wrong name.

Resolution No. 18 of 2002
Adoption of Minutes, Meeting of May 23, 2002

H. Marshall offered the following resolution, which was seconded by I. Schoenberger and was approved unanimously with the above name change, and,

RESOLVED, that the transcribed Minutes of the Rockland County Solid Waste Management Authority for the meeting of May 23, 2002 as recorded by the Clerk with the above change are hereby adopted.

Item #4

WFC

T. Pytlar stated the highlights of the following activities for the month of July:

- Continued assistance with the complaint against WM regarding the operation and economics of the MRF. In a meeting today with WM we discussed the status of their operations and the Authority asked some questions on the economic issues.
- Assisted the Town of Orangetown with the preliminary design of the recyclables drop off ramp to replace the operations at the Clarkstown facility.
- Assisted in preparing grant applications for equipment improvements at the MRF and Coco and to increase local recycling services.
- Observed the repair work from Synagro at the Coco facility with the repair to the defective corrosion resistant coatings inside the facility.
- Prepared design for the backyard composting demonstration area.
- Reviewing the impact of the Pennsylvania landfill surcharge to the Authority's transfer station operation costs.
- The transfer station improvements work is coming to an end. WFC has been monitoring the work of the contractors and completing punch list work. Obtained the DEC approval on the operating plan for the pre pro.

C. St. Lawrence questioned the progress of the anvil topping at the transfer station?

T. Pytlar answered that the anvil topping has been tested and is satisfactory.

R. Delo added that all of the work is completed on the pre processing facility side not on the transfer station side.

Executive Director

R. Delo stated that the Authority had the last glass beneficiation system test on the glass that is produced at the MRF. Samples are passed around which are of three different grades of glass that one vendor produced from the mixed broken glass. One dispute the Authority is having with WM is negative markets. WM claims that mixed broken glass is a negative market. The Authority has been exploring other options for the glass. One company can take the glass and produce three different grades of materials. The grades are sand, 3/8 minus which is a road base material and mixed broken glass. The Authority has had discussions with Tilcon who is interested in the sand material for the asphalt mix and for foundation material for piping. The Authority met with WM and there might be some interest in installing this equipment and the Authority will be pursuing this lead. The Authority will be developing a specification for possible future use on all County engineering jobs to help with the marketing of this product. The County and municipalities can use this specification on bids and make it a requirement for all future jobs. R. Delo stated that it is an excellent material and feels that it could be used for all different applications within the County. The Authority has been working with candidates for the new preprocessing facility. The BCUA closed laying off 40 employees. Several former employees of the BCUA have been interviewed and are great candidates for the positions at the Pre-pro because they have been doing what we need.

S. Hurley questioned if any one is qualified from Rockland County instead of Bergen County?

R. Delo stated that the Authority has advertised and made various agencies aware of the positions. The Authority did not get a great response from Rockland County. These positions require a CDL, and certain qualifications. As the facility get up and running we will have additional positions that not have these requirements. The Authority received a grant for recycling bins from the State and that grant expires at the end of the year. Letters have been sent out asking the municipalities to advise the Authority how many bins are needed ASAP so that the Authority can order the bins under the grant. The Authority is asking for another extension but have been told that it is unlikely.

F. Fornario questioned how many bins have been ordered so far?

R. Delo answered 75,000 bins.

R. Delo continued that under the same grant are wheel kits to go with the bins for seniors and/or handicapped people who might need the assistance. Mayor/Supervisors please get back to the Authority ASAP. The State responded to the grant application for the recycling coordinator/education grant with questions and the Authority is responding. Some items on the grant were accepted and others were rejected. The Authority will receive a sizable grant for education.

C. St. Lawrence stated that S. Hurley does make a good point about Rockland County residents qualifying for the positions on the preprocessing facility.

Item #5

**RESOLUTION NO. 19 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.

Motion to Approve
Hurley/Schoenberger

T. Kleiner questioned a dollar amount?

R. Delo answered \$374,500.

Unan.

Item #6

Resolution No. 20 of 2002
AUTHORIZING THE FILING OF APPLICATION FOR STATE
GRANT-IN-AID FOR A COMMERCIAL, INDUSTRIAL RECYCLING
SERVICES & EQUIPMENT AND SIGNING OF THE ASSOCIATED STATE
CONTRACT, UNDER THE APPROPRIATE LAWS OF NEW YORK STATE

WHEREAS, the Rockland County Legislature, pursuant to Resolution No. 301 of 1994 and Section 2053 (c) et seq. of the Public Authorities Law, created the Rockland County Solid Waste Management Authority (the “Authority”), to plan, design, finance, procure and operate the municipal solid waste reduction and recycling projects as set

forth in the Rockland County Comprehensive Solid Waste Management Plan, (the “Plan”), and

WHEREAS, the PLAN provides for several facilities and programs each to reduce and recycle a specific portion of the solid waste stream, and,

WHEREAS, the State of New York (the “STATE”) provides financial aid for such municipal waste reduction and recycling projects, and

WHEREAS, the AUTHORITY, has examined and duly considered the applicable laws of the State of New York and the AUTHORITY deems it in the public interest and benefit to file application under these laws to obtain such financial aid for a) Commercial, Industrial Recycling Services & Equipment, under the PLAN, and

WHEREAS, it is necessary that THE PEOPLE OF THE STATE OF NEW YORK and the AUTHORITY execute contracts for such financial aid, now, therefore, be it

RESOLVED by the ROCKLAND COUNTY SOLID WASTE MANAGEMENT AUTHORITY, the following:

1. That the AUTHORITY is hereby authorized to file applications for the below listed project in such form required by the STATE OF NEW YORK in conformity with the applicable laws of the State of New York including all understanding and assurances as may be contained in such applications: Commercial, Industrial Recycling Services & Equipment
2. Ronald C. Delo, P.E., Executive Director of the Authority is directed and authorized as the official representative of the AUTHORITY to act in connection with the applications and to provide such additional information as may be required to execute any resulting contracts, should such applications be approved.
3. The AUTHORITY agrees it will fund its portion of the cost of said Commercial, Industrial Recycling Services & Equipment.
4. Five (5) Certified Copies of this Resolution be prepared and sent to the New York State Department of Environmental Conservation, Albany, NY 12233-7253, together with a completed application.
5. This resolution shall take effect immediately.

Motion to Approve
Dusanenko/Holbrook

Unan.

Item #7

Resolution No. 21 of 2002
AUTHORIZING THE FILING OF APPLICATION FOR STATE
GRANT-IN-AID FOR A NEW TUBGRINDER AND SIGNING OF THE
ASSOCIATED STATE CONTRACT, UNDER THE APPROPRIATE LAWS OF
NEW YORK STATE

WHEREAS, the Rockland County Legislature, pursuant to Resolution No. 301 of 1994 and Section 2053 (c) et seq. of the Public Authorities Law, created the Rockland County Solid Waste Management Authority (the “Authority”), to plan, design, finance, procure and operate the municipal solid waste reduction and recycling projects as set forth in the Rockland County Comprehensive Solid Waste Management Plan, (the “Plan”), and

WHEREAS, the PLAN provides for several facilities and programs each to reduce and recycle a specific portion of the solid waste stream, and,

WHEREAS, the State of New York (the “STATE”) provides financial aid for such municipal waste reduction and recycling projects, and

WHEREAS, the AUTHORITY, has examined and duly considered the applicable laws of the State of New York and the AUTHORITY deems it in the public interest and benefit to file application under these laws to obtain such financial aid for a TUBGRINDER, under the PLAN, and

WHEREAS, it is necessary that THE PEOPLE OF THE STATE OF NEW YORK and the AUTHORITY execute contracts for such financial aid, now, therefore, be it

RESOLVED by the ROCKLAND COUNTY SOLID WASTE MANAGEMENT AUTHORITY, the following:

1. That the AUTHORITY is hereby authorized to file applications for the below listed project in such form required by the STATE OF NEW YORK in conformity with the applicable laws of the State of New York including all understanding and assurances as may be contained in such applications:
Tubgrinder
2. Ronald C. Delo, P.E., Executive Director of the Authority is directed and authorized as the official representative of the AUTHORITY to act in connection with the applications and to provide such additional information as may be required to execute any resulting contracts, should such applications be approved.

3. The AUTHORITY agrees it will fund its portion of the cost of said new Tubgrinder.
4. Five (5) Certified Copies of this Resolution be prepared and sent to the New York State Department of Environmental Conservation, Albany, NY 12233-7253, together with a completed application.
5. This resolution shall take effect immediately.

Motion to Approve
Fornario/Holbrook

Unan.

Item #8

**Resolution No. 22 of 2002
AUTHORIZING THE FILING OF APPLICATION FOR STATE
GRANT-IN-AID FOR A PET HDPE FLATTENERS AND SIGNING OF THE
ASSOCIATED STATE CONTRACT, UNDER THE APPROPRIATE LAWS OF
NEW YORK STATE**

WHEREAS, the Rockland County Legislature, pursuant to Resolution No. 301 of 1994 and Section 2053 (c) et seq. of the Public Authorities Law, created the Rockland County Solid Waste Management Authority (the “Authority”), to plan, design, finance, procure and operate the municipal solid waste reduction and recycling projects as set forth in the Rockland County Comprehensive Solid Waste Management Plan, (the “Plan”), and

WHEREAS, the PLAN provides for several facilities and programs each to reduce and recycle a specific portion of the solid waste stream, and,

WHEREAS, the State of New York (the “STATE”) provides financial aid for such municipal waste reduction and recycling projects, and

WHEREAS, the AUTHORITY, has examined and duly considered the applicable laws of the State of New York and the AUTHORITY deems it in the public interest and benefit to file application under these laws to obtain such financial aid for a PET HDPE Flatteners, under the PLAN, and

WHEREAS, it is necessary that THE PEOPLE OF THE STATE OF NEW YORK and the AUTHORITY execute contracts for such financial aid, now, therefore, be it

RESOLVED by the ROCKLAND COUNTY SOLID WASTE MANAGEMENT AUTHORITY, the following:

1. That the AUTHORITY is hereby authorized to file applications for the below listed project in such form required by the STATE OF NEW YORK in conformity with the applicable laws of the State of New York including all understanding and assurances as may be contained in such applications:
PET HDPE Flatteners
2. Ronald C. Delo, P.E., Executive Director of the Authority is directed and authorized as the official representative of the AUTHORITY to act in connection with the applications and to provide such additional information as may be required to execute any resulting contracts, should such applications be approved.
3. The AUTHORITY agrees it will fund its portion of the cost of said new PET HDPE Flatteners.
4. Five (5) Certified Copies of this Resolution be prepared and sent to the New York State Department of Environmental Conservation, Albany, NY 12233-7253, together with a completed application.
5. This resolution shall take effect immediately.

Motion to Approve
Holbrook/Schoenberger

Unan.

Item #9

A. Etelson stated that in the pass year Schettino reduced his balance by \$90,000. Schettino did file Chapter 11 bankruptcy and A. Etelson will appear at the proceedings and try to secure vehicles. The Authority did file a proof of claim for Enron/GSP and A. Etelson believes that the resolve will take years. Sonny Zito is paying more then he has too and is reducing his balance rather quickly. Scuffy Carting is due in court and he believes that there will be a settlement.

T. Dusanenko stated that 2 years ago he stated raising the issue about the arrears. Arraignments were made for carters to pay 1/12 as you go. For Schettino Service the Authority is looking at \$281,000 even though that it is \$90,000 less. How does counsel plan on getting any money back? What is also being done with the carters that have balancing that are over 90 days late?

A. Etelson answered that Schettino settled with the Authority that we would received a large portion upfront as part of the settlement and then pay the 1/12 payments. Schettino not paying the 1/12 now and he has been cut off from using the facility. A. Etelson stated that he is aware of what assets Schettino has and the Authority has collected some

money. Each case is different. IWS is a huge percentage of the Authority's business. The Authority already has a payment bond in place for \$200,000 and discussions are on the way to increase the payment bond to \$500,000.

T. Dusanenko questioned how much does counsel think can cut down the claim of \$280,000?

A. Etelson answered that it is difficult to say until the claim is made at court.

T. Dusanenko answered if a claim has been made yet?

A. Etelson answered that it has not been made yet, it will be made when Schettino files in court.

T. Dusanenko questioned if A. Etelson is ready when Schettino is ready to file?

A. Etelson answered yes.

T. Dusanenko questioned if the other carters that have a balance 90-day balance are on the 1/12 payment plan?

R. Delo stated that the letter on the left of the aging scheduled refers to what payment plan the carters are on.

C. St. Lawrence stated that T. Dusanenko was on the forefront of setting up the new policy. C. St. Lawrence made a motion that the payment bond amount has to be larger than the outstanding balance.

Motion to approve
Dusanenko/Holbrook

Unan.

St. Lawrence stated that one carter on the schedule owes the Authority a large amount of money and the Authority pays them. How could this be?

R. Delo answered that it is a billing cycle issue. The 30-60 day amount is a disputed interest charge. R. Delo stated that a dispute is also working with this carter for one of the municipalities that the carters services.

R. Delo also stated that if there are amounts that is passed the allowable the Authority holds a check to them.

Item #10

Dr. Yarmus stated that the NYSDOT will not fund the next billing cycle for the Global Action Plan Program. Dr. Yarmus has been working closely with Global Action Plan to find others ways to fund the program. Dr. Yarmus is not ready to offer his official opinion but he is having a hard time finding additional funding. The Authority might have to rethink the program.

C. St. Lawrence stated that the NYSDOT pays for 50% of the program.

Dr. Yarmus stated that the he does have a commitment from the NYSDOT that the Authority will get the amount owed.

C. St. Lawrence requested a report at the next meeting.

S. Hurley questioned the amount of the program?

R. Delo answered \$170,000.

R. Delo introduced D. Gershon to give the Authority an update.

D. Gershon introduced himself as CEO of the program and continued to address the report that was distributed to the Authority members. Last year the program was expanded to include the Livable Neighbor Program and GAP has also been working to improve the Eco-Team idea to get out to the schools and camps this year. There are 46 teams that are formed and our goal is 60 teams. There is also a partnership with RCC that will hopefully bring the GAP to our goal of 60 teams. Due to 9/11 Gap is extending their goal time frame by one extra month. The livable neighborhood program was modified for Rockland County residents and the program has incorporated sections on solid waste and transportation. A survey was conducted of all of the participations in Rockland County and what was found was that out of the 100% participation 1/3 responded positively and 100% said that they have now started to conserve resources. 93.9% stated that they have continued to use their experiences with the program and the other 92% said that they would refer the program to someone else. The feedback was well thought of and well received. The EPA honored the GAP program for Region 2. R. Delo and D. Gershon attended with staff. There has been a lot of recognition for this honor from the County. D. Gershon stated that he has met with the Director of Community Development and he was very interested in the livable neighborhood program in the SV and Haverstraw area. D. Gershon stated that he is working with everyone to find additional funding. There is an event on August 9 for the camp program for the eco-team program. D. Gershon thanked the Board members for the attention.

Item #11

R. Delo stated Pennsylvania has imposed a tax on all MSW dumped in the landfill. The new tax is \$7.25 per ton. The increase happened in stages and the first increase is \$3.25 per ton and the \$4.00 per ton was just enforced. In state and/or out of state msw is effected by this increase. R. Delo stated that he feels that the landfills are taking

advantage of the situation to increase their fees anyway, which is ranging from \$7.25 and up. As a result of landfill prices going up there is a letter from Tracy who represents J. Miele who operates the transfer station requesting an increase in the operating fee for the t/s and indicating that this is an uncontrollable increase and that he is entitled to an increase to operate the t/s. The second thing is that everyone who operates a transfer station is raising their tip fee to cover the additional costs at the landfills. Clarkstown received a similar letter from Miele requesting the same. Damiani is considering an increase and the transfer stations over the boarder in NJ have already raised their rates. This item was put on the agenda to start the discussions regarding raising the tip fee at our transfer station. One thing that we have seen at our transfer station is that we are overwhelmed with MSW. The Authority's tip fee is still at \$63/ton so we are a tremendous bargain. All of the transfer stations in the area are at or above capacity. R. Delo stated that he believes that the Authority needs to look at raising our tip fee to be in line with the other transfer stations in the area. There are a number of effects that have to be taken into account, the Town of Ramapo and others that have existing contracts in place that pay for garbage service have a pass through provision in their contracts that if the tip fees at the transfer station go up, the Town has the right to pass the costs back on to the municipalities. In the Authority's and Ramapo's case with the contract that we have there is no mechanism to collect these costs in the middle of the year.

C. St. Lawrence stated that it would not be Ramapo only it would also be Spring Valley, Haverstraw and Sloatsburg.

R. Delo also stated that it would also affect the County of Rockland's contract.

R. Delo continued that if the Authority was to agree to the increase, the contractors passed the cost onto the Authority and the Authority could not collect these cost mid year.

S. Hurley questioned if the Towns and Villages would pick up the cost difference?

R. Delo answered yes, but mid year it is difficult to do because taxes are collected in January.

R. Delo continued that Miele Sanitation and attorney are here tonight to make their case for an increase for the operations of the t/s. The Authority currently pays Miele \$60/ton and the Authority collects \$63/ton to cover administration costs.

C. St. Lawrence referred to T. West to give his opinion on the letter from Miele calling this an uncontrollable circumstance.

T. West stated that in the transfer station contract under the uncontrollable circumstance there is exclusion under the Designated Disposal Facility and there is a minimum requirement that Miele is to provide the Authority with a list of disposal facilities that he uses to disposes of the msw. The reason the Authority chose this language was because it gave the contractor more room to dispose of the waste in any area that he wanted to use.

T. West stated that it is his opinion that this tax increase does not fall under an uncontrollable circumstance in the contract because Miele can use another landfill.

S. Hurley stated that it sounds like no matter where Miele does go all the landfills are raising their rates. If all the landfills were the same price then would it be uncontrollable?

T. West answered no that under the contract he would not see that as an uncontrollable circumstance.

S. Hurley stated that he would agree if there were other options, but it sounds like there are no other options.

C St. Lawrence clarified that the fees are for the Pennsylvania landfills only, not for the landfills in NY and NJ, etc.

S. Hurley stated that Miele could go someplace else instead of Pennsylvania landfills.

T. West confirmed what S. Hurley stated.

C. St. Lawrence clarified that R. Delo said that the tipping fees are increase all over the area not the landfills charges.

R. Delo stated that all the Pennsylvania landfills have to pay a state tax of \$7.25/ton of MSW that goes to their landfills. The landfills are in return passing that charge to the carters and in some cases adding more money to it. Locally the transfer stations in our area are increasing their fees to reflect that higher cost. The other thing that happened was that the Bergen County Utilities Authority (BCUA) closed its transfer station. The BCUA was accepting 1,500 tons a day and now that waste is out into the market place going to other facilities including ours and people are looking at this as an opportunity to raise their rates.

S. Hurley questioned if legally there is another option that is controllable?

T. West stated that he is interpreting this as it is not an uncontrollable circumstance and the Miele should look at other options. Even if it was an uncontrollable circumstance Miele has to show that there is no other option for him. Miele would have to show that there is no other place to take the waste to for \$7.25 less and the contractor is under the obligation to mitigate by filing reports and a cost substantiation of each facility's price, etc. All this data needs to be provided to the Authority before the Authority can make any determination.

S. Hurley clarified that under the contract T. West does not believe that the Authority legally has to give an increase now.

T. West agreed.

D. Tracy stated to impress this board on the gravity of the situation and after a meeting with R. Delo last Monday, Miele did a study on three landfills in Pennsylvania that Miele using for the Ramapo contract.

The following are the results of the study:

Landfill	Flow	Amount of Increase
Onyx Landfill	9.8%	\$90,677
Keystone	8.2%	\$108,832
WSI	10.6%	\$91,633

The total amount extra for the remainder of the year is \$289,143.

D. Tracy continued that T. West made the argument that it is Miele's problem and use other landfills. The landfills are a tight nit group and when one landfill ups their price the rest will. The answer to divert the waste else is not practical. Miele could divert about 100 tons on a temporary basis but with the influx of material from the transfer station it is hard. This is a dilemma that is going to get worse. The Authority is stating that they cannot collect additional money for an increase because the money is already collected for the year but then the hauler cannot stay in business and services would have to be cut and this situation may end up in the bonding companies hands. D. Tracy stated that R. Delo indicated that there is no way for the municipalities to raise the money but what about the contingency? Miele Sanitation is only in the position to divert 100 tons of msw to other areas that have not yet increased their tipping fess and they will increase in time. All the other locations also have a permitted amount and they cannot take any more. D. Tracy agreed that he and T. West do not agree on what is the definition of an uncontrollable circumstance. In the Town of Clarkstown there is a direct provision requiring the municipalities to pay these costs. This issue should be dealt with quickly and uniformly.

C. St. Lawrence verified the percentages given by D. Tracy and clarified that the Authority and/or Miele is looking at divert about 29% of the msw. This flow could be diverted to other landfills in other state which would cause an additional increase for fuel costs, etc.

D. Tracy also mentioned since 9/11 the insurance rates have increase from \$249,000 to \$500,000 a year.

C. St. Lawrence stated that 29% of the msw could be diverted to make it more cost efficient. Miele needs to have a different permit that would allow for more tonnage in each load. This Authority should pass a resolution to request the State of NY to provide these permits to Miele since he operates our transfer station and for Miele not be in the lottery for those permits. C. St. Lawrence agreed with T. West stating that there should be some mitigation to show where these numbers are coming from. For the Authority to agree with Miele we need the proper documents. C. St. Lawrence stated that he agrees with T. West and that this is not an uncontrollable circumstance. C. St. Lawrence also

agrees that there needs to be relief. More information needs to be provided and more information needs to be gathered and this needs to be done in a timely manner. The Authority cancels it's August meeting but can schedule a special meeting.

T. West stated that in the contract it states that the Authority does not direct where the msw goes, that is why it is so important to get the information from the contractor.

C. Holbrook stated that one solution is to transport our msw by rail. There is the rail facility on snake hill road. There are other landfills in other states that the Authority would be able to ship to. The rail facility should be in full operation. C. Holbrook feels that the Authority should not be held hostage by trucking the msw out. The Authority should come up with something sensible that works for this immediate emergency and at the same time something for the future.

D. Tracy stated that the rail facility does not permit to load more then 20 tons to a vessel.

J. Miele stated that there are 20 ft containers. To make it worth wild you have to get 22 tons in each container, which is impossible. The msw in the county is lighter then NYC.

C. Holbrook questioned if Miele's option is to pursue the rail option?

J. Miele answered yes, and that he has been negotiating with several companies for years and there have had several demonstrations at his rail facility to get more waste into the containers. If 40-foot containers are used and they are doubled tiered then the weight is there to ship by rail.

C. Holbrook requested the Executive Director to research the rail option.

J. Miele stated that since the BCUA has shut down, the average at Clarkstown was 300/tons a day and now they are pushing 800 tons a day. In Ramapo there is a permit for 360/tons and they are up to 550/tons. The msw is coming to our transfer stations. J. Miele stated that he is using the NY landfill more since the tax. The NY landfills only let a certain tonnage in. Miele Sanitation ran into a bind because they got hit with a lot of msw that they were not prepared for.

C. St. Lawrence stated that additional information needs to be submitted to the Authority ASAP. The Authority will review it and go from there. C. St. Lawrence designated the following members to be on a committee to look at alternatives for the outbound msw:

Fornario, Yarmus, Berliner, Phillips, Hurley and the Chairman

H. Marshall questioned if the Authority is reviewing a rate increase for Miele Sanitation?

C. St. Lawrence answered yes for the operation of the transfer station. The rate for the carters would go up \$7 and any of those carters that have contracts with municipalities which has pass though provisions would get hit very hard with an increase in January.

H. Marshall stated that when you negotiate a contract and agree to the price you take the good with the bad. At one point you did make profit.

C. St. Lawrence agreed and stated that if Miele was making a profit he would not give the Authority a rebate.

D. Tracy clarified that this problem is going to effect everyone and every Town and Village in Rockland County. Miele Sanitation is not only here asking for a raise we are also notifying the Authority of this situation.

S. Hurley questioned if the Authority is making more money since we are bring in more msw?

R. Delo answered that the Authority receives \$3 a ton.

S. Hurley stated the Authority should look at our finances and look at Miele's expense and look at what the Authority has in reserves and that it is unfair not to recognize that this is a problem.

T. Dusanenko stated that the Authority is making \$3/ton but there is a stress on the staff. What caused the BCUA to close? Could the Authority have a different rate for the out of state msw?

R. Delo answered that in May of 2002 the BCUA facility closed. It was very controversial. BCUA had the highest tipping fees at one point almost \$120/ton. BCUA tried to privatize and sell it and they owned a lot of outstanding debt. A arraignment was made with the Meadows and there was a lot of political involvement.

Item #13

**RESOLUTION NO. 23 OF 2002
CANCELLATION OF AUGUST 2002 MEETING**

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, by Resolution No. 39 of 1995 the Authority did ratify an amendment to section 4.2 to the by-laws, whereas the Chairman may elect to cancel any single regular monthly meeting for lack of any business to be transacted or anticipated lack of a quorum, therefore be it

RESOLVED, that the regular monthly meeting, originally scheduled for August 22, 2002 shall be cancelled.

Motion to Approve

Fornario/Berliner

Unan.

Item #14

Pulled

Item #12

Pulled

Motion to Adjourn

Yarmus/Corallo

Unan.

Respectfully Submitted

Camille Guido