

Minutes
Rockland County Solid Waste Management Authority
September 26, 2002

Members Present

C. St. Lawrence
B. Berliner
S. Corallo
E. Devine
T. Dusanenko
C. Holbrook
S. Hurley
T. Kleiner
H. Marshall
H. Phillips
I. Schoenberger
Dr. Yarmus
K. Zebrowski

Members Absent

F. Fornario
D. Jobson
R. Karben
F. Wassmer

Others Present

R. Delo
A. Etelson
T. West
T. Pytlar
M. Scrimner
D. O'Donnell
A. Potosnak
J. Miele
D. Tracy
R. Ludwig
J. Burnet
J. Welch
K. Zepf
S. Orfini

The meeting was called to order at 4:40 p.m.

C. St. Lawrence stated that F. Wassmer could not be here there is a Public Hearing in the Village of Haverstraw.

Resolution No. 26 of 2002
Adoption of Minutes,
Meeting of July 25, 2002 & August 13, 2002

C. Holbrook offered the following resolution, which was seconded by H. Phillips and was approved unanimously, and,

RESOLVED, that the transcribed Minutes of the Rockland County Solid Waste Management Authority for the meetings of July 25, 2002 and August, 13, 2002 as recorded by the Clerk are hereby adopted.

Item #4
WFC

C. St. Lawrence congratulated T. Pytlar on his promotion in the Company to Vice President.

T. Pytlar stated that WFC conducted the following activities for August and September:

- Continued in assisting the Authority in addressing the issues in the dispute with WM on the MRF.
- Began preparation of the design of the recyclables transfer ramp for the Town of Orangetown at the DPW yard in Orangeburg.
- Observed work by Synagro’s contractor to reapply corrosion protective coating at the Cocomposting Facility. Assisted the Authority in responding to Synagro’s notice on the discontinued of the work.
- Assisted the Authority in preparing a budget for the impact of the Pennsylvania tipping surcharge along with the request from Miele Sanitation.
- WFC assisted in the arraignments for the testing of the equipment at the RPF. Drafted a post card for the distribution to various companies for possible targets for the facility.

Executive Director

R. Delo introduced the new preprocessing facility supervisor A. Potosnak. The Authority has begun the start up for the facility and are in the process of soliciting materials and increase the quantities and look at various ways to operate the facility in the most effective and efficient way. Cornel Corporative has prepared a report, which is included in the packets on the composting program, which is very successful. The mercury exchange program is ready to move on. The five supervisor’s need to contact R. Delo or C. Guido to arrange a date and location within your Town to hold a one time event. The Authority will provide insurance, supplies, and

K. Zebrowski questioned if it is a voluntary program?

R. Delo answered yes.

R. Delo continued that the Authority is looking for the month of October for a two-hour event. The grant for the recycling bins expires at the end of this year. Please call R. Delo or K. Zepf on how many bins you need.

J. Murphy unexpectedly visited the board meeting and introduced himself.

Item #5

**RESOLUTION NO. 27 OF 2002
RESCHEDULING OF NOVEMBER MEETING**

WHEREAS, the Rockland County Solid Waste Management Authority (the “Authority”) is a Public Authority Corporation, duly organized and existing under Title 13-M of the Public Authority’s Law of the State of New York, and

WHEREAS, the by-laws of the Authority do state in section 4.2 that regular meetings of the Authority shall be held once per month and may be held on the fourth

Thursday of each month at the regular meeting place of the Authority, and at such other times and places as from time to time as may be determined by resolution, and

WHEREAS, the fourth Thursday of the month of November is in fact a Holiday, now therefore be it

RESOLVED, that the Authority meeting for the month of November shall, instead, be held on the third Thursday of the month, November 21, 2002 at 5:00 p.m. and be it further

RESOLVED, that the November meeting shall be held in the Legislative Chambers in the Allison Parris Office Building, 11 New Hempstead Road, New City, New York.

Motion to Approve
Hurley/Phillips Unan.

Item #6
Appointment of 2003 Budget Committee

C. St. Lawrence offered the following names to serve on the 2003 Budget Committee:

St. Lawrence, Zebrowski, Holbrook, Phillips, Wassmer and Schoenberger.

Motion to approve the above committee
Zebrowski/Phillips Unan.

Item #7

RESOLUTION NO. 28 OF 2002
SETTING A DATE FOR A PUBLIC HEARING
FOR THE ADOPTION OF THE BUDGET FOR THE FISCAL YEAR 2003
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 2003 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 21, 2002 at 5:00 p.m. in the Allison Parris Office Building, 11 New Hempstead Road. New City, NY in the Legislative Chambers for the purpose of hearing all interested persons concerning the adoption of the year 2003 Budget and the establishment of a rate, fee or other charges to be imposed on 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
Holbrook/Phillips Unan.

S. Hurley requested the budget to be delivered in advance to the Board members.

St. Lawrence accepted.

Item #8

**RESOLUTION NO. 29 of 2002
AUTHORIZING REIMBURSEMENT TO THE TOWN OF STONY POINT
FOR DISPOSAL OF WOOD CHIPS IN THE TOTAL SUM OF \$12,000**

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 makes yardwaste composting and processing services available to all of the municipalities in the County, and

WHEREAS, the Town of Stony Point had a large stockpile of yardwaste which needed to be expeditiously disposed of, and

WHEREAS, it was more efficient for the Town of Stony Point to have a private contractor remove and dispose of this yardwaste then to haul it to the Clarkstown Yardwaste Facility, and

WHEREAS, the Town of Stony Point incurred \$12,000 in costs for the removal and disposal of this yardwaste, and

WHEREAS, the Authority would have paid the Town of Clarkstown additional costs to process this material, and

WHEREAS, the Town of Stony Point is requesting that the Authority reimburse it for said bills, now therefore, be it

RESOLVED, that the Authority reimburse the Town of Stony Point for its expense of \$12,000 for disposing of wood chips.

Motion to Approve
Zebrowski/Holbrook Unan.

Item #9

C. St. Lawrence stated that this item is for information and that the Authority will be signing a contract with 5 year Intermunicipal Agreement with the Village of Ridgewood.

Item #10

**Resolution No. 30 of 2002
Authorizing the Creation of the Position of Records Clerk-Typist**

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 retained Hudson Microimaging for the purpose of ascertaining the Authority’s needs to organize a record management system for its operation in accordance with the legal requirements of the State of New York, and,

WHEREAS, the Authority’s operation is continually expanding, and,

WHEREAS, Hudson Microimaging has recommended that a clerical position be created within the Authority to manage a filing and retrieval system for its records, and,

WHEREAS, the job title and description is set forth in the PO 27, attached hereto, now therefore be it,

RESOLVED, that the existing position of Receptionist be abolished since the duties of the receptionist would be included in the new position of Records Clerk-Typist, and,

RESOLVED, that the position of Records Clerk-Typist be and it is hereby established and will be established upon classification action by the Rockland County Department of Personnel, and, still be it further,

RESOLVED, that the Executive Director is authorized and directed to sign any and all 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/Zebrowski Unan.

Item #11

**RESOLUTION NO. 30 of 2002
AUTHORIZING THE INCREASE IN TIPPING FEES FROM \$63 PER TON
TO \$70 PER TON OUT OF COUNTY SOLID WASTE DELIVERED TO**

**THE ROCKLAND COUNTY SOLID WASTE MANAGEMENT
AUTHORITY'S TRANSFER STATION EFFECTIVE OCTOBER 1, 2002**

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 current tipping fee for delivery of solid waste from out of county to the Authority's transfer station is the sum of \$63 per ton, and

WHEREAS, under the current market conditions the Authority has determined that it must increase its tipping fees to offset the projected increase in its expense in paying for the disposal of the solid waste delivered to its transfer station, and

WHEREAS, the proper and efficient disposal of solid waste in Rockland County is the responsibility of the Authority to foster the health and welfare of its residents, now, therefore, be it

RESOLVED, that effective October 1, 2002 haulers of solid waste emanating from outside the County of Rockland shall pay a tipping fee of \$70 per ton for delivering such solid waste to the Authority's transfer station, and be it further

RESOLVED, that the Executive Director notify the haulers of solid waste to its transfer station of the increase in tipping fees.

Motion to Approve
Dusanenko/Marshall

I. Schoenberger questioned if there are certain haulers that haul within County and out of state?

R. Delo stated that each hauler certifies where the material is from and that the Authority polices that.

I. Schoenberger questioned if the Authority has policies and procedures in place to police it?

R. Delo answered that the Authority are making attempts to do that. The Authority has a history of where that material comes from before the Authority had a different rate for MSW. The Authority can look at the waste that is dumped on the tip floor and look at mail to find out where the waste is from.

Unan.

Item #12

**RESOLUTION NO. 31 of 2002
AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE
AUTHORITY AND CAMP VENTURE, INC, FOR CAMP VENTURE, INC.
TO PROVIDE SORTING SERVICES AT THE AUTHORITY'S
PREPROCESSING FACILITY**

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 completed the installation of a preprocessing facility on its property, and

WHEREAS, the Authority and Camp Venture, Inc. have negotiated the terms of an agreement providing for Camp Venture's residents to provide sorting services at the preprocessing facility for which Camp Venture will provide supervision and instruction, and

WHEREAS, a successful demonstration test of utilizing Camp Venture residents for this service has been ongoing since early September, 2002, and therefore be it,

RESOLVED, that the Authority's counsel prepare a contract between the Authority and Camp Venture, Inc. expressing the terms of their agreement for execution by the Executive Director.

Motion to Approve
Phillips/Corallo, Holbrook Unan.

Item #13

R. Delo stated that Synagro did start apply the new coating because of the corrosion issue inside the Cocomposting Facility. However Synagro did discontinue the work because they feel that it is inappropriate for the Authority to reduce the value of the contract by \$250,000 because the Authority felt that it is a diminishment of the contract because it did corrode. There have been correspondences back and forth and the lawyers will be meeting to discuss this and hopefully get it resolved.

Item #14

St. Lawrence recognized Dr. Yarmus to discuss this matter.

Dr. Yarmus stated that he reported last month that the NYS DOT has been pressuring the Department of Planning and the Authority on not being comfortable with the ability to monitor the work from GAP and also feel that work can be accomplished by integrating

County departments and Authority staff. The work of GAP has not been customized for the Authority. The NYSDOT will not be funding this program again next year and Dr. Yarmus does not see any value of the Authority to incur the full 100% of the program so therefore it is his recommendation that this program be closed out at this time.

S. Hurley questioned the cost?

Dr. Yarmus answered \$170,000/yr and everyone is not fully familiar with and having difficulty measuring it.

St. Lawrence stated that he believes that with the staff at the Authority that maybe the Authority can incorporate one staff member from GAP and come up with a new program that could continue the incentive of what the program is really about. The cost to the Authority would be decreased.

S. Hurley questioned if the Authority could keep the neighborhood program?

Dr. Yarmus answered that the Authority could but in a different format and different name.

C. St. Lawrence stated his recommendation to the Authority is to look at R. Fogerty from the GAP program to bring on to the Authority to continue the program. R. Fogerty could work with K. Zepf and J. Burnet to get the job done.

T. Kleiner questioned when the decision needs to be made?

C. St. Lawrence answered that the decision has already been by the NYSDOT.

Item #15

R. Delo stated that there is a memo to the members from R. Delo addressing the proposed revisions to the Authority's operations and in the memo I recommend the creation of a number of positions and the re-structuring of a few positions. The following are R. Delo's recommendations:

1. Create 3 laborers/sorters for the preprocessing facility. In conversations with Venture they suggest that the Authority have an integrated work force, which means that, the Authority have personnel that work side by side with their people. Venture feels that in their experience that is the most productive way. There are certain things that Venture's people cannot do for various reasons, which the Authority's personnel would do. The County Personnel Department has to classify these positions. Starting salary of \$13.50 per hour on a 40-hour workweek.

S. Corallo questioned how much would that cost the Authority per year?

R. Delo answered \$28,000 per year plus fringe benefits at 38%.

S. Corallo questioned if this was an addition to our budget?

R. Delo answered yes that in our original budget for this year we did allocate money for the operation of this facility. R. Delo reminded that members that when the preprocessing facility is fully operating the facility will have a net positive cash flow. There will be some start up costs until we get up to speed. These positions will be funded fully by the revenues that will be received from the materials and from the sale of the materials.

RESOLUTION NO. 32 of 2002
Authorizing the Creation of Three (3) Positions of Laborers/Sorters

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 completed the installation of a preprocessing facility on its property to more efficiently manage the operation of its solid waste management program, and,

WHEREAS, the preprocessing facility requires laborers/sorters to operate its facility,

WHEREAS, the Executive Director recommends that an integrated work force be created to operate the facility to be comprised of three (3) laborers/sorters employed by the Authority to work in conjunction with workers being provided by Camp Venture, Inc. and,

WHEREAS, the services of the three (3) laborers/sorters be created with a starting salary of \$13.50 per hour for a forty (40) hour week schedule, and there fore be it

RESOLVED, that the position of Laborer/Sorter be and it is hereby established at a starting salary of \$13.50 per hour for a forty (40) hour week schedule and will be established upon classification action by the Rockland County Department of Personnel, and, still be it further,

RESOLVED, that the Executive Director is authorized and directed to sign any and all 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/Phillips Unan.

R. Delo continued that the Authority already has on the budget for a Recycling Coordinator and to date the Authority has not found an acceptable candidate. Based on the changes that were made with the GAP program, R. Delo recommends that the Authority revised the Recycling Coordinators job description to incorporate in the additional duties and responsibilities for the GAP program. R. Delo feels that the Authority could find an individual to do both jobs. There would be no change in salary just revised job description with personnel. R. Delo continued to recommend that a position be created similar to the Solid Waste Operations Manager for Similar name. L. Ross held this position previously and this position is still vacant. The job description needs to be changed. With the level of activity the Authority has going on this position should be recreated and funded. In the 2002 budget the Authority approved improvements to the HHW Facility. It has been a challenge to get the improvements done. On thing that is without a question is that the program is a tremendous success and that we are overwhelming the facility. R. Delo believes that the Authority needs to change the method of the operation so that the facility is open every day. Initially the facility is open M-F half day and that a PT Chemist and PT Lab Technician staff it and that the Authority continues with the collection events with Safety Kleen and reduces the level of service from Safety Kleen's to offset the new costs. The major justification of the new position of Solid Waste Operations Manager would be to supervise that activity at the HHW Facility.

RESOLUTION No. 32 of 2002
Authorizing the Creation of the Positions of Chemist
and Laboratory Technician

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's Household Hazardous Waste Collection Service program has attracted an overwhelming response be the residents of Rockland County, and,

WHEREAS, the Authority's Household Hazardous Waste (HHW) Facility in Pomona, New York has been operating on limited defined days throughout the year, and,

WHEREAS, the HHW Facility is unable to cope with the every-increasing demand of its residents on such limited time basis, and

WHEREAS, the Executive Director has recommended that the HHW facility operate Monday through Friday, year round, from 8:00 am through 1:00 pm, and,

WHEREAS, the increased operation hours will require the assistance of a chemist and a laboratory technician on site, and,

WHEREAS, the starting salary for the chemist be set at \$25.00 per hour for a less than full time position of 30 hours per work week and the starting salary for the lab technician is \$15.00 per hour for a less than full time position of 30 hours per work week, and

RESOLVED, that the position of Chemist and Laboratory Technician be and it is hereby established at a starting salary of \$25.00 per hour and \$15.00 per hour for a 30 hour week schedule at a less than full time position and will be established upon classification action by the Rockland County Department of Personnel, and, still be it further,

RESOLVED, that the Executive Director is authorized and directed to sign any and all 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.

RESOLUTION No. 33 of 2002
Authorizing the Creation of the Position of
Solid Waste Operations Manager

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's Household Hazardous Waste Collection Service program has attracted an overwhelming response by the residents of Rockland County, and,

WHEREAS, the Authority's Household Hazardous Waste (HHW) Facility in Pomona, New York has been operating on limited defined days throughout the year, and,

WHEREAS, the HHW Facility is unable to cope with the every-increasing demand of its residents on such limited time basis, and

WHEREAS, the Executive Director has recommended that the HHW facility operate Monday through Friday, year round, from 8:00 am through 1:00 pm, and,

WHEREAS, the increased operation hours will require the assistance of a on site Supervisor, and,

WHEREAS, the starting salary for the Supervisor be set at \$70,000 per year for a full time 40 hours per work week, and

RESOLVED, that the position of Solid Waste Operations Manager be and it is hereby established at a starting salary of \$70,000 per year for a 40 hour week schedule and will be established upon classification action by the Rockland County Department of Personnel, and, still be it further,

RESOLVED, that the Executive Director is authorized and directed to sign any and all 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
Zebrowski/Phillips

S. Corallo questioned the cost per year?

R. Delo answered that the hourly rate for chemist at \$25 and lab tech. \$15 and a salary of \$70/yr.

S. Corallo questioned how much a year?

R. Delo answered \$62,400 yr, with benefits \$86,112/yr. at 38% fringe benefits.

R. Delo stated that he is also recommending that the position of Engineer I be deleted since the new position of will be an Engineer and that will offset the costs. R. Delo also stated that there will be net savings to of \$27,288.

H. Marshall questioned how much is the engineer?

R. Delo stated that this position is not included because the Authority has not funded that position for the year 2002.

H. Marshall questioned if the revised recycling coordinator will replace the money spent on the GAP program?

R. Delo answered yes. The recycling coordinator position will do some of the things that the GAP program did but the remaining duties will be supplemented with staff. R. Delo clarified that the Authority pays only \$85,000 of the \$170,000 for the GAP Program.

H. Marshall questioned the reduced level of saving for the Authority's consultants?

R. Delo stated that it is an estimated saving but a realistic estimated. The Solid Waste Operations Manager position would be on site full time and that would off set the costs to the consultants.

I. Schoenberger questioned the net budgetary figure for the 2003 budget?

R. Delo answered that there would be no budgetary impact.

I. Schoenberger made an amendment to the motion that provided that it is a negative impact to the 2003 budget.

Motion approves Lab Tech, Chemist and Solid Waste Operations Manager and amended.

Unan.

Item #17

RESOLUTION NO. 34 of 2002
AUTHORIZING AN INCREASE OF AN APPROPRIATION FOR THE
PURCHASE OF A FRONT END LOADER FOR THE PREPROCESSING
FACILITY TO \$275,000

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 completed the installation of a preprocessing facility on its property, and

WHEREAS, a front end loader is needed to accomplish the efficient management of the preprocessing facility, and

WHEREAS, the Authority had approved an insufficient amount for the purchase of a front end loader, and of the size and capacity determined to be necessary, and

WHEREAS, the Executive Director has further investigated and now advises that the cost for a front-end loader suitable for the Authority's preprocessing facility is the sum of \$275,000, now, be it

RESOLVED, that the Authority hereby authorizes the Executive Director to purchase for its preprocessing facility a front end loader for a sum not exceeding \$275,000.

Motion to Approve
Zebrowski/Phillips

S. Corallo questioned the amount of the front-end loader?

R. Delo answered \$275,000. the Authority already approved \$125,000 and now we are increasing the amount to \$275,000.

Unan.

Item #18

RESOLUTION No. 35 of 2002

Authorizing the Execution of an Agreement between the Authority and Corporate Safety and Health Consultants, Inc., to Provide Safety Consulting Services to the Authority

WHEREAS, the Rockland County Solid Waste Management Authority (the "Authority"), is a Public Authority Corporation duly organized and existing under Title 13-M of the Public Authorities Law of the State of New York, and

WHEREAS, the Executive Director has recommended that the Authority retain a safety security firm to develop safety and health policies and procedures for identifying potential problems, recommending solution for avoidance, providing training seminars required by PEOSH standards, assist in the investigation of any work related accidents, conduct research, furnish reports and conduct audits of the Authority's procedures, and,

WHEREAS, the Executive Director has negotiated with Corporate Safety and Health Consultants, Inc. to furnish the above services in a two-year contract in the sum of \$8,000 to be paid by the Authority for the first year and \$5,000 to be paid in the second year, now, therefore, be it

RESOLVED, that the Authority's counsel review the contract commencing October 1, 2002 proposed by Corporate Safety and Health Consultants, Inc, for eventual execution by the Executive Director.

Motion to Approve
Zebrowski/Yarmus

T. Dusanenko questioned the Executive Director on the purpose?

R. Delo answered that the Authority needs to develop some safety and health program at the HHW and the preprocessing facility. Corporate Safety & Health do work for the County and the Sewer District. The Authority needs to have plans in place and train our people. The contract would be to prepared the initial plans, train personnel and then have ongoing consulting services if an issue comes up with an accident.

H. Phillips questioned if this policy would reduce general liability and/or workers comp. Policies?

R. Delo answered that if the Authority did not do it the Authority would have higher rates.

Unan.

Item #16

R. Delo stated that the Authority has had a number of discussions and Miele has a revised proposal when Miele would pay \$65/ton for 40% of the waste and the current \$60/ton for

the balance. 40% of the MSW is from out of state and 60% being the balance and the weighted average of \$62/ton. The Authority has an option to renew the contract for an additional two years at the end of 2003. However the price would rise in year 4 and 5 and Miele has agreed to keep the price firm. In addition the Authority has prepared an analysis of it the Authority was to operate the facility ourselves.

St. Lawrence called on T. West as to his option on it this situation is an uncontrollable circumstance.

T. West stated that his option is the same that this situation is not an uncontrollable circumstance. It is under the discretion of the Authority to modify the definition.

I. Schoenberger stated that the Authority went through a competitive bidding process.

T. West stated that it would have to be an amendment to the contract. The Authority conducted a RFP not a competitive bid.

I. Schoenberger questioned T. West's opinion on whether it is appropriate or inappropriate to change the definition without giving the same option to other people.

T. West stated that when a RFP has been issued the proposals have come in, proposals are then evaluated and selected, contract have been negotiated and then awarded and at that point the procurement process is over. T. West opinion is that no proposer would have an action against the Authority. Once the contract is executed the procurement process is over. Under the contract if the Authority was to just increase the fee without something in return then that would be an issue.

I. Schoenberger questioned R. Delo what the net cost would be to the Authority if the Authority were to accept Miele's proposal?

R. Delo answered that the net cost to the Authority over the next 16 months is \$5/ton on 40% of the waste coming to the transfer station. As per T. West's opinion it is hard to show that the Authority has received something in return because the price would go to \$62 ton for the remainder of the contract and if the Authority wants to renew for an additional 2 one year terms the price would stay the same. R. Delo stated that it was one reason why at the last meeting R. Delo recommended that the Authority contract directly with landfills. Sullivan County needs to know now if the Authority is interested.

H. Marshall questioned if this is a raise from the \$60 rate? Is the increase not extenuating?

T. West answered yes \$60 and that it T. West opinion.

H. Marshall questioned when the contract end?

R. Delo answered at the end of 2003 and there are options for years 4 and 5.

H. Marshall questioned at the end of 2003 the Authority can go out for bid?

R. Delo answered yes.

S. Hurley questioned if the Authority is opening a door for Miele to come back again and then we are saying that T. West's opinion does not matter.

St. Lawrence stated that in a way he believes that the Authority would be setting some sort of presence.

S. Hurley questioned if the Authority can get something signed so that this cannot be used against use.

St. Lawrence stated that T. West made the statement that Miele's request is not creditable.

S. Hurley questioned if the Authority is protected if in one-month Pennsylvania raises their rate again?

T. West stated that the Authority allowed the proposers to select the landfills that they want to use then the Authority would be protected against this issue.

I. Schoenberger questioned if we go along with this increase now and change the definition of an uncontrollable circumstance to this situation then they come back again.

K. Zebrowski stated are we talking about a monetary change or a definition change?

T. West stated that it is his understanding from the Tracy's letter is asking for a monetary change and also have the ability to come back if there is another increase and ask for another increase.

K. Zebrowski stated that the ability to come back and ask is not a change in definition it is a request. K. Zebrowski stated that S. Hurley asked the question if the Authority is setting precedence by approving this increase and K. Zebrowski stated that it is his understanding of contract law that this would create a new contract at a new amount and if another request was made the Authority to Authority might or might not entertain.

T. West stated that if Miele can in and ask for a fee increase no matter what the reason was and the definition of an uncontrollable circumstance does not change so in the future if this tax was an increase at the landfill and what he understands from the proposal was Miele is looking for a change in definition.

K. Zebrowski stated the Executive Director did not present that to the Board. If the Authority makes a change then the Authority has a new contract at a new rate and anyone can come to us in the future and it would be ok?

T. West answered that if there was an amendment to the contract was to just increase the tip fee and not modify the definition then the Authority has recognized that there is a need for the tip and the bargaining was to extend the contract term provided that it is a valuable service. If also then the Authority is going to change the definition then that is also a new contract.

St. Lawrence stated that 40% of the total tons which is 48,000 tons at \$5/ton is \$240,000. extra and would it not be cleaner Mr. West that if someone was bidding on the original RFP and said that I am going to bid high because I am going to include an some uncontrollable circumstances and so therefore bid higher. Miele did not foresee these now uncontrollable circumstances. Would it not be cleaner to have a bidding process for Jan. 1, 2003 and how to we know that someone else would not of bid less then this amount? The Authority does not know that. Under the current procurement policy of the Authority would we not have to go out for bid?

T. West answered that once the original procurement ended the parties are free to negotiate without have the Authority run the risk of having a disgruntle proposal who could of bid less or more and it is time passed.

T. Dusanenko stated that when this was brought to our attention 2 months with the BCUA going out of business and the extra tonnage indicating our facility, which was confirmed by our staff that there was an extra expense. Originally some Attorney told the Authority that the Authority could not raise our rates and in matter of two weeks, two special meetings that Authority find out that we could and did raise our rates. If the Authority did not take some the actions of increasing our rates, Miele Sanitation would be broke and the Authority would be in trouble with a lot of trash. T. Dusanenko questioned if the Authority has enough money from the extra fee that the Authority started collecting from the new rate to compensate Miele?

R. Delo answered yes; by raising the out of county rate to the \$70/ton, there is enough.

T. Dusanenko stated that R. Delo started discussing landfills that Miele is not using and he understands that the Authority does not want to tie Miele's hands by going to certain landfills but there is lose potential for the Authority to have alternative site in case there is going to be an increase in other landfills. T. Dusanenko stated that he still feel personally comfortable if R. Delo could pursue the other avenues and in a way which does not direct Miele to do it but perhaps the other municipalities have a way and still have a reduce amount of tonnage. Miele is asking for two things, one is to increase his compensation, which would not be a further cost to the residents of Rockland County and the other is a change in contract language, which not everyone feels comfortable with.

K. Zebrowski reminded the Authority Board of how the Authority came into a contract with Miele. The Authority was in intense negotiations with Masada in 1999. The Authority was very close to selecting this company and with Mr. West help the Authority ask for some reasonable assurance in the contract language and the Authority felt like everything was worked out and Masada refused to do it. St. Lawrence and K. Zebrowski

went to visit the site and were stuck with the overwhelming opposition of the residents. In a short period of time the Authority ended up contracting with Miele. The Authority was under the gun and we needed to have competent services and the Authority contract with Miele under that basis. It was important to remember that the Authority had a need to contract with a company that was competent and at the time that is what the Authority did. If there are changes that have occurred then this Board needs to know. But if the Authority is still dealing with the factor of the Authority disposing of MSW the Authority needs to know. When the Authority contracted with this firm we forgot about our problem as opposed to the Authority dealing with snow plowing to hauling out MSW. This incorporates a growth in Government and growth in the responsibilities to the Authority.

T. Kleiner wanted clarification on the new RFP?

R. Delo answered that the contract with Miele runs through 2003. The Authority has an option to renew or a RFP would go out in September of 2003 to have a new company start in Jan. 2004.

St. Lawrence questioned if there is a way of ameliorating this situation would not be by coming to a mutual agreement that would allow the Authority to re-bid that would take place now to have a new contract with Miele or with anyone who bid by Jan. 2003.

R. Delo stated that Miele has stated that they will not continue under the current contract any further that he need relief by out of the contract or additional compensation because he is paying the additional taxes in Pennsylvania which is creating a tremendous hardship on his company.

T. Kleiner stated that if a contract talked about uncontrollable circumstances and then specifically defined the tipping fee in wherever location the carter was to go to and specifically gave an example of what was not an uncontrollable circumstance and was not foreseen and the Authority thought enough by putting this definition then the Authority anticipated that this might be an issue and how would we explain that to the public.

R. Delo clarified that this is a tax increase from the State of Pennsylvania that the landfills are passing along by increasing their tipping fees as opposed to the landfills just increasing their fees. On other factor that has to be put into the mix is that there is limited amount of landfill capacity in the Northeast and even though our attorney says that this situation is not an uncontrollable circumstance when you look available capacity at the reasonable distance from Rockland County there are only a few facilities that you can go to. R. Delo also stated that the landfills had no control over the increase from the State.

H. Marshall questioned if it is accurate the Miele choose the Pennsylvania landfills?

R. Delo answered yes.

H. Marshall questioned if R. Delo proposed landfill space in NY at the last meeting?

R. Delo answered yes.

H. Marshall stated that Miele choose Pennsylvania and now Pennsylvania has charged this increase and now Miele is saying that the Authority should pay when in fact Miele could of chosen a NY landfill and this would of not happened.

R. Delo stated Miele uses several landfills from Pennsylvania and from NY and other locations. Between 40-60% of the Authority waste was going to Pennsylvania prior to this tax increase and the rest was going to the other landfills. Under the contract he has the right to play the market and he does. If there was unlimited capacity out there and he would have the capacity to go to the NY landfills and the Authority would have a strong agreement but the fact that there is limited amount of capacity and a lot of demand, R. Delo feels that there has to be some consideration to his request. R. Delo stated that he has tried to point out options for the Board but it has been indicated that it is major policy change to the Authority, the Authority would be taking on lot of liability if the gets into this business ourselves.

I. Schoenberger questioned the Sullivan County agreement for 100,000 tons a year is that space available to Miele?

R. Delo stated that Miele currently contracts with Sullivan County and send a lot of waste there. Sullivan County only has 100,000 tons that they contract to out side Sullivan County. Sullivan County is willing to give all their capacity to the Authority.

I. Schoenberger if this is not voted on or gets voted down. The worse thing is that Miele would then say that he is done. What are the options to the Authority?

R. Delo answered that the Authority's options are operate the transfer station ourselves by hiring our own people. In every packet tonight is a cost estimate of what it would cost the Authority. The Authority would also have to get someone on Board on an emergency basis until the Authority can get staffed.

I. Schoenberger added that counsel would be seeking damages by Miele Sanitation.

St. Lawrence questioned if the Authority signed a contract with Sullivan County for their tonnage would that assist Miele?

R. Delo referred that answer to D. Tracy.

St. Lawrence questioned if R. Delo can answer the question?

R. Delo answered that in order for him to answer that question fully he needs the requested information that we have been asking for by Miele that Miele ahs been unwilling to provide to the Authority.

St. Lawrence questioned that didn't the Authority request that information at the last meeting?

R. Delo answered that the Authority requested it in writing and verbally and Miele has refused to give the Authority the information.

S. Hurley questioned what was given to the Authority?

R. Delo answered that Miele Sanitation is more than one company. There is a Miele Sanitation of NY and Miele Sanitation of NJ. Miele Sanitation of NJ has a contract with Sullivan County, however Miele would not disclose the specifics of that agreement. The only thing that he would disclose is an agreement with Miele Sanitation of NY with Miele Sanitation of NJ that says that Miele Sanitation of NJ is charging Miele Sanitation of NY \$54/ton for transportation and disposal. R. Delo feels that that information was meaningless and it did not give R. Delo the information that he needs of actual transportation costs and actual disposal costs.

St. Lawrence invited D. Tracy to speak.

D. Tracy clarified that Miele is not looking for the wording of the uncontrollable circumstance be changed in the contract. Miele and the Authority have a difference in opinion on the definition. D. Tracy stated that R. Delo already has the information he needs from Miele and with respect to R. Delo solicit information from landfills he is competing with Miele. Miele feels that they can amend the contract because no one who submitted a bid on this contract submitted any bid lower than the increased price would be. Under D. Tracy's understanding that the Authority would not be subject to a claim because the Authority is not increasing the amount above anyone bid that was not accepted. The Town of Ramapo just went out for bids for MSW in Ramapo and the prices were \$27.50 by Miele, \$32.99 by IWS and \$70. by WM. Miele is going to other landfills to avoid the increase. In the beginning of the year Miele was sending 29% of the MSW to Pennsylvania and now only 1% is going there, but there is an increase in transportation costs. 10% overhead is standard in the industry and Miele is not making any overhead. Miele is not looking to take advantage of the tax increase. Miele estimated that they are losing \$10,000 every two weeks. Miele will stay in operation until the end of year and walk away from the contract. That gives the Authority 90 days to go out for bid. D. Tracy feels that this situation is an uncontrollable circumstance.

St. Lawrence stated that Miele has suggested to the Board to table this issue.

D. Tracy disagreed and stated that if there is not resolution of this matter tonight, the Authority will receive that letter tomorrow stating the Miele will not continue after the 13th of December and Miele will stick to our word. D. Tracy that Miele is not trying to take advantage of this situation. Miele Sanitation of NY only owns 2 p/u trucks, which are the same items that they had when Miele can in to help the Authority and pull us out of the hole in three days notice. What the Authority is paying for is the true expertise of a true expert in the business.

K. Zebrowski questioned when is the new renewal date?

R. Delo answered that the contract with Miele runs through 2003. The Authority has an option to renew at two one year renewals or a RFP would go out in September of 2003 to have a new company start in Jan. 2004.

K. Zebrowski made a motion to approve the increase for the balance of 2002 and during that time the Authority can look at whatever option it wants to. K. Zebrowski also reminded that Authority that Miele did come and operate for us on a transitory basis.

R. Delo stated that the Authority had a contract with Al. Turi and the Authority had to get rid of them by the end of the year and the Authority entered into an emergency contract with Miele for 1 year. Then the Authority went out for bid for a 3-year contract with 2 one-year renewals.

S. Hurley seconded the motion made by Zebrowski.

K. Zebrowski referred to R. Delo for the practical date that the increase should go to?

R. Delo answered stated that if you are going to give him the increase then go to the end of the contract term.

K. Zebrowski and S. Hurley accepted the time frame.

I. Schoenberger made a motion to table.

J. Miele stated that he using Monticello landfill but on Monday morning you will receive a fax stating that they are closed for the day. There are always over their limits. Miele can show the Authority copies of their fax that state that they are closed. The reason why Ontario County will give you tonnage is because Ulster County made them sign a put and pay contract, they need the MSW or Ontario has to pay themselves.

D. Tracy was advised by T. West to clarify that Miele is not looking to modify the definition of an uncontrollable circumstance.

T. West confirmed.

The following roll was taken to table:

St. Lawrence	Yah	Kleiner	Nay
Berliner	Yah	Marshall	Nay
Devine	Yah	Phillips	Yah
Dusanenko	Nay	Schoenberger	Yah
Holbrook	Nay	Yarmus	Nay
Hurley	Nay	Zebrowski	Nay

Motion to table failed. 7/4

T. Kleiner questioned R. Delo if he was to obtain the information from Miele how helpful would that be.

R. Delo stated that it is not critical now. The information was necessary to fully understand the implications of Miele's request.

H. Marshall proposed an amend to the motion made by Zebrowski to change the time back to what was originally proposed to the end of 2002 because the reason he voted against the table was to give the Authority time to go over the information provided and perhaps go out for bid.

Motion accepted by Zebrowski and Hurley.

The following roll call was taken to give Miele the increase to the end of 2002:

St. Lawrence	Nay
Berliner	Nay
Devine	Nay
Dusanenko	Yah
Holbrook	Yah
Hurley	Yah
Kleiner	Yah
Marshall	Yah

Phillips explained that he has a problem with awarding the bid and in the middle of the contract the person changes the price, even if the price still adds up to be less then the 2nd lowest bidder. If a person from the outside looks at this and say what it is to stop the contract by saying that they could of made another \$50,000 on this contract and still be the lowest bidder. These numbers are not firm and he respects Tracy but feels that corporations can even be paper corporations. H. Phillips continued and stated that it is hard to go out to the taxpayers and tell the story.

H. Phillips Nay

Schoenberger commented that he feels the same as Phillips.

Schoenberger Nay

Yarmus Nay

Zebrowski Yah

Motion to adjourn

Berliner/Schoenberger Unan.

Respectfully Submitted,

Camille Guido