

Rockland County Solid Waste Management Authority
Minutes
November 20, 2003

Members Present

C. St. Lawrence
B. Berliner
S. Corallo
E. Devine
T. Dusanenko
C. Holbrook
T. Kleiner
H. Marshall
H. Phillips
F. Wassmer
Dr. Yarmus

Members Absent

F. Fornario
S. Hurley
D. Jobson
I. Schoenberger
P. Soskin
K. Zebrowski

Others Present

R. Delo
A. Etelson
T. West
P. Tucker
D. Lehman
D. O'Donnell
J. Klos
K. Scales
H. Benado
B. Beckmann

The Chairman called the meeting to order at 5:15p.m.

Resolution No. 30 of 2003
Adoption of Minutes, Meeting of September 25, 2003

B. Berliner 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 meeting of September 25, 2003 as recorded by the Clerk are hereby adopted.

Item #4
Reports
WFC Report

D. Lehman was present for T. Pytlar. The following are activities that WFC worked on for the months of October and November:

- Working with the Authority on the amendment to the agreement with Synagro at the Cocomposting Facility.
- The analysis of the cost and a regulatory review of the proposed yardwaste facility in Stony Point and on Torne Valley Road.
- Meet with Authority staff on the Waste Reduction Program.
- Prepared and submitted the draft RFP for the MRF.
- Prepared SEQRA for the proposed yard waste facility on Torne Valley Road.
- Reviewed draft amendment to MRF agreement.
- Submitted final analysis of operational modifications for the NOV at the transfer station.
- Submitted final report to NYSDEC for the transfer station permit modification for an increase in tonnage.

Motion to Approve Report
Phillips/Holbrook Unan.

Executive Director Report

R. Delo stated that at the last meeting the Authority discussed expanding the HHW Program to 5 days per week and to add expired drugs to the list of acceptable materials at the facility. The Authority has received approval from the NYSDEC. The Authority is working on the DRFP for the new MRF operator. In your packets there is a proposal from WFC for the work, the work is being done under WFC existing contract but the Authority is deferring others tasks that WFC would have been doing under their contract. R. Delo will be coming back to the Board soon with a proposal for an amendment to their contract. The Authority needs the new operator at the MRF for July 1, 2004. R. Delo will be meeting with the coating company for the corrosion at the cocomposting facility. The Authority is in the process of evaluating tub grinders and commercial recycling vehicles. The Authority received Environmental Protection grants to pay 50% of these costs.

H. Phillips questioned if the Authority has any tub grinders?

R. Delo answered that the Authority has one tub grinder at the composting facility and it is approaching 5 years old.

H. Phillips questioned how that tub grinder is utilized? Is there a size? A limit? H. Phillips explained that he has slot of developers in Haverstraw wanting to bring in the mobile tub grinders on their site but the residents are complaining about the noise.

R. Delo answered that it is to the Authority's benefits for the developers to use the Clarkstown facility. Clarkstown can handle stumps and trees. This new tubgrinder is for use at the composting facility. The one that we have is 5 years old and the grinder we have is a small unit.

R. Delo continued that the Authority has had a number of accidents at the transfer station over the past couple of months. Most of the accidents have been drivers falling off of their trucks when they are tarping their trucks. These accidents are a Miele Sanitation problem because these drivers are sub-contractors of Miele. However there is a potential that the Authority might end up getting sued. Miele does indemnify the Authority and hold the Authority harmless. The Authority's safety consultant has been brought in to review the situation.

C. St. Lawrence answered if the Authority has written to Miele asking him to have more employees present and have the facility cleaner?

R. Delo answered that the Authority has written to Miele and under the contract he is supposed to have three employees there and directing him to do it. To date he has failed to respond. The Authority can assign one of our employees and back charge Miele.

C. St. Lawrence suggested that the Authority should write to Miele on more time and tell him that the Authority wants this taken care of.

Item #5

Motion to Open the Public Hearing
Holbrook/Berliner Unan.

No Public Comments.

Motion to Close the Public Hearing
Holbrook/Berliner Unan.

Item #6

**RESOLUTION NO. 31 OF 2003
ADOPTION OF THE 2004
SOLID WASTE MANAGEMENT AUTHORITY BUDGET**

WHEREAS, by Resolution No. 301 the County of Rockland did authorize and form the Rockland County Solid Waste Management Authority under Title 13-M of the Public Authority Law of the State of New York, and

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

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

WHEREAS, the Authority, after due deliberation and public hearing, did review and discuss a budget for the fiscal year 2004 setting forth the various expenditures of the Authority, now therefore be it

RESOLVED, that the Rockland County Solid Waste Management Authority does hereby adopt the budget of the Authority for the year 2004, a copy of which is attached to this resolution and marked as Schedule "A".

Motion to Move
Berliner/Corallo

E. Devine stated that he has noticed in the salaries that there is a 3.75% increase for employees that are not in the union. Employees of the Solid Waste Authority do not belong to the union and that they could have and that they have denied that option. The County Executive has made a proposal that all no-union employees receive a 2.5% increase for 2004. Considering the financial situation the County is in E. Devine therefore made a motion to limit the salaries increase to 2.5%.

C. St. Lawrence stated that the budget committee has met and have reviewed the budget. The Authority has had a vacant position in the administrative office for quite some time for a salary savings. The Authority has always followed the CSEA contract for raises and the Authority employees do not receive dental and vision benefits and the employees have taken a vote for a union and they are not interested.

E. Devine's motion was second By H. Marshall.

(Motion failed 9 nays and 2 yeas (Marshall/Devine))

H. Marshall questioned who gets the additional 5%?

R. Delo answered that all full time employees get annual increments for the first 6 years after their review each year. Including in the budget is assuming that all full time employees receive their 5% increase.

Motion to Approve 2004 Budget
Berliner/Corallo (Yarmus/Devine Nay)
92%

R. Delo stated that in the 2004 budget there was discussion about raising the tip fee to \$71/ton across the board but rebate the municipalities \$8/ton. This is similar to the Clarkstown plan.

Item #7

**RESOLUTION NO. 32 OF 2003
ADOPTION OF RATE, RENTAL FEE
OR CHARGE FOR USE OR AVAILABILITY
OF THE FACILITIES AND SERVICES OF
THE AUTHORITY FOR THE YEAR 2004**

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 Law of the State of New York, and

WHEREAS, it is necessary for the Authority to set its fees, rates and charges for the usage of the Authority's facilities for the year 2004 and,

WHEREAS, pursuant to Title 13-M of the Public Authority Law of the State of New York, the Authority is required to hold a public hearing on the above, and,

WHEREAS, a public hearing was held on November 20, 2003, for the purposes of determining the setting of fees, rates and charges, and

RESOLVED, that the fees and charges for the usage of the Authority's facilities

annexed hereto and made a part of this Resolution as Exhibit "A" are hereby adopted for the year 2004.

R. Delo stated that the increase is \$12 per household.

Motion to Approve
Phillips/Holbrook Unan.

Item #8

**RESOLUTION NO. 33 OF 2003
SETTING THE RATE FOR MUNICIPALITY
RECYCLABLES REVENUE PAYMENTS
FOR THE YEAR 2004**

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 Law of the State of New York, and,

WHEREAS, the Authority owns and operates a Materials Recovery Facility, (MRF) for processing the commingled recyclables collected from throughout Rockland County, and,

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

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

RESOLVED, that the Authority pay over to each municipality which has entered into the Intermunicipal Recyclables Management Agreement with it, the sum of \$32 per ton for each ton of recyclable materials that such municipality has delivered to the Authority during the Year 2004.

Motion to Approve
Holbrook/Berliner Unan.

Item #9

Appointment of Nominating Committee

Chairman selected the following members to serve on the Nominating Committee for the year 2004 slate of officers:

Phillips, Berliner, Soskin, and Wassmer.

Item #10
Information-Proposed HHW Schedule

R. Delo stated that the HHW program would be a 5-day per week operation. The Authority is reducing the 25 collection events to every M-F and 10 weekend events.

H. Phillips questioned hours?

R. Delo answered same hours 8am to 1pm.

C. St. Lawrence request R. Delo to let the members know how successful the program has been.

R. Delo stated that the program has grown in leaps and bounds. The daily collection events are getting bigger and bigger ever week. The Authority has not publicized the events for fear that the facility would be overwhelmed. The HHW brochure will be put out early this year. The facility will be open year around in 2004 along with the M-F schedule and selected weekend events.

H. Phillips questioned if a resident brings gas in a sealed container is that fine?

R. Delo answered yes.

Item #11

This item was covered in R. Delo's report and also additional information was in the packets.

Item #12

Resolution No. 34 of 2003
Authorizing an Extension of the Five Year Contract Between the Authority and Miele Sanitation of NY Regarding Pick up and Disposal of Solid Waste for the Village of Haverstraw for an Additional Six Months

WHEREAS, the Rockland County Solid Waste Management Authority (the "Authority"), is 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 and Miele Sanitation of NY's five year contract for pick up and disposal of solid waste for the Village of Haverstraw is expiring on December 31, 2003, and

WHEREAS, the Village of Haverstraw has requested changes to the contract which changes require evaluation and incorporation into bid documents, and,

WHEREAS, there are no bid items for certain properties being services under the current contract and new bid items for these properties must be developed and assigned to these properties through the Village Assessor, and,

WHEREAS, Miele Sanitation of NY has agreed to a six month extension of the contract under the current terms, conditions and costs, and,

WHEREAS, the six-month extension of the contract will provide time to address the anticipated changes, now, therefore, be it

RESOLVED, that the Authority authorizes an extension of the said contract to June 30, 2004 under the same terms, conditions and costs, and it is further,

RESOLVED, that the Executive Director execute and documents that may be necessary to accomplish this extension.

S. Corallo amended the resolution that was provided in the packets to reflect correct dates.

Motion to Approve as amended by S. Corallo
Wassmer/Phillips Unan.

New Business

**Resolution No. 35 of 2003
Authorizing the Filing of Suit Against B. Diaz Sanitation, Inc.**

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 contracted with a hauler B. Diaz Sanitation, Inc. to utilize the services of the Authority’s transfer station in consideration for the payment by B. Diaz Sanitation, Inc. to the Authority of tipping fees, and,

WHEREAS, B. Diaz Sanitation, Inc. had become significantly in arrears in paying its outstanding balance despite numerous demands for payments by the Authority, and,

WHEREAS, the Authority has attempted unsuccessfully to come to an agreement with B. Diaz Sanitation, Inc. on paying its debt in installments, and,

WHEREAS, the Authority by, by its resolution no. of 2003 on January 23, 2003, authorized suit against B. Diaz Sanitation, Inc., and,

WHEREAS, suit was filed against B. Diaz Sanitation, Inc. and a default judgment was entered against it in the Supreme Court of Rockland County on June 9, 2003 in the sum of \$31, 887.61, and,

WHEREAS, B. Diaz Sanitation, Inc. operates from the State of New Jersey and has no known assets or receivables in the State of New York, and,

WHEREAS, the enforceability of the judgment in the State of New York seems doubtful, and,

WHEREAS, the Authority's best interest would be served by authorizing the retention of counsel in New Jersey to pursue collection remedies in the State of New Jersey including the filing of suit in New Jersey on the New York judgment, and,

WHEREAS, the Authority has retained the firm of Cuccio and Cuccio Esq., of Hackensack, New Jersey to pursue collection against another delinquent carters and counsel for the Authority is satisfied with the services bring preformed by said law firm with regard to that carter, now therefore, be it,

RESOLVED, that the Authority authorizes the retention of the Firm of Cuccio and Cuccio Esq. To pursue judgment and collection remedies against B. Diaz Sanitation Inc. if and when, in the discretion of the Executive Director and Counsel, it is in the Authority's best interest to do so, and further authorizes Counsel to seek a written retainer from Cuccio and Cuccio Esq. towards that end.

Motion to Approve
Berliner/Dusanenko Unan.

Resolution No. 36 of 2003
Authorizing the Filing of Suit Against B&Z Development, Inc.

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 contracted with a hauler B&Z Development, Inc. to utilize the services of the Authority's transfer station in consideration for the payment by B&Z Development, Inc. to the Authority of tipping fees, and,

WHEREAS, B&Z Development, Inc. has become significantly in arrears in paying its outstanding balance despite numerous demands for payment by the Authority, and broken promises and bounced checks issued by B&Z Development, Inc., and,

WHEREAS, B&Z Development, Inc. currently owes the sum of \$13, 725.18 to the Authority, and,

WHEREAS, the Authority's best interest may be served by suit against B&Z Development, Inc. to collect the balance due, therefore be it,

RESOLVED, that the Authority hereby authorizes that suit be filed against B&Z Development, Inc. for the collection of the above debt if and when, in the opinion of the

Authority's Executive Director and Counsel, such suit would be in the best interest of the Authority.

Motion to Approve
Phillips/Berliner Unan.

S. Corallo requests a letter from the Executive Director on legislative appointees.

Motion to Adjourn
Phillips/Holbrook Unan.

Respectfully Submitted,

Camille Guido-Downey