

**Rockland County Solid Waste Management Authority  
Minutes  
January 23, 2003**

**Members Present**

C. St. Lawrence  
B. Berliner  
S. Corallo  
E. Devine  
T. Dusanenko  
C. Holbrook  
D. Jobson  
T. Kleiner  
H. Marshall  
H. Phillips  
I. Schoenberger  
P. Soskin  
F. Wassmer  
K. Zebrowski

**Members Absent**

F. Fornario  
S. Hurley  
Dr. Yarmus

**Others Present**

R. Delo  
A. Etelson  
T. Pytlar  
T. West  
J. Klos  
D. O'Donnell  
J. Burnet  
K. Zepf  
S. Simon  
H. Benado

The Chairman called the meeting to order at 5:07 p.m.

C. St. Lawrence introduced the Authority's newest board member, P. Soskin.

Mr. E. Gorman swore in P. Soskin.

**RESOLUTION NO. 1 OF 2003  
ELECTION OF OFFICERS FOR 2003**

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

**WHEREAS**, by in accordance with such Law, the offices of a Chairman, Vice-Chairman, Second Vice-Chairman, Secretary, Treasurer and Deputy Treasurer are established and such persons be elected by the members of the Authority to serve in such respective capacity for a period of one year, and

**WHEREAS**, a nomination committee has been formed to recommend nominating individuals to serve in such capacity, and such nominations, having been duly made and seconded, it is therefore

**RESOLVED**, that Christopher St. Lawrence is hereby elected to the office of Chairman, and it is further

**RESOLVED**, that Howard Phillips is hereby elected to the office of Vice-Chairman, and it is further

**RESOLVED**, that Steven Hurley is hereby elected to the office of Second Vice-Chairman, and it is further

**RESOLVED**, that Dr. James Yarmus, P.E. is hereby elected to the office of Secretary, and it is further

**RESOLVED**, that Ken Zebrowski is hereby elected to the office of Treasurer, and it is further

**RESOLVED**, that Sal Corallo is hereby elected to the office of Deputy Treasurer.

Motion to Approve  
Dusanenko/Berliner Unan.

Mr. E. Gorman swore in the members of the Executive Committee.

Congratulations to all Officers.

**Item #3**

**Resolution No. 2 of 2003  
Adoption of Minutes, Meeting of November 21, 2002**

K. Zebrowski offered the following resolution, which was seconded by H. Marshall and was approved unanimously, and,

**RESOLVED**, that the transcribed Minutes of the Rockland County Solid Waste Management Authority for the meeting of November 21, 2002 as recorded by the Clerk are hereby adopted.

**Item #4  
WFC**

T. Pytlar stated that for the months of December and January WFC assisted the Authority in the following activities:

- Assisted the Authority in preparing the EPF grant applications for the improvements to the MRF and Coco.
- Reviewed work prepared by Synagro on the approved corrosion resistant coating at the coco.
- Observed work on the construction on the backyard demonstration area at the coco site, also reviewing the invoices submitted by the contractor.
- Prepared a cost estimate and feasibility analysis for a yardwaste composting facility on Torne Valley Road at the pervious Sithe Energy site.
- Reviewed information on equipment for the school collection systems.

- Prepared a draft permit modification for the transfer station and preprocessing facility relating to tonnage being received at the facilities. Also prepared a draft permit renewal application for the transfer station for a 5 year renewal.

### **Executive Director**

R. Delo stated that he is going to be meeting with R. Fargo of WM regarding the WM contract, operational and maintenance problems and the significant mechanical problems that WM has been experiencing. We will also be discussing the lawsuit and try to come to some resolution. In the packets is a letter from the DEC in response to the letter that I sent them clarifying the Authority's transfer station permit. R. Delo stated that he is working on a letter to Synagro regarding the corrosion issue at the coco. The letter is being reviewed by WFC and HDW for their comments.

### **Item #6**

#### **Goals for 2003**

C. St. Lawrence stated that the Authority has had some great victories in reference to accruing space at the Sullivan County Landfill, new contract with Miele, and he believes that the Authority will have another great year. One important goal is to settle the lawsuit with Ramapo Land Company, which has been going on since 1995. The Authority already has a wonderful education program in place and our goal this year will be to fill in the void of the GAP program. The Authority has a great team and this will be another great year.

T. Kleiner stated that he does not see on the 2003 goals report prepared by R. Delo that the Authority will be increasing the amount of recyclable materials brought to the MRF. T. Kleiner also requested that the Authority provide a comparison report of the tonnage by Town and Village for the years 2001 & 2002.

C. St. Lawrence stated that the Authority offers \$32/ton and the Authority can always look to sweeten the pot to get more materials.

R. Delo stated that he has prepared a report and also K. Zepf has prepared a report of the goals and the Authority is going to try to expand the outreach to do more education through the schools, towns and villages newsletters and the county's newsletter and also put ads on the bus through the transportation department.

T. Kleiner stated that people are pretty good about recycling items and it's hard because the carters do not pick up a lot of the items that are acceptable.

C. St. Lawrence stated that the Village of Suffern has contacted the Authority about a mailer.

K. Zebrowski stated that on behalf of himself and the Board he wanted to congratulate the Chairman on a job well done and wanted to express appreciation for his time.

T. Dusanenko requested T. Kleiner to research 540 Piermont Ave because the recyclables are put out and not collected.

K. Zepf stated that she agreed with the comments made but it also is important to teach residents to recycle but first to reduce their waste stream and reuse what they can and recycle what's left. K. Zepf offered her expertise to help with any Town or Village in preparing their newsletters. K. Zepf stated that every year a packet of information on the Authority is sent out to the municipalities.

H. Marshall requested if the information to the municipalities could be emailed so that the municipalities can download it to their websites.

K. Zepf accepted.

**Item #7**

**Resolution No. 3 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 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. has become significantly in arrears in paying its outstanding balance despite numerous demands for payment 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's best interest would be served by passing this resolution authorizing suit again B. Diaz Sanitation, Inc. to collect the debt owed to the Authority plus interest is and when in the opinion of the Executive Director and Counsel such suit would best serve the Authority's interest, therefore be it,

**RESOLVED**, that the Authority hereby authorizes suit against B. Diaz Sanitation, Inc. to collect its debt plus interest if and when in the discretion of the Executive Director and Counsel it is in the Authority's best interest.

Motion to Approve  
Dusanenko/Schoenberger

**Discussion**

C. St. Lawrence stated T. Dusanenko was the father of pushing to collect the monies from the carters.

I. Schoenberger questioned why is there a resolution for one carter, he reviewed the aging report and feels that there should be more like Scuffy Carting?

A. Etelson stated that the Authority has a judgment against them and the Authority is researching different ways to collect the debt. With Diaz Sanitation they are not paying us because they have had a dispute with the Village of Ridgewood and the Village is not paying them.

I. Schoenberger stated that Scuffy has trucks in NJ and they have some equity, even if it is \$1. Take their equity; stop their trucks from running.

A. Etelson stated that NJ has different laws, and before the Authority spends a lot of money on it we should find out if there is equity in the trucks.

I. Schoenberger stated that the expenses of the sheriff could be added on to the judgment.

A. Etelson agreed with I. Schoenberger that the additional costs could be recouped.

I. Schoenberger stated that whether there is equity or not just the point of the truck being seized by the Sheriff stops the trucks from running and the company makes no money.

A. Etelson stated that he would rather wait to see if there is any equity before he does something like that.

I. Schoenberger questioned if there are any other businesses that suit should have been filed? Interstate Waste?

A. Etelson answered that IWS is bonded.

R. Delo stated that IWS has a 30-day grace period.

I. Schoenberger questioned for how much money?

R. Delo answered that there is no limit.

K. Zebrowski questioned A. Etelson why we did not file a judgment in NJ on Scuffy?

A. Etelson answered that there are other laws.

K. Zebrowski stated first in line is the first in time. K. Zebrowski agrees with Schoenberger that a judgment should be filed in NJ on Scuffy.

H. Phillips stated that IWS should really be looked at. This is a large amount of money. H. Phillips suggested a cap on some of these carters.

C. St. Lawrence referred to R. Delo.

R. Delo stated that IWS has a payment bond in place with the Authority and the Authority is negotiating a new bond for a larger amount.

I. Schoenberger stated that the bond needs to be in place ASAP. If they walked away tomorrow we would be liable for the balance.

C. St. Lawrence requested R. Delo to address the schedule to make sure everyone understands the report.

R. Delo answered that the first column of 1-30 days in the IWS line is not even due yet.

C. St. Lawrence questioned how is there history?

R. Delo answered that they have been slow but have paid their payments.

C. St. Lawrence requested R. Delo to notify the members when their new bond is on place.

R. Delo agreed.

H. Phillips stated that we need to review of investment policy because in that policy it might state that no one is allowed to be over their bonded amount. If this statement is not in there then it should be added.

C. St. Lawrence stated that the Authority did approve an investment policy and it should be reviewed.

R. Delo stated that our investment policy is really about our bonds.

C. St. Lawrence stated then one should be created.

H. Phillips stated that an investment policy covers any exposure that the Authority might have on its credits. H. Phillips stated that he also feels that the Authority should require these businesses to put up a bond well over what they expect to utilize.

R. Delo stated that he is not against payment bonds but a lot of these companies will have a problem. The Authority is at risk and the Authority does not want to get into the situation that we were in before. R. Delo stated that some of these mom & pop customers will not be able to provide the bond and these carters will not be able to use our transfer station and some of these carters might have Town or Village contracts.

I. Schoenberger questioned how much does the Authority make on a ton?

R. Delo stated that the Authority makes \$3 a ton on in-county and on the out of state/county we make 7/ton.

I. Schoenberger questioned how much in a year?

R. Delo answered maybe \$200,000/year.

C. St. Lawrence stated that IWS has been paying their bills and that the bond needs to be increased to \$500,000. On major reason why the Authority was able to get space at Sullivan County was because they have the same exact problem with their carters and they liked the Authority, have become a collection agency. Sullivan County was happy to do business with the Authority because they knew that they would get paid.

K. Zebrowski stated that a subcommittee should be established. The committee should meet with the Executive Director and Chair and K. Zebrowski understands the position that R. Delo is in and right now the Authority is acting like a bank.

C. St. Lawrence suggested Zebrowski as Chair, Dusanenko, Schoenberger, Phillips, and Soskin to be on the new committee.

T. Dusanenko questioned Schettino?

A. Etelson answered that Schettino is willing to pay the Authority 10 cents on the dollar.

T. Dusanenko questioned if the Authority is one of the first ones on the list?

A. Etelson answered he is not sure where we are one the list but he knows that there is very little in equity.

T. Dusanenko stated that just on Schettino the Authority is looking at a lost of \$250,000.

H. Phillips questioned if the Authority had a bond on them?

R. Delo stated no that this amount goes back years.

T. Dusanenko questioned Marangi?

R. Delo clarified that Marangi is making installment payments and currently owes \$67,000 out of the \$139,000. R. Delo stated that a lot of carters have been making their installment payments.

I. Schoenberger stated that the Authority needs to make sure that the payment bond is 100% correct.

T. Dusanenko stated that counsel needs to do everything that he can do and call in all the people that you can to get these carters trucks and take K. Zebrowski advise and file those papers in NJ. T. Dusanenko stated the payments bonds are good but those companies go out of business also and the Authority needs to go further then just the bonds.

I. Schoenberger suggested that perhaps we should consider setting a limit of \$200,000 or C.O.D.

T. Dusanenko stated that he agreed and it is very important that there is a check on the bonding companies.

C. St. Lawrence stated that the committee will work on this new policy.

H. Marshall stated that with the smaller companies if they have contract with the municipalities then they already have bonds in place.

C. St. Lawrence stated that the Authority has intermunicipal agreements with all the Towns and Villages and the Towns and Villages should not be paying the carters if they owe us money.

H. Phillips stated that there should be some structure to the level of bond required for each carter.

C. St. Lawrence stated that the Authority should look into raising the tip fee for the out of state/county fee. NJ is at \$75/ton and the Authority is only at \$70.

R. Delo stated that the Authority was at market price but now the market when up and the Authority also has to look at not raising the fee to high where the material does not come in. R. Delo stated that he would do a survey to see what other locations are charging per ton.

Unan.

Motion to Adjourn  
Zebrowski/Soskin Unan.

Respectfully Submitted,  
Camille Guido-Downey