

**Rockland County Solid Waste Management Authority
Minutes
September 25, 2003**

Members Present

C. St. Lawrence
B. Berliner
T. Dusanenko
C. Holbrook
D. Jobson
T. Kleiner
H. Marshall
H. Phillips
I. Schoenberger
P. Soskin
F. Wassmer
Dr. Yarmus

Members Absent

S. Corallo
E. Devine
F. Fornario
S. Hurley
K. Zebrowski

Others Present

R. Delo
A. Etelson
T. Pytlar
T. West
B. Beckman
H. Benado
D. O'Donnell
J. Klos
S. Simon
K. Scales

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

Item #3

**Resolution No. 24 of 2003
Adoption of Minutes, Meeting of July 22, 2003**

C. Holbrook offered the following resolution, which was seconded by B. Berliner and was approved unanimously, and,
RESOLVED, that the transcribed Minutes of the Rockland County Solid Waste Management Authority for the meeting of July 22, 2003 as recorded by the Clerk are hereby adopted.

Item #4

Reports – WFC

T. Pytlar stated that for the months of July – September 2003, WFC conducted the following activities for the Authority:

- Prepared an engineering report for the 2003B bonds that were issued.
- Responded to the DEC on the Notice of Violation for the Transfer Station operations.
- Prepared a SEQRA analysis for the economic projections for the proposed yardwaste facility on Torne Valley Road.
- Assisted the Authority with the negotiations with the amendment to the agreement with Synagro for the Coco Facility.
- Prepared cash flow analysis for the potential agreement for termination with Waste Management for the MRF Facility.

Executive Director Report

R. Delo stated that the HHW Program was expanded to include M-W collection events and have done very well. The Authority is going to make an application to open the facility M-F from 8am to 1pm. The Authority is also looking at expanding the program to include the collection of pharmaceuticals. People are told to flush their old drugs down the toilet, which is not a good idea because it ends up in the WWTP or our receiving waters. The best way to deal with old drugs is to have it incorporated into the HHW program. The Authority has met with Clean Harbors (our vendor) and most drugs we can handle now at no increase in cost but certain drugs the State requires a special permit to handle. Clean Harbors is investigating the permit and we expect to have it by the end of the year. In January we might be able to add this material to our program.

C. Holbrook stated that he has used the Facility 3-4 times and it is a well-run facility, convenient and the extended hours make it perfect.

B. Berliner agreed with C. Holbrook and stated that the staff was great and had no idea who he was and everything went smoothly.

T. Dusanenko also agreed with B. Berliner and C. Holbrook and made the following suggestions: Do a mailing on the extended hours and ask all post offices, government offices, Villages, Towns and building inspectors to post the information.

R. Delo stated that he does not want the facility to be overwhelmed. Opening M-F is independent of the weekend events. On Saturday, the facility processed over 500 cars and on Sunday 200 cars. The facility is still experiencing the big events over the weekends. We would like to build this up gradually, but we are printing post cards and are handing them out at the collection events. Our goal is to reduce the big collection events.

T. Dusanenko suggested to hand the post cards out to the Towns, Villages, County Clerks Office, DMV, and the Receiver of Taxes, etc.

R. Delo agreed.

R. Delo continued that the Authority is also doing advertising on the County bus. The ad will be simple like "Rockland's Recycles". R. Delo stated that in the juror's waiting area and DMV he would like to put up an electronic display board promoting recycling, schedules, events and programs. These plasma display boards can be edited from your computer.

C. St. Lawrence stated that it should be linked to all the Town's websites.

Item #5

The Chairman made the following appointments for the 2004 Budget Committee:
C. St. Lawrence, H. Phillips, B. Berliner, P. Soskin, and T. Dusanenko.

Motion to Approve
Phillips/ Kleiner Unan.

Item #6

RESOLUTION NO. 25 OF 2003 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 20, 2003 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
Holbrook/Yarmus Unan.

Item #7

**RESOLUTION NO. 26 OF 2003
SETTING A DATE FOR A PUBLIC HEARING
FOR THE ADOPTION OF THE BUDGET FOR THE FISCAL YEAR 2004
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 2004 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 20, 2003 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 2004 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/Wassmer Unan.

Item #8

R. Delo stated that right now that the Authority has a dual-tipping fee at the Transfer Station, \$63 in county, \$71 out of county/state. R. Delo feels that the \$63 for in county is out of the market and it is also becoming an administrative nightmare with the carters stating that their material is from in county when it is not. The Authority is doing audits on incoming material. A fair markets price for transfer stations is \$71.

C. St. Lawrence stated that it should be kept at \$63 for the Towns/Villages and an \$8/ton increase would hurt a lot of the Towns/Villages.

H. Phillips agreed with C. St. Lawrence and suggested that in 2005 we could increase the tipping fee.

C. Holbrook stated that in Clarkstown we raised the tipping fee to \$71 for everyone except for the carters that haul for Clarkstown up to 40,000/tons.

C. St. Lawrence stated that a committee should look at this possibly and at tying in the recyclables tonnages.

Item #10

**Resolution No. 27 of 2003
Authorizing Technical Changes to the PO27 for the Position of Solid Waste
Inspector as Requested by the Rockland County Personnel Department**

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,

WHEREAS, the Authority has by Resolution 20 of 2000 authorized the establishment of the position of Solid Waste Inspector and,

WHEREAS, by memo dated December 4, 2002 from the County of Rockland Department of Personnel recommend technical changes to the PO27 for the position of Solid Waste Inspector, and,

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

RESOLVED, that the position of Solid Waste Inspector be hereby reestablished with the technical changes to the PO27 as recommend by the County of Rockland Department of Personnel in their December 4, 2002 memo, and be it further,

RESOLVED, that the Executive Director is authorized and directed to sign any and all documents and to so and cause to be done any and all act necessary or proper in connection with or for carrying out this resolution.

Motion to Approve
Schoenberger/Berliner Unan.

Item #11

**RESOLUTION NO. 28 OF 2003
AUTHORIZING APPROVAL OF AN AMENDMENT TO EXTEND THE TERM
OF THE AGREEMENT WITH THE COUNTY OF ROCKLAND FOR THE
COLLECTION OF SOLID WASTE DISPOSAL CHARGES**

WHEREAS, in 1992, the New York State Department of Environmental Conservation approved Rockland County’s (the “County”) Final Integrated Solid Waste Management Plan and Generic Environment Impact Statement (the “SWMP/GEIS”); and

WHEREAS, the SWMP/GEIS sets forth a strategy that relies upon multiple waste management methods and facilities, including the recycling of select solid waste materials; and

WHEREAS, the Rockland County Solid Waste Management Authority (the “Authority”) was formed in accordance with section 2053(c) *et seq.* of the Public Authority Law of the State of New York (the “State”), and resolution no. 301 of 1994 of the County Legislature to implement certain provisions of the SWMP/GEIS and to construct solid waste management facilities; and

WHEREAS, the Authority and the County have previously entered into an agreement, dated July 25, 1995, as amended September 20, 1995 (the “Agreement”), wherein the County has agreed to provide certain services to the Authority for billing of Solid Waste Disposal Charges directly to the owners of all real property within Rockland County, and to provide for the enforcement and collection of any unpaid charges, and

WHEREAS, in connection with the 2003B borrowing the Authority was advised by the rating agencies that our credit rating could be in jeopardy if the Collection Agreement with the County wasn’t extended to the end of the term of this new borrowing, and

WHEREAS, the Authority has determined that such Agreement should be further amended to provide that the term of such agreement be extended and coincide with the

term of any outstanding bonds or other obligations issued or insured by the Authority in order to satisfy the concerns of the rating agencies; and
NOW THEREFORE BE IT:

RESOLVED, that the Amendment attached hereto as Exhibit A is hereby approved by the Authority; and

RESOLVED, that the Authority authorizes the Chairman and Executive Director of the Authority to execute the Amendment in substantially the form set forth in Exhibit A hereto, with such additional terms, amendments, modifications or changes thereto as the Chairman may approve as in the best interest of the Authority and not inconsistent with the terms presented at this meeting; and

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

EXHIBIT A

Motion to Approve
Wassmer/Phillips Unan.

T. Dusanenko questioned pages 1, 2, 3 of the aging report.

R. Delo answered that page 1 of the aging report from the municipalities and column 1 thru 30 are not due yet.

C. St. Lawrence stated that for the Town of Ramapo there has been an ongoing dispute with Miele Sanitation for the Passover picks up. The Town is going to work out something with the Authority if the Town and Miele cannot come to an agreement.

S. Simon explained that the County of Rockland has an outstanding balance because of the recycling bins.

R. Delo stated that S. Simon should remove County of Rockland from the report.

R. Delo stated that the Village of Haverstraw is for roll off charges.

T. Dusanenko suggested that a better detail should be provided for all carters that are over 90 days so that the board members can see how many days over 90 they are.

R. Delo stated the Authority has an agreement with IWS.

T. Dusanenko stated that at one point it was almost 2 million dollars and now it is 1 million but it still is a large number.

C. St. Lawrence questioned if we wrote off Schettino?

A. Etelson answered that did not yet.

Motion to Open Executive Session
Phillips/Yarmus Unan.

During Executive Session Item #9 was discussed.

Motion to Close Executive Session
Wassmer/Phillips Unan.

Resolution No. 29 of 2003
AUTHORIZING THE EXECUTION OF THE SIXTH AMENDMENT TO THE
MATERIALS RECOVERY FACILITY DESIGN, CONSTRUCTION AND
OPERATION AGREEMENT

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 contracted on June 27, 1996 with Waste Management of New York, LLC (“Waste Management”), to design, construct and operate a Materials Recovery Facility on the Authority’s site (the “MRF Contract”), and,

WHEREAS, disputes have arisen between the parties with respect to the MRF Contract, and,

WHEREAS, the Authority commenced litigation against Waste Management concerning said disputes and Waste Management has counterclaimed for relief against the Authority, and,

WHEREAS, the parties have agreed to settle such dispute substantially in the manner presented at this meeting in executive session, and, now therefore, be it,

RESOLVED, that the Executive Director is hereby authorized, with the assistance of Authority counsel, Wasserman Grubin & Rogers, LLP and Hawkins, Delafield & Wood, to prepare an amendment to the MRF Contract which incorporates the terms of the settlement substantially in the form presented at this meeting in executive session, and be it further,

RESOLVED, that the Authority authorizes the Chairman of the Authority to execute such amendment to the MRF Contract, with such additional terms, amendments, modifications or changes thereto as the Chairman may approve as in the best interest of the Authority and not inconsistent with the terms presented in executive session at this meeting. The execution of such amendment shall constitute conclusive evidence of the

valid authorization hereunder of any such additional terms, amendments, modifications or changes, and still be it further,

RESOLVED, that the Authority authorizes the Chairman to execute, deliver or accept on behalf of the Authority, any and all other agreements, instruments, (including security instruments), and other documents, and to do and caused to be done any and all acts necessary or proper in connection with or for carrying out this resolution and the execution and delivery of such amendment to the MRF Contract.

Motion to Approve
Phillips/Jobson Unan.

Motion to Adjourn
Phillips/Jobson Unan.

Respectfully Submitted,
Camille Guido-Downey