



SOLID WASTE MANAGEMENT AUTHORITY

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CHRISTOPHER P. ST. LAWRENCE
Chairman

MINUTES

RCSWMA Meeting

Thursday May 22, 2008 5:00 p.m.

Legislative Chambers

Present

**C. St. Lawrence
V. Altieri
G. Bierker
C. Coker
H. Cornell
E. Devine
P. Du Bow
M. Grant**

Present

**A. Gromack
D. Kay
T. Kleiner
P. Marino
H. Phillips
I. Schoenberger
P. Soskin**

Absent

**D. Jobson
P. Moroney**

Others

**H. Benado
S. Botto
K. Braunfotel
J. Burnet
J. Chiaia
M. Choroser
B. Gauntlett
S. Haggerty
L. Hill
J. Klos
J. Kobre**

Others

**R. Lauria
P. Muller
J. O'Connor
D. O'Donnell
M. Oliva
P. Pastella
T. Pytlar
A. Roppolo
K. Scales
D. Ulman
J. Wickes**

1. Welcome to the Rockland County Solid Waste Management Authority meeting for Thursday, May 22, 2008.
2. Roll call by Clerk. There is a quorum.
3. **Introduced by: Gromack/Devine Unan. May 22, 2008**

Resolution No. 24 of 2008

Adoption of Minutes, Meeting of March 27, 2008 and April 24, 2008

RESOLVED, that the transcribed Minutes of the Rockland County Solid Waste Management Authority are approved for the meeting of March 27, 2008 and April 24, 2008, as recorded by the Clerk, and are hereby adopted.

4. Reports – Ted Pytlar for William F. Cosulich
Ed O'Connor for ODMD: 2007 Financial Statements

5. Introduced by: Phillips/Marino

Unan.

May 22, 2008

Resolution No. 25 of 2008

**Adopting Recommendation of Audit Committee and
Approving 2007 Financial Statement**

WHEREAS, Section 2800(3) of the New York Public Authorities Law requires the annual financial statement be approved by the Board; and

WHEREAS, the attached audited financial report was prepared by Bennett Kielson Storch DeSantis, the Government Services Division of O'Connor Davies Munns & Dobbins, LLP, for the period ended December 31, 2007, and

WHEREAS, the Authority's Audit Committee has met and reviewed the attached 2007 Financial Statement, and recommended it's acceptance by the Authority Board; now therefore be it

RESOLVED, that the Authority approves the above financial statement for the year ended December 31, 2007.

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6. Ms-4 Annual Storm Water Report by Ted Pytlar

St. Lawrence: Next is a resolution approving the memorandum of understanding with the Village of Chestnut Ridge in connection with the implementation and enforcement of the local flow control law. The Mayor and the Attorney of the Village are here and we're going to go over the changes that are being made to the document.

In Item #3 the third sentence should read - *generated within the village* - and take out until January 31, 2014 - *so long as the host municipality agreement between the village and IWS transfer station of NY Inc. (IWS) dated February 10, 2004 (the "Host Agreement") is in effect.* The rest of the paragraph comes out.

Item #4 - *In the event that IWS ceases to operate the Facility at 560 Chestnut Ridge Road.*

Then the third to last line *the \$20.00 from the municipal gate rate at a designated facility for all residential solid waste generated within the village.* The rest of the paragraph comes out.

7. Introduced By: Phillips/Gromack Unan.

May 22, 2008

Resolution No. 26 Of 2008

**Authorizing the Execution of a Memorandum of Understanding
Between the Authority and the Village of Chestnut Ridge**

WHEREAS, the Rockland County Legislature (the "Legislature") has passed a local law regulating the collection and disposition of solid waste generated in Rockland County (the "Local Flow Control Law"); and

WHEREAS, the Legislature, in connection with the passing of the Local Flow Control Law, has instructed the Authority to enter into a memorandum of understanding ("MOU") with the Village of Chestnut Ridge; and

WHEREAS, the parties have developed a form of MOU; and

WHEREAS, the form of MOU is attached hereto, now therefore be it

RESOLVED, by the Authority that the Chairman is hereby authorized to execute the MOU with the Village of Chestnut Ridge substantially in the form presented at this meeting with such amendments, modifications, changes and omissions thereto as the Chairman may approve as in the best interests of the Authority and not inconsistent with the terms of this resolution; and the execution of the MOU shall constitute conclusive evidence of the valid authorization hereunder of any such amendment, modification, change or omission.

* * *

Schoenberger: I'd like to know from the Mayor and Counsel having passed this agreement, have all the issues that you raised been satisfactorily addressed and we conclude now that an agreement has been reached between the Authority and Village of Chestnut Ridge that is satisfactory?

Ulman: Our Board has not approved it formally. However, they have approved the concept and the wording as changed by Chairman St. Lawrence is exactly what we had agreed on.

Schoenberger: So as Counsel, you are satisfied?

Ulman: Yes.

Schoenberger: Mayor, as a Mayor are you satisfied?

Kobre: Yes

Schoenberger: Let the record reflect that the Mayor, as the Mayor not as the board, and the Counsel as the Counsel are satisfied with the changes that were made.

St. Lawrence: The next item is the memorandum of landscapers, tree service companies and green waste recyclers. We started a discussion with the landscapers and will continue that discussion since we haven't worked out all of the aspects of this. In this memorandum are some of the things we've worked out to date. One of the concerns of the landscapers is when they come to drop off their grass and leaves they don't want to wait to weigh in and dump. We are going to work to find out how to streamline how landscapers come in to dump.

Schoenberger: When we had the public hearing two nights ago, most if not all of these issues were in the memorandum that was already drafted and one of these issues was, what is the definition of yard waste? I'm not sure the landscapers were aware because the definition of yard waste for this memorandum of understanding was going to be clarified so that it could have trees, top soil and other things of value. My understanding is that we had agreed that anything that would have an

inherent value could still be pursued by the landscapers. If they cut down a tree, they would have to take that to the Solid Waste Authority. If they want to take the tree and cut it up and sell the wood or chip it, it's only the final product which can no longer be recycled that then would have to be brought to the Authority. In addition to what we knew last Tuesday is that there was to be an agreement called a de minimus amount.

St. Lawrence: The de minimus amount as it is here, is parties agree to discuss whether having a de minimus for applicability to flow control law would be feasible and beneficial in connection to the regulations. We haven't decided what that de minimus amount is. The question was if a person goes out and does one yard and they have a little bit of waste in their vehicle, does that have to come to the Authority.

Schoenberger: My understanding is that there would be some discussion including the landscapers to decide what a de minimus amount was and that amount would not be required to be brought to the Authority it could be disposed of in another way.

St. Lawrence: Yes

Schoenberger: That's something that is open to negotiation by the Authority regarding the landscapers with the intent of trying to make their lives and livelihood easier and not harder. Is that correct?

St. Lawrence: Yes, that's correct. The regulation could change and the landscapers will be a part of that. We will have a representative from each one of these three industries on that board working with the Authority.

Schoenberger: Another point is, there has to be a transitional period from what exists today to what the Authority and the landscapers agree upon to give everybody a reasonable chance to adapt to it.

St. Lawrence: I believe with the implementation it will be a continuous education to this industry and working with them. There will be a grace period.

Coker: As the Authority goes through the process with the landscapers and work out the kind of details that we have in the Chestnut Ridge agreement, will that memorandum come back to us?

St. Lawrence: Yes. This memorandum we have before us we will not be adopting tonight.

Coker: I want everyone involved in this to know that you can contact any one of the Legislatures and the County Exec's office as things go along because we're also going to be actively involved.

Kleiner: In terms of the regulations, are they being passed by the Solid Waste Authority?

St. Lawrence: Yes. Is there anyone from the public that would like to speak?

Botto: I appreciate the lines of communications being opened and I would like in the MOU if you could refer to the landscapers as the Professional Landscapers Association of Rockland County. We'd like to have members of our association to be part of the committee to further discuss the MOU.

Wickes: I think a lot of the landscapers didn't fully understand the law and they feel this will hurt their business. We don't want to hurt Rockland's businesses we want to help them. If we can take this regulation and see how it can help our industry I think the landscaper will support it.

St. Lawrence: There are a lot of people in the industry who don't do things the right way. This law could be utilized to help your industry.

Marino: I'd like to commend the Chairman, members of the Legislature and members of the Landscapers Association. I've spoken to some of the landscapers and I think we've opened the lines of communication and that's a good thing. With the Authority and the Legislature working together, we can get a law that protects the people of Rockland County and protects you as a business as well.

Chiaia: Interstate Waste has a paper recycling business in Airmont primarily from businesses. They want to make sure their business in Rockland County will be able to continue to do this business.

St. Lawrence: I'm not trying to hurt IWS's business. The stations in Chestnut Ridge and Hillburn will still be able to continue to take out of state garbage. We are looking at the commercial side of recycling and you are certainly welcome in on those discussions.

Oliva: C&D demolition jobs where we get material like concrete. We'd like to be able to process it and sell it ourselves.

St. Lawrence: That falls under two categories. Time of implementation and what is considered waste. As long as the waste stream is being done properly, in that case and we are aware of how it's being done. We can have a memorandum on that as well.

Oliva: When we have a fire demolition site where you have a lot of mixed debris, will we be required to have a different dumpster for each type of material?

St. Lawrence: There is a new industry forming on this. You can go to Home Depot and get a dumpster. So as industries like this change so will the regulations.

Schoenberger: I can only speak for myself as one board member, but I think we should do like we said with the landscapers and that is they only give us the final product that has no value. If there is a waste product that can't be sold, then that's what should come to us.

Phillips: I think we all envision this as a work in progress. We can't sit here today and say we have all the answers; it is going to be a work in progress. The ultimate goal is to try and provide the most affordable means of disposing of waste for the Rockland County resident. So as Ilan was saying, if you have an ability to go into a residence of business and say I can recycle this and I can reduce your cost, that's what we're going to look at and say, that's meeting the goal. That's really the true test. Let's save the taxpayer and let's save the business person their monies and protect the environment. That's how we are really going to look at this and will be constantly.

Oliva: What about taking concrete and crushing it and using it to back-fill a low lying area.

St. Lawrence: As long as you have a permit. If the town comes up with an ordinance or the DEC or another agency says you couldn't legally do that, than obviously you cant.

Phillips: Make sure when backfilling all the permits and everything is legal.

Muller: Illegal dumping is a huge problem in Rockland County. One problem is groundwater contamination. There's too much phosphorous in the water. Since I serve on the Landscapers Association, I'm interested in working to solve this problem.

At the moment, Clarkstown works on a coupon program. Now that this is going to become a county facility, will the Stony Point residents also be entitled to bring their leaves down to the landfill?

St. Lawrence: We want to continue using the program in Clarkstown and we are looking to expand on that program.

St. Lawrence: The next item is a discussion on a proposed law mandating collection (by manufacturers) for recycling, reuse and safe handling for e-waste in the County of Rockland. We process 456,000 pounds of e-waste at our facility. There are new laws coming down from the State of New York and there is going to be a conference on June 11th that some of the Authority staff will be attending.

Coker: New York City had passed a law that is transferring the burden of recycling electronics from the municipalities to the manufacturers. It came up at the Environmental Committee and we wanted to mention it here.

St. Lawrence: As we go forward, electronic waste that we bring in amounts to hundreds of thousand of pounds, maybe we should be documenting who the manufacturers are.

Coker: In New York City manufacturer have to submit information about how they are going to dispose of it. The idea is that it is more convenient to the consumer, so that it encourages the recycling of these products.

Cornell: We should have a longer discussion on this at another time, but it's my understanding that the PC Users group in Rockland got those computers and revamped them and gave them to organizations or needy families. I know with the used cartridges you can send them back to the manufacturer. So there are new things that are happening that we should be looking at.

St. Lawrence: Next is the amending of the resolution No. 64 for filing of an application for a state grant-in-aide.

8. Introduced by: Phillips/Kleiner Unan.

May 22, 2008

Resolution No. 27 Of 2008

Amending Resolution No. 64 Of 2006 And Authorizing The Filing Of An Application For A State Grant-In-Aid For A Municipal Waste Reduction And/Or Recycling Project And Signing Of The Associated State Contract, Under The Appropriate Laws OF New York State

WHEREAS, the State of New York provides financial aid for municipal waste reduction and municipal recycling projects; and

WHEREAS, the Rockland County Solid Waste Management Authority herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the MUNICIPALITY deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, Authority Resolution No. 64 of 2006 authorized the filing of an application for a state grant-in-aid for a municipal waste reduction and/or recycling project [titled "Rockland County MRF Operational Improvements" for combined projects 3-MSWSS-169 Glass Beneficiation Systems and 3-MSWSS-173 Materials Recovery Facility (MRF) Improvements] and signing of the associated state contract; and

WHEREAS, said application was signed by the Authority's former Executive Director, Andrew T. Lehman, on January 4, 2007; and

WHEREAS, Andrew T. Lehman resigned as Executive Director, effective October 12, 2007, and is no longer an authorized signatory or authorized official representative of the MUNICIPALITY; and

WHEREAS, it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY be executed for such STATE Aid; and

WHEREAS, the Authority has been awarded funding and has been issued Contract #C302846 for projects 3-MSWSS-169 and 3-MSWSS-173; and

NOW, THEREFORE, BE IT RESOLVED BY the Rockland County Solid Waste Management Authority;

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.
2. That the Chairman of the Rockland County Solid Waste Management Authority is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the STATE;
3. That the MUNICIPALITY agrees that it will fund its portion of the cost of said Municipal Waste Reduction and/or Recycling Project.
4. That the MUNICIPALITY or MUNICIPALITIES set forth their respective responsibilities by attached joint resolution relative to a joint Municipal Waste Reduction and/or Recycling Project.
5. That this resolution shall take effect immediately.

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St. Lawrence: Item #8 is the approval of a memorandum of understanding on flow control between the Authority and the County of Rockland.

9. Introduced By: Altieri/Devine Unan.

May 22, 2008

**Resolution No. 28 OF 2008
Authorizing The Execution Of A Memorandum Of Understanding
Between The Authority And The County Of Rockland**

WHEREAS, the Rockland County Legislature (the "Legislature") has passed a local law regulating the collection and disposition of solid waste generated in Rockland County (the "Local Flow Control Law"); and

WHEREAS, the Legislature, in connection with the passing of the Local Flow Control Law, has instructed the Authority to enter into a memorandum of understanding ("MOU") with the County of Rockland (the "County"); and

WHEREAS, the parties have developed a form of MOU; and

WHEREAS, the form of MOU is attached hereto, now therefore be it

RESOLVED, by the Authority that the Chairman is hereby authorized to execute the MOU with the County substantially in the form presented at this meeting with such amendments, modifications, changes and omissions thereto as the Chairman may approve as in the best interests of the Authority and not inconsistent with the terms of this resolution; and the execution of the MOU shall constitute conclusive evidence of the valid authorization hereunder of any such amendment, modification, change or omission.

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St. Lawrence: Next is the memorandum of understanding between the Authority and the Rockland Business Association.

10. Introduced By: Phillips/Schoenberger Unan.

May 22, 2008

**Resolution No. 29 OF 2008
Authorizing The Execution Of A Memorandum Of Understanding
Between The Authority And Rockland Business Association**

WHEREAS, the Rockland County Legislature (the "Legislature") has passed a local law regulating the collection and disposition of solid waste generated in Rockland County (the "Local Flow Control Law"); and

WHEREAS, the Legislature, in connection with the passing of the Local Flow Control Law, has instructed the Authority to enter into a memorandum of understanding ("MOU") with the commercial entities having in place recycling programs; and

WHEREAS, the parties have developed a form of MOU; and

WHEREAS, the form of MOU is attached hereto, now therefore be it

RESOLVED, by the Authority that the Chairman is hereby authorized to execute the MOU with the Rockland Business Association, on behalf of the commercial entities having in place recycling programs, substantially in the form presented at this meeting with such amendments, modifications, changes and omissions thereto as the Chairman may approve as in the best interests of the Authority and not inconsistent with the terms of this resolution; and the execution of the MOU shall constitute conclusive evidence of the valid authorization hereunder of any such amendment, modification, change or omission.

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Kay: I had the opportunity to participate in the flow control task force and this was a long and tedious process. One issue I have is that we should not be trading tax dollars from our residents. One item that could go up is our tipping fee. A lot of the Villages fees for the contractors reflect what the tipping fee would be.

St. Lawrence: We will work with your contracts to make them as whole as possible with still the same services that would not be available if the Solid Waste Authority didn't exist and the services that help the public safety and health of our residents and we will keep that in mind as we go forward.

Schoenberger: There may be some misunderstanding about the tipping fees. One of the Legislators asked very specific detailed financial analysis of flow control. One issue that was raised was the tipping fees. There was a problem faced to the financial people at the Authority of where they were going to get such an analysis, since all the tipping fees are different between the three transfer stations. To do the financial analysis the staff decided that the proper way to do it was to even out the tipping fees. When the analysis was requested, there were a whole series of variables involved and the staff was told to make assumptions and let them know what they were. We are going to work together on this with the idea of not hurting any municipality.

Kleiner: Will the funding for the improvements for the dewatering system be effective next month? Also, in regard to the executive director's position, I received the resumes and would like to start interviewing so we don't lose any good candidates.

St. Lawrence: Yes, it should be in effect next month and that's a good idea to start going through the resumes. Is there a motion to adjourn?

Phillips: Moved

Kleiner: Seconded

Respectfully submitted,
Suzanne Haggerty

