



SOLID WASTE MANAGEMENT AUTHORITY

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CHRISTOPHER P. ST. LAWRENCE
Chairman

MINUTES

RCSWMA Meeting
Thursday June 26, 2008 5:00 p.m.
Legislative Chambers

Present

C. St. Lawrence
V. Altieri
G. Bierker
C. Coker
H. Cornell
E. Devine
P. Du Bow
A. Gromack

Present

D. Jobson
D. Kay
T. Kleiner
P. Marino
P. Moroney
I. Schoenberger
P. Soskin

Absent

M. Grant
H. Phillips

Others

K. Braunfotel
R. DeGiorgio
B. Gauntlett
S. Haggerty
L. Hill

Others

J. Meyer
D. O'Donnell
A. Roppolo
K. Scales

1. Welcome to the Rockland County Solid Waste Management Authority meeting for Thursday, June 26, 2008.
2. Roll call by Clerk. There is a quorum.
3. **Introduced by: Moroney/Jobson Unan. June 26, 2008**

Resolution No. 30 of 2008
Adoption of Minutes, Meeting of May 22, 2008

RESOLVED, that the transcribed Minutes of the Rockland County Solid Waste Management Authority are approved for the meeting of May 22, 2008 as recorded by the Clerk, and are hereby adopted.

4. Report – for William F. Cosulich by R. DeGiorgio

Resolution No. 31 of 2008

Authorizing Revision of the Authority’s Materials Recovery Facility and Transfer Station User Fees for the Year 2009

WHEREAS, pursuant to its powers granted under Section 2053-g of the New York State Public Authorities Law, Title 13-M, the Authority has the power to establish, fix, or revise its user fees for the use or availability of facilities of or services provided by the Authority; and

WHEREAS, the Authority has determined that it is in its best interest to revise its materials recovery facility and transfer station user fees for the public use or availability of these facilities; and

WHEREAS, the Authority hired the firm of William Beckmann Appraisals, Inc. to assist in an evaluation of the Authority’s user fees; and

WHEREAS, William Beckmann Appraisals, Inc. performed such evaluation and determined that revisions should be made to the Authority’s materials recovery facility and transfer station user fees; and

WHEREAS, the Authority has also worked with the town assessors regarding such proposed revisions to the Authority’s materials recovery facility and transfer station user fees; and

WHEREAS, pursuant to Section 2053-g of the New York State Public Authorities Law, the Authority held a public hearing to consider such proposed revisions to the Authority’s materials recovery facility and transfer station user fees; now therefore be it

RESOLVED, that the Authority adopts the findings of Mr. Beckmann’s analysis of the materials recovery facility and transfer station user fees; and be it further

RESOLVED, that the Authority shall request Town Assessors to add the units identified for the materials recovery facility user fees and the transfer station user fees, for the use and availability of those facilities, beginning in the year 2009.

St. Lawrence: We had a study done to see if there were any areas where people were not properly being charged. So if we found that in different towns, the assessors didn’t properly list a condo unit or business, then it had to be added. Anna the total amount the Authority would net out of these exchanges would be to the positive? Anna that’s approximately how much?

Roppolo: Approximately 110,000 based on the number of units out there.

St. Lawrence: We do these surveys all the time to make sure that we have all the proper people on the records from the assessors’ office.

6. Introduced by: Coker/Soskin

Unan.

June 26, 2008

Resolution No. 32 Of 2008
Amending Resolution No. 5 of 2006 Authorizing the Filing of Application for State-Grant-In-Aid for Composting Facility Improvements and Authorizing Execution of Associated State Contract(s)

WHEREAS, the State of New York provides financial aid for municipal waste reduction recycling projects; and Rockland County Solid Waste Management Authority herein called the Authority, has examined and duly considered the applicable laws of the State of New York and the Authority deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, Authority Resolution No. 5 of 2006 authorized the filing of an application for a state grant-in-aid for Cocomposting Facility Improvements and authorizing execution of the associated state contract; and

WHEREAS, said application was inadvertently not signed by the Authority's former Executive Director, Andrew T. Lehman, when the application was submitted on March of 2006; and

WHEREAS, it is necessary to resubmit the application signed by an authorized signatory or authorized official representative of the MUNICIPALITY; 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 and in conformity with the applicable laws of the State of New York, including all understandings and assurances contained in said application, is hereby authorized;
2. That the Chairman, Executive Director, or designee is directed and authorized, as the official representative of the Authority, to act in connection with the Authority's applications for state-grant-in-aid for the referenced improvements, and to provide such additional information as may be required and to sign the resulting contracts if said applications are approved by the State;
3. That the Authority agrees that it will fund its portion of the cost of said Cocomposting Facility improvements;
4. That the Authority set forth its respective responsibilities by resolution relative to the programs conducted at the Cocomposting Facility;
5. That five (5) Certified Copies of this Resolution be prepared and sent to the New York State Department of Conservation with each complete application.
6. That this resolution shall take effect immediately

7. Introduced by: Kay/Moroney

Unan.

June 26, 2008

Resolution No. 33 of 2008

Authorizing the Filing of an Application for State A) Grant-In-Aid for Residential Set-Out Containers and Signing of the Associated State Contracts Under the Appropriate Laws of New York State

WHEREAS, the State of New York provides financial aid for municipal waste reduction recycling projects; and Rockland County Solid Waste Management Authority (the "Authority"), has examined and duly considered the applicable laws of the State of New York and the Authority deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, the Authority has examined and considered the applicable laws of the State of New York and deems it in the public interest and benefit to file applications under these laws to obtain such financial aid for residential Set-Out Containers; and

WHEREAS, it is necessary that the State and the Authority execute contracts for such financial aid, now, therefore, be it

RESOLVED, by the Rockland County Solid Waste Management Authority:

1. The Authority is hereby authorized to file an application for residential set-out containers in such form as may be required by the State and by the applicable laws of the state of New York including all understanding and assurances as may be contained in such application.
2. That the Chairman, Executive Director, or designee is directed and authorized as the official representative of the Authority to act in connection with the applications and to provide such additional information as may be required to execute any resulting contracts, if said applications are approved by the State.
3. The Authority agrees it will fund its portion of the cost of said residential set-out containers.
4. That five (5) Certified Copies of this Resolution will be prepared and sent to the New York State Department of Conservation with each complete application.
5. This resolution shall take effect immediately.

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Resolution No. 34 of 2008
Ratifying Operation Agreement with Bowline Industries Inc.
and Use Agreement with Damiani Sanitation

WHEREAS, the Authority has determined that in order to fulfill the Authority's desire to expand the Authority's capacity to provide solid waste management services, it is in the best interest of the Authority to purchase the Bowline Transfer Station ("Facility"); and

WHEREAS, Bowline Realty Corp., requested that the closing on the Bowline Transfer Station occur no later than June 16, 2008; and

WHEREAS, the Authority purchased the Bowline Transfer Station from Bowline Realty and Bowline Industries, Inc., on June 13, 2008; and

WHEREAS, Bowline Industries, Inc. is the current holder of the Facility Operating Permit issued by the New York State Department of Environmental Conservation ("DEC"); and

WHEREAS, the Authority's acquisition of the Facility shall not be finalized until the DEC authorizes the transfer of the Facility Operating Permit to the Authority; and

WHEREAS, it being necessary for the Authority to operate the Facility beginning June 16, 2008, in order to avert a public health and safety issue occurring at the Facility, and the transfer of the Facility Operating Permit to the Authority having not been effectuated prior to the closing on June 13, 2008; and

WHEREAS, Bowline Industries has agreed to enter into an Operating Agreement with the Authority to allow the Authority to operate the Facility immediately upon its acquisition under Bowline Industries' Facility Operating Permit; and

WHEREAS, Damiani Sanitation, Inc. a carting company affiliated with Bowline Realty Corp. and Bowline Industries, Inc., which has utilized space at the Facility for the operation of its garbage collection business, and which now desires to continue to utilize space at the Facility for two months after June 13, 2008; now therefore be it

RESOLVED, that the Authority Board hereby ratifies the execution by the Chairman of the Operating Agreement with Bowline Industries to allow the Authority to operate the Facility under Bowline Industries' permit until such time as the DEC approves the transfer of said permit to the Authority; and be it further

RESOLVED, that the Authority Board hereby ratifies the execution by the Chairman of the Letter Agreement with Damiani Sanitation permitting it to continue to use space at the Facility to operate its garbage collection business until August 15, 2008, when Damiani Sanitation shall have relocated its business to other premises.

Kleiner: Is there anything unusual about this agreement?

St. Lawrence: We took over the transfer station on June 16th and had to start operating on the following Monday. We needed this resolution because the DEC said it would take a couple of weeks to transfer the permit. We reached out to the operator of the Ramapo Transfer Station to operate Bowline, and as we were signing the agreement they wanted to raise their price. So we contacted Santaro and they said they would do it for \$10 less.

Cornell: What period of time is our contract with Santaro?

St. Lawrence: This is a one-year contract.

9. Introduced by: Moroney/Soskin

Unan.

June 26, 2008

**Resolution No. 35 Of 2008
Ratifying Transfer Station Service Agreement with Santaro Development, LLC
For Operation of Bowline Transfer Station**

WHEREAS, the Authority determined that in order to expand the Authority's capacity to provide solid waste management services, it was in the best interest of the Authority to purchase the Bowline Transfer Station; and

WHEREAS, Bowline Realty Corp., requested that the closing on the Bowline Transfer Station occur no later than June 16, 2008; and

WHEREAS, notwithstanding any Authority procurement policies or procedures to the contrary, the Authority is declaring the need to find an operator for the Transfer Station to be an emergency; and

WHEREAS, the Authority has determined to enter into the Bowline Transfer Station Service Agreement with Santaro Development, LLC; now therefore be it:

RESOLVED, that the Authority has determined that an emergency situation exists in relation to selecting an operator for the Transfer Station; and be it further

RESOLVED, that the Authority hereby ratifies the Bowline Transfer Station Service Agreement entered into with Santaro Development, LLC, attached hereto, for a period of approximately two weeks until the parties may negotiate a one-year agreement to operate and maintain the Bowline Transfer Station and dispose of municipal solid waste delivered thereto, substantially on the terms presented at this meeting, with such negotiated terms and any such amendments, modifications, changes and omissions thereto as the Chairman may approve as in the best interest of the Authority and not inconsistent with the terms of this resolution. The execution of such agreement shall constitute conclusive evidence of the valid authorization hereunder of any such negotiated terms, amendment, modification, change or omission.

RESOLVED, that the Chairman 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

financial policies to pay the expenditures initially to be paid with the Advanced Funds; now, therefore, be it

RESOLVED that:

SECTION 1. Expression of Intent. The Authority reasonably expects to reimburse itself from proceeds of the Bonds for all expenditures described below made with the Advanced Funds. This Resolution is a declaration of the official intent of the Authority, within the contemplation of Section 1.150-2 of the Income Tax Regulations promulgated by the United States Department of the Treasury.

SECTION 2. Expenditures to be Reimbursed. All of the expenditures initially to be paid with the Advanced Funds that will be reimbursed from proceeds of the Bonds have been or will be for costs that (i) are properly chargeable to the capital account of a component of the Project under general income tax principles, (ii) constitute non-recurring working capital expenditures (of a type not customarily payable from current revenues), or (iii) are costs of issuing the Bonds. No proceeds of the Bonds will be used to reimburse any expenditures originally paid more than sixty days prior to the Official Intent Date except those expenditures constituting "preliminary expenditures." For purposes of this Resolution, "preliminary expenditures" means expenditures for architectural, engineering, surveying, soil testing, costs of issuing the Bonds, or similar purposes.

SECTION 3. Maximum Amount of Debt. The maximum principal amount of debt expected to be issued to finance the cost of the Project is \$6,000,000.

SECTION 4. Authorization. The Chairman is authorized to take such further action and execute such further instruments as may be necessary to fully effectuate the purpose and intention of this Resolution.

SECTION 5. Effective Date. This Resolution shall become effective immediately upon its adoption.

SECTION 6. Public Inspection. This Resolution will be available for public inspection in the same manner as other public documents of the Authority.

11. Introduced By: Schoenberger/Jobson Unan. June 26, 2008

**Resolution No. 37 of 2008
Ratifying the Execution of a Memorandum of Understanding
Between the Authority and Rockland Business Association**

WHEREAS, the Rockland County Legislature (the "Legislature") adopted a local law regulating the collection and disposition of solid waste generated in Rockland County (the "County Flow Control Law"), on May 20, 2008; and

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

commercial entities having in place recycling programs at the time of the adoption of said law; and

WHEREAS, the parties have agreed to the terms stated in the attached MOU; now, therefore be it

RESOLVED, that the Authority hereby ratifies the attached MOU, signed by Christopher P. St. Lawrence, Chairman, on behalf of the Authority, and Al Samuels, President of the Rockland Business Association, on behalf of the commercial entities having in place recycling programs.

Coker: The MOU is with the RBA so does that mean all the organizations have to go through the RBA to speak with us?

St. Lawrence: It doesn't mean they have to go through the RBA, but the RBA could be their voice and bring their concerns to us.

Kay: With Santaro operating Bowline are the hours the same as listed here that previously existed, or will they be expanded?

St. Lawrence: The hours of the transfer station are identical as they have been for many years. We will have the ability as an Authority to change them.

New Business

St. Lawrence: We should be looking to get a date for the Selection Committee to look through the resumes and put together dates for interviewing. Suzanne can send out an e-mail to see when everyone can meet.

Kleiner: Perhaps if everyone could prioritize the resumes before the meeting to make it easier.

Bierker: Will all parties be notified as to the meeting date of when the selection process will take place?

St. Lawrence: Yes.

Schoenberger: How many applicants do we have?

Gauntlett: There are about 28 applicants. We are putting together a list that we will circulate.

St. Lawrence: Is there a motion to adjourn?

Moroney: Moved

Marino: Seconded

Respectfully submitted,
Suzanne Haggerty