



SOLID WASTE MANAGEMENT AUTHORITY

P. O. Box 354, 420 Torne Valley Road
Hillburn, NY 10931
(845) 753-2200 Tel. (845) 753-2281 Fax
CHRISTOPHER P. ST. LAWRENCE
Chairman

MINUTES

RCSWMA Meeting

Thursday, October 28, 2010 5:00 p.m.

Legislative Chambers

Present

**C. St. Lawrence
V. Altieri
C. Coker
H. Cornell
E. Day
M. Grant**

Present

**A. Gromack
D. Jobson
D. Kay
P. Moroney
P. Soskin
P. Whalen**

Absent

**E. Devine
P. Du Bow
H. Phillips
I. Schoenberger
W. Sherwood**

Others

**K. Braunfotel
J. Damiani
J. diFrancesca
B. Gauntlett
S. Haggerty
J. Klos
D. O'Donnell
W. O'Gara**

Others

**T. Pytlar
K. Rea
A. Roppolo
D. Samuels
P. Shaw
L. Stevenson
M. Swyka
T. West**

1. Welcome to the Rockland County Solid Waste Management Authority meeting for Thursday October 28, 2010.
2. Roll call by Clerk. There is a quorum.
3. **Introduced by: Moroney/Jobson Unan. October 28, 2010**

Resolution No. 74 of 2010 Adoption Of Minutes, Meeting Of October 28, 2010

RESOLVED, that the transcribed Minutes of the Rockland County Solid Waste Management Authority are approved for the meeting of October 28, 2010, as recorded by the Clerk, and are hereby adopted.

4. Roppolo: The change out on the biofilter is progressing nicely at the Cocomposting Facility. The first of four chambers was completed and tomorrow we are anticipating the input of the new biofilter media in the second chamber. The entire process was scheduled to be done by mid to late December. It appears at this point we are ahead of schedule.

We have had several days of work stoppage at the Clarkstown Transfer Station tip floor. Our engineers have been working with the contractors to reach an agreement on the best way to proceed on the tip floor.

Our HHW contract is expiring within the next six months. We have had preliminary discussions with the current contractor and discussed the impact of the new e-waste legislation and the impact on subsequent pricing. I should know financial impact by next month's meeting and will inform you then. Financial impact should be minimal.

It is anticipated that in January, Westchester will be bringing in their commingled containers for approximately 12 weeks. Westchester is retrofitting the MRF commingled line and we will be entering into a letter agreement with them. We will have a resolution before the Board for consideration at the November meeting.

I recently spoke with a representative of another nearby county that might want to partner with us with regard to bringing recyclables to our facility. I will keep you posted as to the progress of those discussions.

I will be asking Suzanne to call Board members regarding several meetings (1) for the 501C3 guidelines committee (2) Budget meetings with the executive board (3) a committee regarding the update to the Authority's mission statement as per *ABO Policy Guidance 10-02*. I had spoken to the board about this several months ago. We are required to submit an updated mission statement per the Public Authority's Act by March 31st.

We hosted Leadership Rockland's Environmental Day today. I would like to thank Kerri and Janet for coordinating the day's agenda and Jen, John and Suzanne for helping with set up, parking and food. We really do have a special group at the Authority that takes pride in showing off our facility, what we do and how we manage the waste in regard to our environment.

St. Lawrence: I was there this morning to speak and so was Chairwomen Cornell.

Cornell: I was so impressed with the organization of the event. It was a wonderful event and it was so impressive to hear Terry Laibach, because they literally use Rockland County as a model wherever she goes in a slide show. The other night when I left the Village of Nyack I spoke to the bookstore owner and he said how helpful the Solid Waste Authority staff is. He talked about how the staff has worked with the merchants, when they have street fairs, on recycling and how to minimize their garbage. We should be proud of our staff at the Authority.

W. F. Cosulich Associates Report - included in the board packet.

St. Lawrence: We had a concern on the depth of the tipping floor in Clarkstown of whether or not it would withstand the pounding of the equipment. Does the depth needed to be larger of what we were adding on, or if it needed to have rebar in there of some type. One of the responses was whatever amount we put on it, if it has the proper bonding and adhesive there that it would act as one unit. Does that change by what you uncovered?

Pytlar: No that doesn't change we're still confident the design used is the same design we used at part of the Hillburn Transfer station repairs. But we understand the concerns of the Authority staff on this issue and we are considering other measures to verify this design.

St. Lawrence: So any of this change order would not be as to the depth or to the material; it's a change order for a different aspect?

Pytlar: If there is a change order. This is related to the subsurface. What you're mentioning is at the top of the floor where the loader has to ride on the floor where the garbage is placed. This is the subsurface. The piles of that facility are on the edge of the landfill and even without the landfill in place that site is old marsh. So piles had to be put under that facility to build it to begin with in 1990. Under the transfer station the piles went down about 70 feet deep to bedrock. Across Route 303 you see the Palisades sticking up but underneath that transfer station the bedrock is 70 feet deep and it slopes that steeply down from the Palisades because of the ware of the Hackensack River. So those piles go all the way down there and that's what holds up the floor. So the issues came up as to whether the piles were where they were supposed to be and were they in good shape. On top of the piles are concrete caps and an issue had arisen about the condition of the caps that have to be inspected.

St. Lawrence: As far as the bolts for the walls?

Pytlar: We made a change to the bolt size and spacing and the contractor has submitted their final shop drawings and they are in order and in accordance with our design.

Moroney: I think that some serious problem with the pilings and the top of the pilings. Have you addressed that at all?

Pytlar: There are concerns about it and yes we've addressed it and the piles are in good condition and the pile caps seem to be in good condition as well.

Moroney: Has this been straightened out yet?

Pytlar: It's not straightened out yet. We are preparing a response to the contractor which will be done tomorrow.

Moroney: This was a week ago. That seems like a long time to delay this since the weather may change soon. The timeframe seems to be very important in getting this rectified do you have a timeframe in mind of when we can resolve this.

Pytlar: The contractor had in their rights to continue to work. We haven't said our design is inadequate; that they felt they had to stop work and seek more information and guidance until possibly January. We don't necessarily agree with them, but we can't tell them to work. We're addressing questions and we agree we need to conduct the inspection.

Moroney: I'm concerned about why we can't resolve this or why it shouldn't have been resolved prior to the awarding of the contract. Now here we are into the work progress and the work itself is now being delayed because the contractor, seems to me, has one opinion and our engineer has another opinion.

Pytlar: We're talking about something that is under the slab that is not visible before you cut open the slab. So we have to go by the design and the information that's available to us from the original design from 1990 and assume that it's correct. The contractor is claiming that the conditions are different from the design. The fact is we don't think they are. We think they're built the way it was designed and everything is in good condition like the piles and pile caps. It's not unusual for contractors to see change orders. This is why we have a resident engineer on-site and even when you have an on-going construction phase. Work that goes on even after you've designed it because issues come up and they have to be resolved.

Moroney: I appreciate that and I'm only trying to see this move along. What I'm concerned about is when I visited the site, I didn't think the engineer on-site was rendering an opinion. That bothered me more than anything else. To my knowledge, correct me if I'm wrong, I think we got some other engineer's firm to render an opinion.

Pytlar: The contractor had an engineer who was under their hire to write a letter.

Moroney: No it wasn't from the contractor it was Neil Sen.

Pytlar: Neil was examining the situation. No firm has rendered an opinion. It's not an opinion of the individual it's an opinion of our firm. Neil is our structural engineer but he's not the project director or the director of design so other people get involved in looking at the situation before we render an opinion to make sure we're confident in it.

Moroney: Are you confident now that we can move forward?

Pytlar: I think we can, but we'll be submitting our instruction to Ms. Roppolo tomorrow for review and then it will be going to the contractor.

Moroney: That's about ten days after the fact, correct?

Pytlar: Sometimes it just takes that long. You can't compel the contractor to work and when to stop working. You can take action legally, but we didn't think that was appropriate.

Altieri: The work that's being done pursuant to the consent order, does the DEC have to get involved whichever way we go whether we keep the original design or we change the design? Do we have to get their opinion and what's your timeframe on that?

Pytlar: The DEC is informed all along of the construction and they periodically come and look. Any changes to design they would be informed of. I don't think any changes that could arise out of this would be of material to them.

Altieri: It has to do with the soundness of the floor, correct?

Pytlar: Yes.

Altieri: So you don't think they'd get into any of the specifics?

Pytlar: As long as we're providing an opinion that the floor is sound. They are more interested in if any leachate from the waste on the adjacent floor that's still being transferred would leak into the hole. We've taken major steps to avoid that and they've inspected it and are comfortable with it.

Day: A follow-up question on some old business. Some time ago they had a discussion about the wall being too short in Clarkstown. Credits were going to be made; did that occur?

Pytlar: Yes.

Moroney: I'd like to ask the Executive Director a question. We had an executive meeting a couple of weeks ago and the President of Cosulich was there and he mentioned he'd be getting involved in our daily problems we have over there. Anna could you tell us briefly a little more of what has transpired with the particular incident.

Roppolo: The issue that has risen is the piles and the pile caps and the way the floor was poured. I'll explain this in layman's terms. If you have a pile cap which is like a shape of a T you pour the slab over the pile cap. That was the plan that was originally given to the contractor and they thought that they were going to go in and break up the floor. I guess when you jackhammer over top of something that's poured separately from the bottom it kind of breaks away. What they found when they went in to do this, is it was poured all in one time. In doing so, they were chipping away at the pile cap and they stopped because they said this isn't what's showing on the plans and we have a difference here. How should we proceed? They went back to Cosulich and asked how to proceed. They had a little bit of a back and forth because we weren't quite sure of how we should proceed. Our engineering firm was saying one thing and the contractors was saying another. Ultimately, they came back and they gave the contractor three options. It took several days to get the criteria for what would be considered an acceptable structurally sound pile cap. I have that criteria now. I personally do not feel comfortable because I needed that criteria to say this pile cap that was exposed is now structurally sound and this one isn't. I have asked Cosulich's structural engineer Neil to tell us in writing which pile cap is structurally sound or not based upon his review. Because I think that's the level of comfort that we need as the Authority. We've been discussing that back and forth. I know that Neil was out to the site yesterday and reviewed all the pile caps. We also found that there was a difference in the drawings and where the pile caps were located and where they actually were.

St. Lawrence: Did we get as built drawing or were they the original plans.

Roppolo: These were the original plans. I spoke to Ted because I wasn't quite sure where the original calculations came from. Henry Chlupsa, who is the president of Cosulich, came out to the site for the first time on Tuesday. I asked him to come out to the site because I wanted to get things moving. I am concerned about the weather and pouring the concrete before it gets too cold. It's a timing issue at this point. So he did come out and made his own observations and then Neil came out again. I have reiterated to Ted and to Henry that I would like daily reports if there are things being done daily that we need to know about. If people come to the site we want to know. There was a surveyor on site and the staff didn't know about it. I was assured that we would get daily reports.

Moroney: Ted as you recall, didn't Henry assure at the last meeting at the Authority that we were going to get these daily reports on a timely basis.

Pytlar: We are supplying reports. We were asked and at the time for a weekly report. We've been asked now to make it daily. We will provide a daily report. Our field engineer writes up his hand-written notes every morning and sends them to our office to type them up and we send them out.

Roppolo: One last thing; Mr. Altieri's point was taken and we'll discuss the change with the DEC.

Moroney: Are they aware of the changes?

Roppolo: No, not this time. I think the monitor was there yesterday and there was no work being done on the site.

Moroney: when do you expect to resume work Ted?

Pytlar: I would hope next week. It depends on how the contractor responds to our instruction.

St. Lawrence: Do we have a motion to go into Executive Session to discuss contract litigation?

Kay: Moved

Altieri: Seconded

St. Lawrence: Do we have a motion to come out of Executive Session?

Whalen: Moved

Day: Seconded

5. Introduced by: Moroney/Kay Unan. October 28, 2010

**Resolution No. 75 Of 2010
Authorizing Amendment To Agreement With Gem-Quality Corporation For
Clarkstown Transfer Station Tipping Floor Improvements**

WHEREAS, pursuant to Resolution No. 65 of 2010, the Authority entered into a contract with Gem-Quality Corporation, dated August 9, 2010, for improvements to the Clarkstown Transfer Station tipping floor; and

WHEREAS, the Authority was subsequently informed by the Environmental Facilities Corporation ("EFC") that the contract was not in conformance with the requirements of the Clean Water State Revolving Fund grant obtained from EFC; and

WHEREAS, the Authority is required to amend its contract with Gem-Quality Corporation to include certain mandatory provisions related to Davis-Bacon Act federal wage and Minority and Women's Business Enterprise and Equal Employment Opportunity requirements; and

WHEREAS, Gem-Quality has agreed to such amendment; now therefore be it

RESOLVED, that the Authority hereby approves the amendment of its contract with Gem-Quality Corporation in order to satisfy the funding requirements of the Environmental Facilities Corporation.

6. Introduced by: Grant/Day Unan. October 28, 2010

Resolution No. 76 of 2010
Authorizing Renewal Of Sludge Management Agreement
With The Town Of Highlands, New York

WHEREAS, the Authority entered into a Sludge Management Agreement with the Town of Highlands, New York, acting on behalf of the Fort Montgomery Sewer Improvement Area, dated January 1, 2000, with the option to renew for subsequent five-year terms; and

WHEREAS, pursuant to Resolution No. 33 of 2006, the Agreement was renewed on June 29, 2006, for another five-year term, which will expire on December 31, 2010; and

WHEREAS, the Board of the Town of Highlands has authorized renewal of the Agreement; and

WHEREAS, the Authority is satisfied with the terms of the Agreement and desires to renew the Agreement with the Town of Highlands, New York for an additional five-year term; now therefore be it

RESOLVED, that the Authority hereby authorizes the Executive Director to renew the Sludge Management Agreement with the Town of Highlands, New York, acting on behalf of the Fort Montgomery Sewer Improvement Area, for an additional five-year term up to December 31, 2015, on the same terms and conditions.

Resolution No. 78 Of 2010

Amending The Rules And Regulations To The County Flow Control Law Regulating The County-Wide Collection And Disposition Of Solid Waste Generated In Rockland County

WHEREAS, the County Flow Control Law, Chapter 350 of the Laws of Rockland County, provides that the Authority shall promulgate such regulations as determined by the Authority to be in furtherance of the goals of the County Flow Control Law; and

WHEREAS, by Resolution No. 41 of 2009 the Authority Board adopted Rules and Regulations to the County Flow Control Law Regulating the County-wide Collection and Disposition of Solid Waste Generated in Rockland County; and

WHEREAS, by Resolution No. 17 of 2010 the Authority Board amended the Rules and Regulations to the County Flow Control Law; and

WHEREAS, the Rules and Regulations to the County Flow Control Law require further amendment to add a new rule to clarify Section 350-9 of the County Flow Control Law; and

WHEREAS, the Authority has considered the attached amendment to the Rules and Regulations to the County Flow Control Law; now therefore be it

RESOLVED, that the Board adopts the proposed amendment to the Rules and Regulations to the County Flow Control Law; and be it further

RESOLVED, that the Rules and Regulations to the County Flow Control Law, as amended in accordance with this resolution, shall be mailed to the clerk of the Rockland County Legislature and the clerk of each municipality and shall be posted on the Authority's website.

Day: Can someone offer the rational as to why these amendments were made.

Roppolo: It needed clarifications. The regulations originally said container and sometimes with concrete you don't have a container.

Day: It was just a language correction.

West: Some of the concrete material is in a container. But at the job, some material is being picked up by a dump truck on the site. The material still needs to come to our facility.

Day: It doesn't change the intent, it just a clarification?

West: It doesn't change intent it is just for clarification. We learn as we go along of how we need to word it.

**Resolution No. 79 Of 2010
Authorizing Retainer Agreement With Environmental Capital
For Financial Advisory Services**

WHEREAS, the Authority desires to retain Environmental Capital for provision of financial advisory services to the Authority; and

WHEREAS, Environmental Capital will provide Financial Advisory, as set forth in the retainer agreement attached hereto, as requested and directed by the Authority and under the direction of the Authority staff, consistent with the Authority’s current budget, including, among other things:

- a. analysis of the cost of the financing of potential Agency capital improvements,
- b. analysis of various business plans,
- c. analysis of public versus private ownership and financing for Authority facilities,
- d. financial modeling,
- e. assistance with developing and implementing any bonding or borrowing needs,
- f. analysis of potential bond refundings,
- g. analysis of potential investment vehicles for bond funds, and
- h. such other matters as the Agency may require from time to time.

WHEREAS, Environmental Capital will be compensated for its services for general Authority work at the following hourly rates:

President -	\$225 per hour
Managing Director -	\$195 per hour
Associate -	\$150 per hour

WHEREAS, the retainer agreement shall be for a term of one (1) year, commencing on October 28, 2010 and ending on October 27, 2011; now therefore be it

RESOLVED, that the Executive Director is authorized to execute the attached agreement to retain the financial advisory services of Environmental Capital.

St. Lawrence: Next item is setting a public hearing concerning the acquisition by condemnation of property located at 411 Route 59 in West Nyack.

Soskin: Was there an appraisal done on this?

St. Lawrence: Yes.

Soskin: What are we going to use this area for?

St. Lawrence: It’s adjacent to our leaf composting, concrete and asphalt and we want to reconfigure some of the recycling intake.

Soskin: Do we have to use additional funds to get this land into shape to use it?

St. Lawrence: We may have to work on the wet areas and work to get better access into the area.

Kay: I'm not opposed to the idea of the reason for the purchase, but I will be voting no only because I don't believe government should be taking private land.

Cornell: In this resolution it indicates that the Executive Director notified the County Legislature of the Authority's intent to acquire this property and if the County Legislature doesn't adopt a resolution objecting. I have to say I don't recall receiving this letter or at least understanding that we had to possibly take some action. So unless there is some particular urgency, I would like to have this tabled until the next meeting.

St. Lawrence: Do we have a motion to table this resolution?

Cornell: Moved

Day: Seconded

Day: In reference to Mr. Kay, I'm reading this paperwork it seems possible that the owner may be amenable to this particular arrangement. At the next meeting we should clarify the concerns we have.

9. Introduced by: Grant/Jobson Unan. October 28, 2010

**Resolution No. 80 of 2010
Award Of Contract For Updating Solid Waste Management Plan**

WHEREAS, in 1992, the New York State Department of Environmental Conservation ("NYSDEC") approved Rockland County's Final Integrated Solid Waste Management Plan and Generic Environmental Impact Statement ("SWMP"); and

WHEREAS, the Rockland County Solid Waste Management 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 and to construct solid waste management facilities; and

WHEREAS, the current SWMP is due to expire on December 31, 2011, and a new SWMP must be developed and approved by the NYSDEC; and

WHEREAS, on June 17, 2010, the Authority issued a Request for Proposals for Professional Consulting Services for Developing the Authority's Solid Waste Management Plan (RFP-2010-13); and

WHEREAS, five proposals were initially submitted in response to the Request for Proposals, were reviewed by Authority staff, and at the request of the executive board, clarification questions were sent to each of the proposers on September 23, 2010; and

WHEREAS, responses to the clarification questions were submitted by only four of the proposers, one of the five proposers having rescinded its proposal, with final and complete proposals submitted by: GHD (Stearns & Wheeler) for \$122,900; Cornerstone Engineering for \$82,500; SCS Engineers for \$75,000; and William F. Cosulich Associates for \$45,000; and

WHEREAS, after reviewing the final proposals and taking into account the experience of each of the proposers with preparation of solid waste management plans for other communities and the working relationship with NYSDEC of each proposer, the Authority staff recommends award of the contract to develop the Solid Waste Management Plan to Cornerstone Engineering; now therefore be it

RESOLVED, that the Authority Board hereby awards the contract to develop the Solid Waste Management Plan to Cornerstone Engineering, and authorizes the Executive Director to execute the contract for such services.

New Business

No new business.

St. Lawrence: Motion to adjourn.

Moroney: Moved

Jobson: Seconded

Respectfully submitted,
Suzanne Haggerty