

4. Reports

W. F. Cosulich Report – included in the board packet.

St. Lawrence: Are these change orders the Authority requested you to review? Is it your design that made these change orders, or is it something the Authority requested as we've been looking at some of the changes we thought would be important?

Pytlar: They arose from conditions that were revealed during construction that were not shown in the original designs from 1990 that they were working off of.

St. Lawrence: At the last meeting you mentioned that when they did some drilling on the floor you came into some different circumstances of materials.

Pytlar: Yes. Some of the actual construction structural members were not as designed. Some of it was less substantial than designed. In some places the demolition was more time consuming.

St. Lawrence: There weren't enough pilings?

Pytlar: The pilings were where they were supposed to be. The caps on top of the piles, but beneath the slab, were constructed somewhat less substantial than they were supposed to be and were determined not to be able to stand up to the demolition well.

St. Lawrence: We had many discussions with the Executive Board about the thickness of the material. So this is all a part of that whole review.

Phillips: Ted, do we know how much this will be?

Pytlar: \$534,000.

Phillips: Total

Pytlar: Yes.

Phillips: This is just one change order?

Pytlar: There are four. They are for the replacement of all pile caps under bays two, three, four and five. Replacement of larger slab areas in two and three which we were originally focused on and now we are replacing even more of the slab; and complete and replacement of slabs in bays two and five which were not in the original design.

Phillips: Anna, where are we going to take the money out of?

St. Lawrence: Will this come out of the capital budget?

Roppolo: This is all funded through our EFC funding. We have a total of \$4M through EFC funding. We have several projects that are under that umbrella.

Phillips: What's the total amount of all the projects under the umbrella from the EFC?

Roppolo: It was estimated to be \$4M. I'm hoping that some of the other projects will be less than anticipated. If that's the case, then we can stay within the \$4M.

Phillips: The EFC is a loan, correct?

Roppolo: Correct or we'll have to borrow non EFC.

St. Lawrence: When you say borrow non EFC, you mean go to some of the other capital projects for building. You want to use the EFC money first because it's cheaper and we should use all that up. There may be enough to cover between that and other bonding that is in place already.

Roppolo: There should be enough. Hopefully we won't have another project that's over run.

St. Lawrence: When will the members of the Board get those change orders?

Roppolo: We just got them yesterday so they'll go into the next packet.

St. Lawrence: Can we get them sooner than in the next packet?

Roppolo: Yes.

Day: What contractor is involved in this change order? Is it one contractor or more than one?

Roppolo: It's one contractor GEM Quality Corporation. Actually, there is one sub-contractor for about \$4,000 that is doing some pipe work.

Day: You don't see that as an essential figure into play?

Roppolo: Correct.

Phillips: I haven't been up there in about eight months. I would like to get a site visit again with other board members if they'd like.

Roppolo: Yes, we can set that up.

Executive Director's Report

Roppolo: Bay number one, two and three are complete in our CoComposting Facility. Bay four, the final bay, is being worked on now and the project will be complete by Thanksgiving. I would like to thank John Klos, Brian Fleury of WeCare and Jeff Heath of Stems and Wheler for shepherding the project and completing it prior to the anticipated due date.

The Transfer Station the tip floor at Clarkstown Ted told you what was going on and we'll have the change orders out to you before the next meeting.

Part of the Authority's mission is to provide solid waste management services in order to protect and enhance our environment. Our partnership with regional, state and local organizations play a big role in our efforts and staff members participate in a variety of organizations.

New York State has three very active professional waste associations...SWANA (the Solid Waste Association of North America); NYSAR3 (the NYS Association of Reduction, Reuse & Recycling); and NYSASWM (the NYS Association of Solid Waste Management). Together, they form the Federation of New York, an organization whose mission is public policy and legislative recommendation to the state of NY. They also host the largest state conference each year in Lake George.

Individually, the three member Associations have developed a mission statement which reflects their individual goals to promote sound solid waste management practices encompassing reduction, reuse, and recycling.

Kerri has served as the Region 3 Representative for NYSAR3, the State's recycling organization, for the past 8 years and I just found out that she will be elected president as of January 1, 2011. Region 3 consists of Rockland, Westchester, Sullivan, Ulster, Putnam, Dutchess and Orange Counties. Because of Kerri's position, she was recently invited to serve as NYS's representative at a Keep America Beautiful conference in Berkeley, California all expenses paid. The conference focused on Public Spaces Recycling...sidewalks, parks, fields, and so on. As Keep America Beautiful is increasing their outreach in the recycling arena, it is clear that they rely on community leaders such as our Authority, to help promote their programs. Kerri will have a memo to the Board with session information in the next Board packet.

Recently, Janet Burnet has been appointed to the NYS Hudson River Estuary Management Advisory Committee where she will represent two watershed organizations as well as the Authority. The committee advises the DEC on a variety of policies and programs affecting the Hudson River Estuary from the Tory Dam to the Verrazano Narrows. Janet has also been tapped to participate in the Hudson Valley Climate Change Network, a project of the NYSDEC Office of Climate Change. Federal and State programs are focusing on climate change solutions and the USEPA's publication "Solid Waste Management and Greenhouse Gases" delineates the relationship of waste management to climate change. As for myself, I am pleased to report that I have been appointed to the Board of the NYS Chapter of the Solid Waste Association of North America.

Having a presence on these and other Boards allows us to shape and form public policy and legislation at a variety of levels while also raising the profile of the Authority among prestigious organizations.

I have included in your packets an editorial article that speaks to the bigger, better bottle bill. While the premise of this bill, to remove bottles out of the waste stream and away from landfills is a good goal, the residents of Rockland County have in essence been penalized for having and participating in our strong recycling program. We have seen a drop of about 10% in commingled containers received at our MRF. We believe this represents water bottles which

now have a five cent deposit attached to them that are now being redeemed rather than recycled. We have measurable indicators that reveal the direct loss to the Authority by introduction of this piece of legislation.

With the introduction of the bigger, better bottle bill the residents of Rockland have been hit three times. One, the revenue at the Authority is reduced which has the potential to impact our user fees); two, the additional funding that goes to NYS coffers is deposited into the General Fund but the Environmental Protection Fund, which has had it's funding slashed has not been augmented by the five cent deposit; and number three, the residents of NYS now pay a higher price for their bottled water at the grocery store of a five cent deposit.

While some counties who have not invested in recycling facilities and programs may benefit from the bigger, better bottle bill legislation, Rockland County residents already benefit from our model recycling program.

Phillips: In regard to the bigger better bottle bill, were we making money on the plastic?

Roppolo: Yes we do make money on the plastic bottles.

In your packets I had included a booklet which contained policy guidance for public authorities. In addition to the guidelines that were outlined for Authorities in the original act of 2005, The Public Authorities Reform Act Of 2009 requires state and local authorities to submit evaluation forms. The forms were attached to the memo that was sent to you with the guidance booklet. I would encourage you to submit the forms to Suzanne at your earliest convenience.

It is a requirement of every Board member to attend a training session if they have not done so. In addition, all Board members are encouraged to attend a refresher course since there have been changes to the legislation. For this reason, we will be setting up a training session for all Board members during the spring of 2011 and will give you ample notification to set aside the time for this important course.

Phillips: Is this a new session?

Roppolo: No.

Phillips: Most of already have attended a session. So, you're not asking us to attend something we already have?

Roppolo: I would encourage you to attend it because there have been changes in the legislation. I'm encouraging you because the state is encouraging it.

St. Lawrence: We can have it at the Ramapo Town Hall again and ask other municipalities if they'd like to attend.

Roppolo: We did not receive any responses from Board members regarding attending a session for updating our mission statement; in conjunction with the new SWMP the Authority staff will be reviewing the current statement and submit to the Board any changes deemed necessary. The Board will then be asked to review the mission statement.

Just as a reminder there is a meeting regarding the setting up of the 501C3 on Thursday, December 2nd at 12:00 noon; lunch will be served.

St. Lawrence: At the next Board meeting I'd like Kimberlea Rea to give us an update on what's going on with Bowline and possibly putting the yard waste there. We had looked previously at the Kay Fries site in Stony Point and it was the census of this board that we wouldn't go forward. We've asked Kimberlea Rea to look into the site adjacent to Bowline.

5. St. Lawrence: We have a meeting on the public hearing to fix and determine the rates, rentals, fees and other charges for the use or availability of facilities and services of the Authority for the year 2011. Is there anyone from the public that would like to speak? Motion to adjourn the public hearing?

Kay: Moved

Altieri: Seconded

6. Introduced by: Phillips/Sherwood Unan. November 18, 2010

**Resolution No. 82 of 2010
Adoption Of Rates, Rentals, Fees Or Other Charges For The Use Or Availability
Of The Facilities And Services Of The Authority For The Year 2011**

WHEREAS, the Authority is a public benefit corporation, duly organized and existing under Title 13-M of the Public Authorities Law of the State of New York, as amended ("Public Authorities Law"); and

WHEREAS, the Authority is authorized under Section 2053-g of the Public Authorities Law to fix and collect rates, rentals, fees or other charges for the use or availability of the Authority's facilities and services; and

WHEREAS, it is necessary for the Authority to set its rates, rentals, fees or other charges for the use or availability of the Authority's facilities and services for the year 2010; and

WHEREAS, pursuant to Section 2053-g of the Public Authorities Law, the Authority is required to hold a public hearing at which interested persons have had an opportunity to be heard concerning its rates, rentals, fees or other charges; and

WHEREAS, a public hearing was held on November 18, 2010, for the purpose of setting the Authority's rates, rentals, fees or other charges for the use or availability of its facilities and services for the year 2011; now therefore be it

RESOLVED, that the Authority Board hereby adopts the rates, rentals, fees or other charges for the use or availability of the Authority's facilities and services for the year 2011, annexed hereto and made a part of this Resolution as Exhibit "A"; and be it further

RESOLVED, that the Executive Director is authorized to take all appropriate actions to effectuate the levying and collection of such rates, rentals, fees or other charges for the use or availability of the Rockland County Solid Waste Management Authority's facilities and services for the year 2011.

Phillips: In comparison to last year, what are the rates? Are we going up overall?

Roppolo: Yes, the user charges are up \$1.15 and about \$20 on the advalorem.

St. Lawrence: That equates to 1.56%.

7. Introduced by: Phillips/Kay

Unan.

November 18, 2010

Resolution No. 83 of 2010

Setting The Rate For Municipal Recyclables Revenue Payments For The Year 2011

WHEREAS, the Authority owns and operates a Materials Recovery Facility ("MRF") for processing the commingled paper and commingled fiber collected from throughout Rockland County; and

WHEREAS, the Authority receives revenue from the sale of the recyclables processed at the MRF; and

WHEREAS, in order to encourage Rockland municipalities to maximize their recycling rates and to defray their collection and transportation costs for these recyclables, the Authority would like to share the revenue it receives from the sale of the recyclables; now therefore be it

RESOLVED, that the Authority pay to each Rockland municipality which has entered into an Intermunicipal Recyclables Management Agreement with the Authority, the sum of \$32.00 per ton for each ton of recyclable materials that such municipality has delivered to the Authority during the Year 2011.

St. Lawrence: That will be \$32 per ton going back to all the municipalities for them to utilize in any way they want to. We always encourage that they educate their residents in recycling.

8. Introduced by: Schoenberger/Phillips Unan. November 18, 2010

**Resolution No. 84 of 2010
Adoption Of The Authority Budget
For The Fiscal Year 2011**

WHEREAS, the Authority is authorized and empowered to fix and collect rates, rentals, fees and other charges for the use or availability of the facilities or services, and commodities provided by the Authority; and

WHEREAS, the Authority is authorized and empowered to plan, study and develop solid waste management facilities, as set forth in the Rockland County Solid Waste Management Plan; and

WHEREAS, the Authority, after due deliberation and public hearing, did review and discuss a budget for the fiscal year 2011 setting forth the various expenditures of the Authority; now therefore be it

RESOLVED, that the Rockland County Solid Waste Management Authority does hereby adopt the budget of the Authority for the fiscal year 2011, a copy of which is attached to this resolution.

Kay: Where it says Finance Director it's budgeted at \$80,000 and already they receive a raise?

St. Lawrence: We thought the person would have been hired by now. That position will probably be filled in January and they would be hired at \$80,000.

Kay: The bonds for the improvements at Clarkstown, is that in the budget for 2011 or 2012?

Roppolo: The debt services is included in this year's debt service number.

Phillips: Have we gone to a long term bond or are we in a BAN right now?

Roppolo: No, we're in a bond.

Kay: Next year I'd like to see some of our money from reserve in what we have in the bank to help pay for the fee alone. The burden of that went to all the residents and I think they all should share in that. I'd just like to see the payment of that bond come out of the reserve capital.

St. Lawrence: I think it would be a good idea during some point next year if we could look at the capital bond and look and see what we think is an appropriate amount to have in surplus and see how we could pay that down. I agree with you and we don't want to carry extra large surplus and leave a large amount in covenants and also for the rating agencies.

Phillips: How is it structured? Is it structured so we can pay down the bond?

Roppolo: If I understand Mayor Kay, I think he just wants to use the surplus like in Town budgets. But as the Chairman pointed out, we do have certain guidelines that we have to follow and certain restrictions regarding our covenants and how much cash we have on hand.

St. Lawrence: If you look at Cocomposting Facility user charges for out-of-town users you'll see we adopted \$375,000 in 2010 that is going up to \$577,500. We've been having some problems with Orange County on their payment of what they owe us for some of the recycling and not delivering all the recycling as they promised. We have a sludge agreement with Orange County at this time is very lucrative to our County. Orange County's contract is up on December 31, 2010 and we believe we can get more per ton from someone else. Instead of renewing their contract we can go out and get the fair market value of \$79 a ton.

Roppolo: The \$79 figure is based upon net solid of 22% which is how the Cocomposting Facility should be working. So anyone that wants to bring us sludge that has less than that percent solids would probably pay over \$79.

St. Lawrence: You're confident that there is plenty of sludge that's looking for a home and we wouldn't be caught short?

Roppolo: Yes.

Kay: What is the final raise for residents?

St. Lawrence: The average is \$1.15 and it is 1.66% that's the raise on the user fees.

St. Lawrence: At our last meeting setting a public hearing concerning the acquisition of property in West Nyack was tabled by the request of Chairwomen Cornell because she wanted the notice to the Legislature delivered again. This was done and there was a meeting with Chairwomen Cornell and Legislator Day. Do we want to take this off the table?

Day: I make a motion to take it off the table.

Soskin: Seconded

**9. Introduced By: Sherwood/Day
Kay - No**

November 18, 2010

**Resolution No. 85 Of 2010
Setting A Public Hearing Concerning Acquisition By Condemnation
Of Property Located At 411 Route 59, West Nyack, NY**

WHEREAS, the Rockland County Solid Waste Management Authority acquired the Clarkstown Solid Waste Facilities ("Clarkstown Facilities") located at 166 South Route 303, West Nyack, from the Town of Clarkstown on October 7, 2009; and

WHEREAS, the Authority desires to acquire the 7.06 acre parcel located at 411 Route 59, West Nyack, New York, Town of Clarkstown Map 65.06-1-53 ("Riverso Property"), which abuts the Clarkstown Facilities on the South and which has access on the North from Route 59; and

WHEREAS, the acquisition of the Riverso Property would benefit the Authority by providing additional land next to the Clarkstown Facilities upon which to expand those operations to achieve greater operational efficiency; to enhance public safety; to gain additional points of access to the Clarkstown Facilities; and to better meet regulatory and remedial requirements imposed by the New York State Department of Environmental Conservation; and

WHEREAS, by Resolution No. 56 of 2010, the Authority authorized the acquisition of a fee interest in the Riverso Property, and authorized the Executive Director to present a written offer to Raphael Riverso, in an amount equal to 100% of the appraised value of said property as determined by the approved appraisal performed by Molinas Realty, Inc. dated June 4, 2010, contingent upon the County Legislature having no objection to such acquisition; and

WHEREAS, by Resolution No. 57 of 2010, the Authority authorized that notification be made to the Rockland County Legislature of its intent to acquire the Riverso Property; and

WHEREAS, the Executive Director notified the County Legislature of the Authority's intent to acquire the Riverso Property by letter hand-delivered on September 1, 2010, and the County Legislature has not adopted a resolution objecting to such acquisition and delivered such objection to the Authority within the required 45 days of receiving the notice of intent; and

WHEREAS, the Executive Director submitted a written offer to Raphael Riverso to purchase the Riverso Property, in fee simple, for \$2,120,000.00, by letter dated September 2, 2010; and by letter dated September 16, 2010, clarifying that the offer was for the entire 7.06 acre parcel; and

WHEREAS, Mr. Riverso replied by letters dated September 12 and 28, 2010, rejecting the Authority's offer to purchase the property; and

WHEREAS, it appears that the Riverso property cannot be acquired by negotiated purchase; and

WHEREAS, pursuant to the Public Authorities Law and the Eminent Domain Procedure Law of the State of New York, the Authority is empowered to conduct eminent domain proceedings for the acquisition of lands; now therefore be it

RESOLVED, that a public hearing shall be held on December 16, 2010 at 5:00 p.m. in the Allison-Parris County Office Building, 11 New Hempstead Road, New City, New York, 10956 to discuss acquisition by condemnation of the Riverso Property, to be used for public purposes, such as those cited above; and be it further

RESOLVED, that the Executive Director is authorized to prepare the required notice of the public hearing and cause it to be published in the Journal News in five (5) successive issues of that newspaper, at least 10 days before the public hearing.

Kay: There is a letter in the packet that indicates that the owner of the property does not accept the offer and I'm not in favor of government taking private property. Besides the cost of the property, reading all the remedies that are going to be needed, do we have any idea of what the cost is going to be?

Roppolo: The town is required under DEC to have to remedy that. There is funding up at the state for the Town to remedy and cap what needs to be capped on that piece of property. In addition, according to our agreement with the Town, when we purchased the facility, what is not covered by the State would be paid for by the Authority. Depending upon the remediation and what's selected, and it looks like capping is going to be selected, our share came out to be between \$100,000 to \$200,000.

Day: We had a discussion about the pricing and there were a number of years the edge of this property was being affected because there were no boundaries set up. So on top of the remediation that will be done, it was made clear by the town attorney that the pricing we offered is being offered at the presumption that the property is pristine. I felt much more comfortable hearing this today that the offer being made is if the property is pristine in addition to remediating the property. So it's not like we turned around after years and we spoiled his property and decided to pay 50% of the property value now. That is not the case in this situation.

New Business

No new business.

St. Lawrence: Motion to adjourn.

Phillips: Moved

Gromack: Seconded

Respectfully submitted,
Suzanne Haggerty

