

**TOWN OF NORTH HEMPSTEAD
SOLID WASTE MANAGEMENT AUTHORITY
AGENDA**



September 24, 2020

7:00 PM

RESOLUTIONS:

1. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING PURSUANT TO SECTION 120-W OF THE NEW YORK GENERAL MUNICIPAL LAW TO CONSIDER THE AWARD OF AN AGREEMENT FOR TRANSPORTATION AND DISPOSAL OF SOLID WASTE FROM THE NORTH HEMPSTEAD TRANSFER STATION.

Synopsis: The purpose of the public hearing is to consider the award of an agreement to Covanta Sustainable Solutions LLC for the transportation and disposal of residential and commercial solid waste from the North Hempstead Transfer Station, pursuant to a Request for Proposals issued by the Authority. Tentative hearing date is October 8, 2020.

2. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH OMNI RECYCLING OF WESTBURY, INC. FOR THE OPERATION, MAINTENANCE AND MANAGEMENT OF THE NORTH HEMPSTEAD TRANSFER STATION.
3. A RESOLUTION RATIFYING THE IMPOSITION OF FEES FOR THE LATE PAYMENT OR NON-PAYMENT OF TOWN OF NORTH HEMPSTEAD TRANSFER STATION FEES AND AUTHORIZING THE WAIVER OF CERTAIN FEES PREVIOUSLY IMPOSED BY THE AUTHORITY.

Chairperson Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. s24 - 2020

A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING PURSUANT TO SECTION 120-W OF THE NEW YORK GENERAL MUNICIPAL LAW TO CONSIDER THE AWARD OF AN AGREEMENT FOR TRANSPORTATION AND DISPOSAL OF SOLID WASTE FROM THE NORTH HEMPSTEAD TRANSFER STATION.

WHEREAS, the Town of North Hempstead Solid Waste Management Authority (the “Authority”) has, pursuant to Section 120-w of the New York General Municipal Law (“Section 120-w”) issued a Request for Proposals for Transportation and Disposal of Solid Waste; and

WHEREAS, having considered and scored the proposals received in response to the Request for Proposals, the Authority has recommended that this Board award a contract for the services described in the Request for Proposals to Covanta Sustainable Solutions LLC; and

WHEREAS, Section 120-w, under certain circumstances, requires that the Authority hold a public hearing in order to consider the award of an agreement for services procured pursuant to Section 120-w; and

WHEREAS, this Board wishes to set a date for a public hearing to consider the award of an agreement to Covanta Sustainable Solutions LLC for the services described in the Request for Proposals pursuant to Section 120-w.

NOW, THEREFORE, BE IT

RESOLVED that a public hearing be held by this Board on the 8th day of October, 2020, at 7:00 P.M. via Zoom, for the purpose of considering the award of an agreement to Covanta Sustainable Solutions LLC for transportation and disposal of solid waste from the North Hempstead Transfer Station pursuant to Section 120-w of the New York General Municipal Law; and be it further

RESOLVED that the Town Clerk be and hereby is authorized and directed to publish a Notice of Hearing as required by law, which notice shall be in substantially the following form:

NOTICE OF HEARING

PLEASE TAKE NOTICE, that effective immediately and based upon notices and health advisories issued by Federal, State and Local officials related to the COVID-19 virus, the Town Board of the Town of North Hempstead will not be holding in-person hearings. Until further notice,

all future Town Board hearings and meetings will be held via videoconferencing, as permitted by the NYS Open Meetings Law. Due to public health and safety concerns, Town Board room will not be open to the public and there will be no in-person access to the hearing. The meeting will be broadcast live on the Town's website beginning at its regularly scheduled time at 7 P.M. Residents who are interested in viewing the meetings can visit: northhempsteadny.gov/townboardlive. If a resident has a comment related to an item on the agenda, they can email: comments@northhempsteadny.gov. Written comments must be received 60 minutes prior to the meeting. Those wishing to comment via Zoom regarding an item on the agenda, should visit northhempsteadny.gov/townboardlive on the day of the meeting. There will be a Zoom link available for this 30 minutes prior to the start of the meeting.

PLEASE TAKE FURTHER NOTICE that a public hearing will be held by the Town Board of the Town of North Hempstead on the 8th day of October, 2020, at 7:00 P.M. via Zoom, to consider the award of an agreement to Covanta Sustainable Solutions LLC for transportation and disposal of solid waste from the North Hempstead Transfer Station pursuant to Section 120-w of the New York General Municipal Law.

PLEASE TAKE FURTHER NOTICE that all interested persons shall have an opportunity to be heard concerning the Local Law at the time and place advertised.

Dated: Manhasset, New York

September 24, 2020

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
WAYNE H. WINK, JR.
Town Clerk**

Dated: Manhasset, New York

September 24, 2020

The vote on the foregoing resolution was recorded as follows:

Ayes: Chairperson Bosworth, Member Dalimonte, Member Ferrara, Member Lurvey, Member Russell, Member Seeman, Member Zuckerman

Nays: None

cc: Town Attorney Town Clerk SWMA

Chairperson Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. s25 - 2020

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH OMNI RECYCLING OF WESTBURY, INC. FOR THE OPERATION, MAINTENANCE AND MANAGEMENT OF THE NORTH HEMPSTEAD TRANSFER STATION.

WHEREAS, the Town, on behalf of the Town of North Hempstead Solid Waste Management Authority (the “Authority”) has previously entered into an agreement (the “Agreement”) with OMNI Recycling of Westbury, Inc., 7 Portland Avenue, Westbury, New York 11590 (“OMNI”) for operation of the transfer station and solid waste transport, recycling, and disposal; and

WHEREAS, the Executive Director of the Authority (the “Executive Director”) has recommended that the Town amend the Agreement in order to memorialize the Authority's agreement to replace the roll-up doors at the Transfer Station and OMNI's agreement to pay certain amounts to the Authority to replace the roll-up doors and settle any disputes over the previous maintenance of the doors, in consideration of payment by OMNI to the Authority in the sum of Twenty Five Thousand Three Hundred and 00/100 Dollars (\$25,300.00) towards the replacement of the doors, and the additional sum of Ninety Five Thousand Sixty-Six and 75/100 Dollars (95,066.75) in other consideration (the “Amendment”); and

WHEREAS, this Board finds it in the best interests of the Authority to authorize the execution of the Amendment.

NOW, THEREFORE, BE IT

RESOLVED that the Amendment be and hereby is authorized; and be it further

RESOLVED that the Chair of the Board of the Authority is authorized and directed to execute, on behalf of the Authority, the Amendment, and to take such other action as may be necessary to effectuate the foregoing; and be it further

RESOLVED that the Office of the Town Attorney, as counsel to the Authority, be and hereby is authorized and directed to supervise the execution of the Amendment.

Dated: Manhasset, New York

September 24, 2020

The vote on the foregoing resolution was recorded as follows:

Ayes: Chairperson Bosworth, Member Dalimonte, Member Ferrara, Member Lurvey, Member Russell, Member Seeman, Member Zuckerman

Nays: None

cc: Town Attorney Treasurer Executive Director

Chairperson Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. s26 - 2020

A RESOLUTION RATIFYING THE IMPOSITION OF FEES FOR THE LATE PAYMENT OR NON-PAYMENT OF TOWN OF NORTH HEMPSTEAD TRANSFER STATION FEES AND AUTHORIZING THE WAIVER OF CERTAIN FEES PREVIOUSLY IMPOSED BY THE AUTHORITY.

WHEREAS, Section 2049-d(14) of the Public Authorities Law of the State of New York permits the Town of North Hempstead Solid Waste Management Authority (the “Authority”) to fix and collect rates, rentals, fees and other charges for the use of the disposal facilities (the “Transfer Station”); and

WHEREAS, by execution of a Landfill Concession and Solid Waste Service Agreement dated as of March 15, 1988, (the “Agreement”) the Town of North Hempstead (the “Town”) and the Authority agreed that the Authority will operate the Town’s Solid Waste facilities and collect fees for the use thereof; and

WHEREAS, for a number of years, the Authority has charged late fee of 3.94% (the “Late Fee”) for late payments of scale weight fees (known as "tipping fees") at the Transfer Station; and

WHEREAS, the Executive Director of the Authority (the “Executive Director”) has recommended that the Town Board formally adopt the Late Fee, ratify its previous imposition, and further approve certain waivers (the “2020 Waivers”) that have been requested in 2020 as follows:

1. Dejana Industries - \$8,812.15;
2. AM Waste - \$211.76;
3. Calabrese Landscaping - \$728.17; and

WHEREAS, the Authority requests that the Board formally empower the Executive Director to waive the Late Fee where the Executive Director finds that there is good cause for such a waiver; and

WHEREAS, this Board desires to formally adopt the Late Fee, ratify its previous imposition, and approve the 2020 Waivers; and

WHEREAS, this Board further desires to formally empower the Executive Director to waive the Late Fee where the Executive Director finds that there is good cause for such a waiver.

NOW, THEREFORE, BE IT

RESOLVED the imposition of the Late Fee is adopted, its previous imposition is ratified, and the 2020 Waivers are approved; and be it further

RESOLVED that the Executive Director is empowered to waive the Late Fee where the Executive Director finds that there is good cause for such a waiver.

Dated: Manhasset, New York

September 24, 2020

The vote on the foregoing resolution was recorded as follows:

Ayes: Chairperson Bosworth, Member Dalimonte, Member Ferrara, Member Lurvey, Member Russell, Member Seeman, Member Zuckerman

Nays: None

cc: Town Attorney Comptroller SWMA