

**42230**

September 1, 2014

To: Board of Acquisition and Contract

From: Thomas J. Lauro, P.E.  
Commissioner of Environmental Facilities

Re: Authority for the County of Westchester, acting on behalf of Westchester County Refuse Disposal District No. 1, to enter into Inter Municipal Agreements with municipal corporations located within the County in order to continue an Organic Yard Waste Transfer Program for a term April 1, 2013 through March 31, 2018.

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Authority is requested for the County of Westchester, acting on behalf of Westchester County Refuse Disposal District No. 1 (the "District") to enter into Inter Municipal Agreements ("IMAs") with municipal corporations located within the County in order to continue an Organic Yard Waste Transfer Program for a term from April 1, 2013 through March 31, 2018.

Pursuant to a Resolution approved by your Honorable Board on April 30, 2009, the County entered into IMAs with several municipalities to operate an Organic Yard Waste Transfer Program for a term April 1, 2008 through March 31, 2013. Twenty-three (23) host municipalities currently participate in the program. Each participating municipality provides a site where yard waste from that community, as well as others, is collected. The County provides transportation of the yard waste from the municipal sites to a composting facility. Although the host municipalities are required to pay a fee to the County for this service to help defray costs, the fee is less than the tipping fee that would be charged for disposing of the waste at the Charles Point Resource Recovery Facility.

The County proposes to continue this important program for an additional five-year period and also offer it to municipalities that are not members of the District in order to promote the expansion of efforts to provide methods for the environmentally sound disposal and/or recycling of organic yard waste within the County.

Under the proposed program, municipalities that choose to host an organic yard waste transfer site would enter into an IMA with the County for the term April 1, 2013 through

March 31, 2018. In addition to providing a transfer site, each municipality will be responsible for supplying a qualified equipment operator, a front end loader capable of top loading 100 cubic yard trailers, and a loading ramp. The municipality must also register the transfer site with the New York State Department of Environmental Conservation and conduct site specific environmental reviews as necessary to comply with SEQRA. Pursuant to the program, organic yard waste would be received at the host municipal sites. In all cases, the County would then arrange for the transport of the yard waste to composting facilities outside the County to be disposed of at County expense (\$42.659 per ton for the time period 8/1/2013 – 7/31/2014).

As noted above, both District members and non-District members will be eligible to participate in this program. The rate applicable to district members would be \$16.32 per ton for the time period April 1, 2013 through December 31, 2013 and \$16.56 per ton for the period January 1, 2014 through December 31, 2014. Effective January 1, 2015, each District member would be required to pay the County at a rate subject to an annual adjustment factor equal to the percentage change in the Consumer Price Index for all Urban Consumers for New York, New York-Northeastern New Jersey as published by the U.S. Department of Labor, Bureau of Labor Statistics (“CPI”). However, if a District host-municipality accepts organic yard waste from a non-District municipality, it will pay to the County a rate of \$48.96 per ton for such non-District waste for the time period April 1, 2013 through December 31, 2013 and \$49.67 for the time period January 1, 2014 through December 31, 2014, subject to an annual CPI adjustment, which amount represents the County’s actual disposal cost plus an administrative fee. Non-District host municipalities will also pay this higher rate per ton, subject to an annual CPI adjustment. In the event a non- District member elects to join the District during the term of these IMAs, it will be entitled to an automatic adjustment in its rate, allowing for the payment of the District rate outlined above.

Pursuant to the IMAs, the host- municipalities may charge municipalities using the transfer site a mutually agreed upon tipping fee, but in no event may it be higher than the municipal tipping fee for the Resource Recovery Facility, as such fee may be adjusted from time to time.

An organic yard waste management program that diverts this waste to a composting facility is an essential component of a successful recycling effort in Westchester County. Moreover, the composting of yard waste is an integral part of the County’s Solid Waste Management Plan, which has been submitted to the New York State Department of Environmental Conservation for approval. Also, by removing organic yard waste from the waste stream through this program, participating municipalities save significant funds that would have otherwise been allocated for disposal costs. DEF personnel will review and track the volume of organic yard waste processed in order to verify that the correct revenue is received.

The Board of Legislators adopted Act No. 203-2013 authorizing these IMAs. These IMAs are exempt from the operation of the Westchester County Procurement Policy pursuant to Section 3(a) (iii) thereof.

I recommend approval of the attached proposed resolution.

TJL/DLV/dv

APPROVED BOARD OF ACQUISITION & CONTRACT - 10/30/2014 - JOMARY VIEIRA, SECRETARY

RESOLUTION

Upon a communication from the Commissioner of Environmental Facilities, be it hereby

RESOLVED, that the County of Westchester, acting on behalf of Westchester County Refuse Disposal District No. 1 (the "District"), is hereby authorized to enter into Inter Municipal Agreements ("IMAs") with municipal corporations located within the County in order to continue an Organic Yard Waste Transfer Program for a term April 1, 2013 through March 31, 2018; and be it further

RESOLVED, that pursuant to the IMAs, organic yard waste shall be received at the host municipal sites and disposed of at County expense. The rate applicable to District members shall be \$16.32 per ton for the period April 1, 2013 through December 31, 2013. Effective January 1, 2014, each District member shall be required to pay the County at a rate subject to an annual adjustment factor equal to the percentage change in the Consumer Price Index for all Urban Consumers for New York, New York-Northeastern New Jersey as published by the U.S. Department of Labor, Bureau of Labor Statistics ("CPI"). However, if a District host-municipality accepts organic yard waste from a non-District municipality, it shall pay to the County a rate of \$48.96 per ton for the period April 1, 2013 through December 31, 2013 for such non-District waste, subject to an annual CPI adjustment effective January 1, 2014, which amount represents the County's actual disposal cost plus an administrative fee. Host municipalities that are not District members shall also pay the County \$48.96 per ton for the period April 1, 2013 through December 31, 2013, subject to an annual CPI adjustment effective January 1, 2014. To the extent that any non-District member joins the District during the term of this IMA, that municipality shall be entitled to an automatic rate adjustment to allow for the payment of the District rate. The County shall arrange for the transport of the yard waste to composting facilities outside the County; and be it further

RESOLVED, that the IMAs shall require each host municipality to indemnify and defend the County against any claims arising out of this agreement; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized to execute all instruments and take all actions reasonably necessary to implement this Resolution.

Account to be Charged/credited Estimate per year	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	251	60	7800	9220		\$3,264,000

Increasing by the  
CPI each year


Budget Funding Year(s) 2013-2018 Start Date 04/01/2013 End Date 03/31/2018  
(must match resolution)

Funding Source Tax Dollars \_\_\_\_\_  
State Aid \_\_\_\_\_  
\$ 3,264,000 Federal Aid \_\_\_\_\_  
(must match resolution) Other \$3,264,000 (revenue)

APPROVED BOARD OF ACQUISITION & CONTRACT - 10/30/2014 - JOMARY VIEIRA, SECRETARY