

ORIGINAL

STATE OF NEW YORK : COUNTY OF ROCKLAND
TOWN OF ORANGETOWN: SANITATION COMMISSION

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PUBLIC HEARING to consider pursuant to
Chapter 17B of the Town Code, "Garbage
Removal," Section 6, "Charges, the
Petition of Donald Brenner on behalf of
the licensed garbage haulers of the
Town of Orangetown for an increase in
monthly rates and whether the
Sanitation Commission should recommend
to the Town Board that the Town Board
amend the currently authorized rate
schedule.

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Town of Orangetown
Town Hall
26 Orangeburg Road
Orangeburg, New York
November 15, 2023
5:39 p.m.

BEFORE:

CHARLES "SKIP" VEZZETTI, CHAIRMAN
BILL BECKMANN, BOARD MEMBER
CHRISTOPHER HUBER, BOARD MEMBER
TOM SIMETI, BOARD MEMBER

RICHARD PAKOLA, DEPUTY TOWN ATTORNEY

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3 CHAIRMAN VEZZETTI: All right. I'll
4 call this meeting to order of the Town of
5 Orangetown Sanitation Commission. This is
6 for the purpose of a public hearing based on
7 the request for a consideration of a -- yeah,
8 I'll get to that -- for a rate adjustment.
9 We'll have the roll call.

10 THE CLERK: Chairman Skip Vezzetti?

11 CHAIRMAN VEZZETTI: Here.

12 THE CLERK: Bill Beckmann?

13 BOARD MEMBER BECKMANN: Here.

14 THE CLERK: Chris Huber?

15 BOARD MEMBER HUBER: Here.

16 THE CLERK: Tom Simeti?

17 BOARD MEMBER SIMETI: Here.

18 THE CLERK: Rick Pakola, Deputy Town
19 Attorney?

20 MR. PAKOLA: Here.

21 THE CLERK: And myself, acting Clerk to
22 the Sanitation Commission, Stephen Munno.

23 CHAIRMAN VEZZETTI: All right. The
24 first thing that we have is, I'll ask our
25 attorney Richard Pakola to enter any exhibits

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2 for the Board, like the petition, onto the
3 record, into the record.

4 MR. PAKOLA: Yes. And according to the
5 town code, all exhibits have to be
6 recommended by me to be admitted, and then
7 there's a vote. And I recommend that the
8 Commission itself introduce three exhibits on
9 its own.

10 So Commission Exhibit 1 is Mr. Brenner's
11 petition for this hearing.

12 Commission Exhibit Number 2 is two
13 documents. It's an affidavit of publication
14 by the Rockland County Times. And Mr. Munno
15 just handed me the second affidavit of
16 publication we published in two newspapers.
17 And the second is with the Journal News.

18 And then Commission Exhibit Number 3 is
19 the Town Board's previous resolution relating
20 to the current rates. And that is a one-page
21 document. And that's Resolution 283 from
22 June 14, 2022.

23 And I recommend that those be admitted
24 as Commission Exhibits 1 through 3. And
25 there should be a vote on that.

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2 CHAIRMAN VEZZETTI: All right. We have
3 a recommendation from our attorney. Can we
4 have a motion?

5 BOARD MEMBER SIMETI: A point of
6 clarity. Just a question about
7 clarification. The order of the exhibits,
8 what's the, what is the order of the exhibits
9 again?

10 MR. PAKOLA: Commission Exhibit 1 is
11 Mr. Brenner's letter dated October 27, 2023.
12 Commission Exhibit Number 2 is the two
13 affidavits of publication. It's two
14 documents in Exhibit Number 2. And
15 Commission Exhibit Number 3 is a one-page
16 document, and that is the Resolution
17 Number 284 from the Town Board meeting of
18 June 14, 2022.

19 BOARD MEMBER SIMETI: Got it. Thank
20 you. I see that we have a copy of that. I'm
21 sorry.

22 CHAIRMAN VEZZETTI: Do you have a copy?

23 BOARD MEMBER SIMETI: Yes.

24 CHAIRMAN VEZZETTI: Okay.

25 BOARD MEMBER BECKMANN: I gave him my

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2 copy.

3 CHAIRMAN VEZZETTI: Here, I got another
4 copy.

5 BOARD MEMBER SIMETI: Thank you.

6 CHAIRMAN VEZZETTI: I think I have
7 another one. Yeah, I have multiple copies.
8 All right. So we have a motion made by
9 Mr. Beckmann.

10 BOARD MEMBER SIMETI: Second it.

11 CHAIRMAN VEZZETTI: Second. All in
12 favor?

13 (Response of aye was given.)

14 CHAIRMAN VEZZETTI: All right. Now I
15 will entertain a presentation by Mr. Brenner
16 representing the garbage haulers.

17 MR. BRENNER: Okay. As the board is
18 well aware from my October 27th letter, which
19 was caused by the fact that the landfill
20 operation is going to be increasing charges
21 based on discharge of the material at the
22 Rockland transfer station. I then have
23 supporting documentations which I have marked
24 as Exhibit A, B, C, and D. And primarily,
25 they are the comparable charges being charged

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2 by our sister towns based on the fact of the
3 increase. And I would like -- we can discuss
4 it, or I would like that placed into the
5 record so that we understand why we're asking
6 for these increases.

7 MR. PAKOLA: And I would recommend these
8 be admitted as well, subject to someone
9 explaining what they are, someone testifying
10 as what they are. Mr. Brenner, you do plan
11 to have someone testify?

12 MR. BRENNER: Yes, I do. Mr. Hiep.

13 BOARD MEMBER SIMETI: Counsel, why don't
14 we have someone testify as to the basis of
15 the admission of the documents before we
16 admit the documents.

17 MR. PAKOLA: Okay. I just, I think it's
18 a foregone conclusion that someone is. But
19 we'll do that.

20 CHAIRMAN VEZZETTI: Who swears him in?

21 MR. PAKOLA: I will. But Mr. Brenner,
22 are you ready to call your first witness?

23 MR. BRENNER: Yes, I am.

24 MR. PAKOLA: Okay.

25 MR. BRENNER: Kenneth Hiep, who is the

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2 owner of Hiep Sanitation Company. All right.

3 MR. PAKOLA: Mr. Hiep, if you can raise
4 your right hand. Do you swear that the
5 evidence you're about to give before this
6 Commission shall be the truth, the whole
7 truth, and nothing but the truth, so help you
8 God?

9 MR. HIEP: I do.

10 MR. BRENNER: And your full name for the
11 record?

12 MR. HIEP: Kenneth Hiep.

13 MR. PAKOLA: And your residence or
14 business address for the record?

15 MR. HIEP: 22 Snake Hill Road, West
16 Nyack, New York.

17 MR. PAKOLA: And Mr. Brenner had
18 mentioned I think partially what your
19 relationship is to his petition, but what is
20 your relationship to this petition?

21 MR. HIEP: I own Kenneth Hiep
22 Incorporated with my brother, Robert Hiep
23 Incorporated, Rockland Wastepaper LLC. Those
24 are my companies that are licensed in
25 Orangetown.

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2 MR. PAKOLA: Thank you. Mr. Brenner,
3 the witness is yours.

4 MR. BRENNER: Okay. Mr. Hiep, you have
5 gone through this the data. Would you like
6 to explain originally how you put the data
7 together and for what reasons?

8 MR. PAKOLA: So tell us which exhibit
9 you're looking at when you're talking about
10 it.

11 MR. HIEP: Okay. Give me one moment so
12 I can --

13 CHAIRMAN VEZZETTI: Speak so that the
14 court reporter can hear you.

15 MR. HIEP: You got it. So in the past,
16 we've always compared with similar towns.
17 Let's start with Orangetown. Let's start
18 with Stony Point. Stony Point.

19 MR. PAKOLA: So if you're talking about
20 an exhibit, please tell us which one.

21 MR. HIEP: Which is A, B, and C.

22 MR. BRENNER: We're going to make
23 Stony Point A, all right.

24 MR. PAKOLA: No, I've already marked
25 them.

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2 MR. BRENNER: Oh, you did. All right.

3 MR. HIEP: Just tell me what it is.

4 What's Stony Point?

5 MR. BRENNER: It's the last one, then.

6 MR. PAKOLA: So that was D. The last
7 one is D.

8 MR. BRENNER: It would be D.

9 MR. HIEP: Okay. And what's Orangetown?

10 MR. BRENNER: Orangetown would be B.

11 MR. HIEP: And Clarkstown?

12 MR. BRENNER: C.

13 MR. HIEP: What's the main sheet with
14 everything on it?

15 CHAIRMAN VEZZETTI: A.

16 MR. HIEP: Okay. So maybe we should
17 start with A. So this is a list of the
18 residential garbage pick ups. The first
19 column is Orangetown. It would -- it's
20 \$33.50 as of January. We added \$4.60. It's
21 20 cents on the dollar. So it's a \$23
22 increase. So it's \$4.60, 20 cents times.

23 This is the same formula we used in
24 Clarkstown, and the same formula being used
25 in Stony Point. Except in Stony Point, it's

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2 in their -- they have an actual contract. So
3 they don't have to have a meeting. So if
4 this dumping goes up next year, it's 20 cents
5 on the dollar. It's in the contract. Which
6 is not a bad idea.

7 BOARD MEMBER BECKMANN: Could you just
8 explain 20 cents on the dollar for us?

9 MR. HIEP: So this is what -- yeah.
10 20 cents on the increase. So here.

11 BOARD MEMBER BECKMANN: So what's the
12 current rate?

13 MR. HIEP: I'll make this -- I know what
14 you're asking. So the tipping fee is \$76.

15 BOARD MEMBER BECKMANN: That's the
16 current tipping fee.

17 MR. HIEP: Current. It's going to 99.

18 BOARD MEMBER SIMETI: Just a
19 clarification. When you say \$76 --

20 MR. HIEP: Per ton.

21 BOARD MEMBER SIMETI: Per ton. Okay.
22 Just so you understand, we're creating a
23 record for the Town Board --

24 MR. HIEP: Oh, okay.

25 BOARD MEMBER SIMETI: -- to consider our

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2 recommendation to either approve or deny the
3 request.

4 MR. HIEP: I understand. So I'll go a
5 little slower.

6 BOARD MEMBER SIMETI: Thank you.

7 MR. HIEP: So currently it's \$76 per
8 ton.

9 BOARD MEMBER BECKMANN: And it's going
10 to 99.

11 MR. HIEP: Yes.

12 BOARD MEMBER BECKMANN: That's a
13 30 percent increase.

14 MR. HIEP: Yes. It's \$23, and it's
15 30 percent increase. So since you're putting
16 it in that terms, \$4.60 is 14 percent
17 increase. The 20 cents on the dollar on the
18 household charge of \$33.50 is 14 percent. So
19 it's not much to ask. It's very fair. I'll
20 wait for you to finish.

21 BOARD MEMBER BECKMANN: I'm just doing
22 the math.

23 MR. HIEP: I just did \$4.60 divided by
24 \$33.50.

25 BOARD MEMBER BECKMANN: That's

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2 14 percent. 13-point --

3 MR. HIEP: So that's why it's very fair.
4 It's not like we're asking for 30 percent.
5 So this is in Clarkstown. You can see the
6 numbers. The big difference here.

7 BOARD MEMBER SIMETI: You take \$33.50.

8 BOARD MEMBER BECKMANN: Right now it's
9 \$33.50.

10 CHAIRMAN VEZZETTI: If it's on the
11 record, please.

12 BOARD MEMBER BECKMANN: The math is
13 \$33.50 plus \$4.60 is \$38.10. The \$4.60
14 represents the 14 percent increase for the --
15 they're proposing for the town rate.

16 MR. HIEP: Per unit.

17 BOARD MEMBER BECKMANN: Per unit. And
18 at the same time, the County Solid Waste
19 Authority, Rockland Green, whatever they call
20 themselves, went from \$76 per ton to \$99 per
21 ton, which is a 30 percent increase, or \$23
22 per ton increase.

23 MR. HIEP: Okay. So what would you guys
24 like? Would you like me to go over this one
25 at a time? What would you like me to do?

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2 MR. PAKOLA: I would suggest that.

3 CHAIRMAN VEZZETTI: Yeah, so it's
4 entered into the record.

5 MR. HIEP: Okay. So Stony Point is
6 \$33.35 now. I'm using their number, the
7 \$4.60. And each year it goes up 50 percent.

8 BOARD MEMBER BECKMANN: 50 cents.

9 MR. HIEP: 50 cents, I'm sorry.

10 BOARD MEMBER BECKMANN: Not 50 percent.

11 MR. HIEP: Which is only 1.31 percent of
12 an increase. Okay. We had that deal from
13 two years ago. I'm keeping it to 50 cents on
14 our agreed deal, very similar to Stony Point.

15 BOARD MEMBER BECKMANN: So what you're
16 talking about, going to \$38.10 plus 50 cents,
17 which is \$38.60. And then going from --

18 MR. HIEP: Yeah. I did it differently.
19 It went from \$33.50, then 34 plus --

20 BOARD MEMBER BECKMANN: Plus the \$4.60.

21 MR. HIEP: Exactly. So we're keeping
22 our original deal from '22 or '21.

23 So what I do want to bring to your
24 attention is the 1.3 percent per year is
25 nothing these days. Everybody knows what

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2 things cost. And just the cost of living is
3 over 3 percent.

4 BOARD MEMBER BECKMANN: That deal was
5 negotiated under a prior presidential
6 administration.

7 MR. HIEP: I'm not -- listen. I'm being
8 very fair. But I want to bring you to the
9 Town of Clarkstown. \$38.08. Next year,
10 \$1.34 increase, 3.5 percent. That is a more
11 reasonable for these days and times. Three
12 and a half percent is probably still light
13 with what's going on lately. So I feel here,
14 by the end of what we're up to, 206, in 2008,
15 they'll be paying 44. You'll be paying 39.
16 Well, 2006, I'm sorry. \$41.80, and you'll be
17 paying 39.

18 MR. BRENNER: '26.

19 MR. HIEP: Yeah, '26, I'm sorry. I went
20 to the end. They're a five year.

21 So I feel like I'm being very fair here.
22 I'm keeping with that small 50 cent increase.
23 And I'll just keeping up to par with
24 everybody else. If it wasn't for the dump
25 going up, I wouldn't be asking for anything.

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2 But all the supervisors voted on this.
3 It's County Green. Every supervisor on that
4 board. And they've left it alone since 2020.
5 Commercial stops, they raise it to 99 in
6 2020. They raise it another, to 108 in '22,
7 and it's now 124.

8 So they've left the residents for as
9 long as they can. They've actually been
10 increasing the commercials, I think, to make
11 up for the residents. And I hope they leave
12 the commercials alone for a while because
13 it's huge. It's a lot of money.

14 CHAIRMAN VEZZETTI: Okay.

15 MR. HIEP: Any questions?

16 CHAIRMAN VEZZETTI: Any questions from
17 the Board.

18 BOARD MEMBER SIMETI: With respect to
19 the documents that the petitioner is seeking
20 to introduce, A, B, C, and D, these were
21 documents that were generated by the
22 petitioner; is that correct?

23 MR. BRENNER: That is correct.

24 BOARD MEMBER SIMETI: And these were
25 documents that were generated from

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2 information in the --

3 MR. HIEP: I have copies of the
4 contracts from Stony Point. I have a page
5 contract from my Clarkstown.

6 BOARD MEMBER SIMETI: With you?

7 MR. HIEP: Yeah. I can, I can --

8 BOARD MEMBER SIMETI: I just want a
9 representation on the record that the
10 documents reflect entries that are --

11 MR. HIEP: I'm not making these up.

12 BOARD MEMBER SIMETI: Just for the
13 record. Because they're not official
14 documents there.

15 MR. HIEP: I understand.

16 BOARD MEMBER SIMETI: They're petitioner
17 generated.

18 MR. HIEP: No problem.

19 CHAIRMAN VEZZETTI: All right. Any
20 other questions?

21 BOARD MEMBER SIMETI: Help me
22 understand. How many households might be
23 contemplated? The garbage from how many
24 households would be contemplated at a time?

25 MR. HIEP: It's very hard to figure out

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2 because you have four people in one house.

3 One old person. About half I think is very
4 fair. Like, you know, that's why I broke it
5 down into percentages for you. Like, they're
6 raising me 30 percent. It's half the
7 increase. It's probably close to about half.

8 BOARD MEMBER SIMETI: So for example --

9 MR. HIEP: Half of the \$30.

10 BOARD MEMBER SIMETI: So if you know,
11 how many households do you have in
12 Orangetown?

13 MR. HIEP: Around 8,000.

14 BOARD MEMBER SIMETI: 8,000, okay.

15 MR. HIEP: Around.

16 BOARD MEMBER SIMETI: So, and there
17 would be a corresponding number in any given
18 year. So let's say you have 8,000 presently
19 in 2023; is that correct?

20 MR. HIEP: Approximately.

21 BOARD MEMBER SIMETI: Approximately.

22 MR. HIEP: Within a thousand.

23 BOARD MEMBER SIMETI: Within a thousand.

24 MR. HIEP: Yeah. About 8,000. Yeah,
25 you know. I have a lot of seniors.

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2 BOARD MEMBER SIMETI: Oh, you give a
3 break to seniors?

4 MR. HIEP: Yes.

5 BOARD MEMBER BECKMANN: Oh, yeah.
6 Absolutely.

7 BOARD MEMBER SIMETI: Is that in our
8 resolution?

9 MR. HIEP: Forever.

10 CHAIRMAN VEZZETTI: Forever, yes.
11 Especially since we got old.

12 BOARD MEMBER BECKMANN: Well, the
13 seniors use really less garbages.

14 BOARD MEMBER SIMETI: Mr. Chairman, I'd
15 like to take a recess. I want to confer with
16 members.

17 CHAIRMAN VEZZETTI: Okay. Can we go
18 into executive session?

19 BOARD MEMBER SIMETI: Yeah.

20 CHAIRMAN VEZZETTI: Okay. So at this
21 point, we'll go into executive session. And
22 we'll call you back.

23 (Recess taken.)

24 CHAIRMAN VEZZETTI: All right, we're
25 going to go back into session. I'm going to

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2 ask that Mr. Simeti make a motion.

3 MR. PAKOLA: All right. Were there any
4 further questions?

5 CHAIRMAN VEZZETTI: Oh, are there any
6 further questions? Excuse me.

7 BOARD MEMBER SIMETI: Yeah. So the
8 Board had an opportunity to discuss the
9 presentation. There was a question as to
10 whether or not the petitioner received a
11 letter from Rockland Green confirming the
12 increase, the amount, and when it became
13 effected.

14 MR. HIEP: The Thursday after we met,
15 they voted.

16 BOARD MEMBER SIMETI: I'm actually, I'm
17 aware of the vote, but --

18 MR. BRENNER: It will take effect on
19 January --

20 BOARD MEMBER BECKMANN: He was at the
21 meeting.

22 BOARD MEMBER SIMETI: I came a little
23 late. But for the record.

24 CHAIRMAN VEZZETTI: He just wants it on
25 the record, a copy of it.

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2 BOARD MEMBER SIMETI: Is there a
3 document that you've received from Rockland
4 Green?

5 MR. HIEP: That it is definitely \$99.

6 MR. PAKOLA: Yes, yes, yes.

7 MR. HIEP: I'm sure I can get one sent
8 to you.

9 MR. BRENNER: Hold on. Here it is. I
10 have it.

11 BOARD MEMBER SIMETI: Or a copy of the
12 resolution.

13 MR. PAKOLA: Let's mark that
14 Petitioner's E.

15 CHAIRMAN VEZZETTI: This is the one from
16 February 7, 2003.

17 MR. BRENNER: Rockland Green --

18 CHAIRMAN VEZZETTI: I just want a copy
19 of the --

20 BOARD MEMBER SIMETI: So just we have an
21 understanding, because we're approving based
22 on a representation based upon a global
23 expectation.

24 MR. BRENNER: This letter went to the
25 supervisor saying it's going to \$99.

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2 CHAIRMAN VEZZETTI: We have that one.

3 MR. BRENNER: Oh, okay.

4 MR. PAKOLA: Mr. Simeti is asking a
5 question.

6 CHAIRMAN VEZZETTI: Okay. Tom?

7 BOARD MEMBER SIMETI: Yes, thank you.
8 Please, if you would.

9 MR. HIEP: I tried calling Jerry Damiani
10 after that. He was with lawyers all day.
11 I'm sure it went to \$99. If you can pass a
12 motion, and then we forward you a letter from
13 the County --

14 BOARD MEMBER BECKMANN: Yeah, put a
15 condition on it.

16 MR. HIEP: -- would that be sufficient?
17 Condition on it being \$99.

18 BOARD MEMBER SIMETI: And the
19 effective --

20 MR. HIEP: I still call it.

21 BOARD MEMBER SIMETI: That sounds more
22 like what we're looking for in the first
23 instance.

24 MR. HIEP: It's just going to be \$99.

25 BOARD MEMBER SIMETI: Some formal

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2 document, a letter, copy of the resolution
3 that otherwise provides -- the Rockland Green
4 that provides the amount of the increase,
5 when it becomes effective.

6 MR. HIEP: It's \$99.

7 BOARD MEMBER SIMETI: I respect the
8 representation and our global expectation.
9 But we just want something, because we're
10 approving this rate, we're considering this
11 rate --

12 MR. HIEP: Based on \$99.

13 BOARD MEMBER SIMETI: -- based on the
14 representation that it was approved. It's
15 not -- there's no formal document in the
16 record that --

17 BOARD MEMBER BECKMANN: That says it.

18 MR. HIEP: I understand.

19 BOARD MEMBER BECKMANN: Okay. And then
20 the other thing that I think would be good is
21 just supply the backup for these, for
22 Stony Point and for Clarkstown.

23 MR. BRENNER: You want the formal
24 contract.

25 BOARD MEMBER BECKMANN: Not the formal

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2 contract, just a resolution, that's all.

3 That it was done.

4 BOARD MEMBER SIMETI: I think, well --

5 BOARD MEMBER BECKMANN: How do you call
6 it?

7 BOARD MEMBER SIMETI: I think what
8 Mr. Beckmann is asking is for, you know, just
9 a formal documentation from the respective
10 towns that identify or support the
11 representation in the document being
12 submitted by the petitioner.

13 BOARD MEMBER BECKMANN: That's all.

14 PUBLIC SPEAKER: It's also on the
15 website, if you want to look it up, Rockland
16 Green.

17 BOARD MEMBER SIMETI: But that's not our
18 burden here. So we ask that --

19 BOARD MEMBER BECKMANN: Okay. Counsel
20 can just submit it.

21 BOARD MEMBER SIMETI: So the petitioner
22 understands our role and the process. Our
23 role is to make a record, to have this public
24 hearing, make a recommendation to the Town
25 Board. The Town Board is going to have a

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2 record before it. It's going to have the
3 transcript for the proceeding, the documents
4 admitted and accepted by the Board, and to
5 support our recommendation. We would like to
6 make sure that we have sufficient
7 documentation and support our recommendation
8 so the Town Board accepts, obviously, what we
9 recommend. That's all.

10 MR. HIEP: Okay. So can't you just --
11 pending \$99, 20 cents on the dollar solves
12 the whole --

13 MR. BRENNER: No, no. They're going
14 to --

15 BOARD MEMBER BECKMANN: That's not an
16 issue. Subject to getting the papers.

17 BOARD MEMBER SIMETI: I'm only talking
18 about proof issues at this point. Now we're
19 going to address the increase, the
20 presentation of the increase.

21 MR. HIEP: Okay.

22 BOARD MEMBER SIMETI: And this -- and a
23 vote.

24 CHAIRMAN VEZZETTI: All right.

25 BOARD MEMBER SIMETI: Is that right?

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2 CHAIRMAN VEZZETTI: Yes. All right.
3 Can we have a motion on this? Are there any
4 more questions?

5 BOARD MEMBER SIMETI: Can the, can
6 Counsel clarify the vote before the Board?

7 MR. PAKOLA: I'm sorry. Can I
8 clarify --

9 BOARD MEMBER SIMETI: What's the vote,
10 what is the vote before the Board at this
11 point?

12 CHAIRMAN VEZZETTI: The vote is for a
13 recommendation to the Town Board.

14 MR. PAKOLA: Right. This Commission's
15 task for this hearing is to make a
16 recommendation. Either deny it outright, or
17 recommend approval as submitted, or something
18 else.

19 BOARD MEMBER SIMETI: And the petitioner
20 is requesting an increase of \$4.60.

21 CHAIRMAN VEZZETTI: No. No, no, no, no,
22 no, no, no.

23 BOARD MEMBER SIMETI: Yeah, we
24 understand. I'm sorry.

25 MR. PAKOLA: Let's clarify that. Is

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2 it -- Exhibit B is what you're questioning,
3 right?

4 BOARD MEMBER BECKMANN: Right,
5 Exhibit B. \$4.60.

6 MR. HIEP: Yeah, it would be \$38.10.
7 And then for the next two years, it will go
8 up 50 cents per year.

9 MR. BRENNER: But you have it there.

10 MR. HIEP: Exhibit B.

11 BOARD MEMBER HUBER: I just have a
12 question. Why are you saying it's \$4.60
13 every year? It's only \$4.60 once, and then
14 50 cents every year.

15 MR. HIEP: It's the same thing. I added
16 the 50 cents at the first number. \$33,50,
17 \$4.35 -- see what I did.

18 BOARD MEMBER HUBER: Oh, yeah, I got
19 you.

20 MR. HIEP: I added it there. My
21 secretary -- I wanted it the other way.

22 BOARD MEMBER HUBER: I got it. I
23 understand.

24 MR. HIEP: See, here I added it there.
25 Here I added it there.

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2 CHAIRMAN VEZZETTI: Actually, if you
3 changed it.

4 MR. PAKOLA: I'm sorry, if I can
5 comment.

6 CHAIRMAN VEZZETTI: Yes.

7 MR. PAKOLA: Mr. Hiep, actually that
8 first number is what is already approved. So
9 it's already approved.

10 MR. HIEP: That \$33.50 in January.

11 MR. PAKOLA: And then next year, it's
12 34. And next, the following year is \$34.50.
13 So that is what it is.

14 MR. HIEP: It's \$38.10 in January.

15 MR. PAKOLA: So you're just adding \$4.60
16 per year in addition to what it already is.

17 MR. HIEP: No. It's the first year in
18 January, the rate will go to \$33.50. I made
19 it \$4.60. Then it's just an additional
20 50 cents a year.

21 MR. PAKOLA: Mr. Hiep, my point is that
22 is what is -- the Town Board already approved
23 the first number. The Town Board approved
24 for January 2025 \$34.

25 MR. BRENNER: And what they're saying --

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2 MR. PAKOLA: And for January '26.

3 MR. BRENNER: You're saying \$38.10 plus
4 the \$4.60.

5 MR. HIEP: No, no. January 2024, it's
6 \$38.10. January 2025, it's \$38.60. January
7 '26, it's \$39.10. Just look at the end
8 numbers.

9 MR. PAKOLA: Correct. But it's just
10 \$4.60 addition.

11 MR. HIEP: It's only once. I'm just
12 doing that to show you. It's one \$4.60
13 addition. And then it's 50 cents. Look at
14 the first number.

15 MR. PAKOLA: I see.

16 MR. HIEP: See, it went \$35.50, 34. She
17 did it --

18 MR. PAKOLA: Yeah, that's misleading.

19 CHAIRMAN VEZZETTI: Can you resubmit
20 this with a -- so it's a little more clear?

21 MR. HIEP: It really is, if you look at
22 the end numbers.

23 CHAIRMAN VEZZETTI: Now you've explained
24 it to us, but wait until the Town Board gets
25 this.

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2 MR. HIEP: I can do whatever you want,
3 but.

4 MR. BRENNER: What you can do is you
5 can --

6 BOARD MEMBER HUBER: Take out the other
7 \$4.60s and put it once.

8 MR. HIEP: Yeah. Yeah, that's all.

9 BOARD MEMBER HUBER: Put 50 cents.

10 MR. HIEP: You're right. Just cross out
11 the \$4.60 in the middle in the bottom two.
12 Yeah, I'll do it right here.

13 BOARD MEMBER SIMETI: I think we --

14 CHAIRMAN VEZZETTI: And then go \$3.10
15 plus.

16 MR. HIEP: The 50 cents I added on the
17 first number.

18 BOARD MEMBER BECKMANN: We all
19 understand the math. Just the presentation.

20 BOARD MEMBER SIMETI: So then I respect,
21 that from your perspective it's, you know,
22 the total number is important.

23 BOARD MEMBER BECKMANN: From our point
24 of view.

25 BOARD MEMBER SIMETI: It's only the

1 Proceedings

2 increase that the --

3 MR. PAKOLA: Actually, in looking at
4 this again, I think it is accurate because
5 you're adding \$4.60 to each year, what was
6 previously approved.

7 CHAIRMAN VEZZETTI: Yes, yes.

8 MR. PAKOLA: So that stands. It's only
9 going up 50 cents, but you're adding \$4.60.

10 MR. HIEP: I understand your confusion.
11 It was too late when I looked at it.

12 MR. BRENNER: No, no. It's okay the way
13 it is.

14 CHAIRMAN VEZZETTI: Okay. All right.
15 As long as everybody's clear and it's
16 understandable.

17 BOARD MEMBER SIMETI: It's not okay
18 because it's not -- it's \$38.10 per quarter,
19 correct? You bill --

20 MR. HIEP: Per month.

21 CHAIRMAN VEZZETTI: Per month.

22 BOARD MEMBER SIMETI: 38 per month?

23 MR. HIEP: Of course.

24 BOARD MEMBER SIMETI: \$4.60, so then
25 you're adding \$4.60 a month.

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2 MR. HIEP: Of course.

3 BOARD MEMBER SIMETI: I thought you
4 mentioned last time --

5 MR. HIEP: We bill quarterly. It's a
6 month.

7 PUBLIC SPEAKER: The price is a month.

8 BOARD MEMBER SIMETI: Oh, you bill
9 quarterly.

10 MR. HIEP: We bill quarterly.

11 PUBLIC SPEAKER: But bill quarterly,
12 yes.

13 (Discussion held off the record.)

14 MR. HIEP: So what did -- okay. But if
15 we have to get the other papers, I can
16 always --

17 MR. BRENNER: The other papers we will
18 get.

19 MR. HIEP: And I can do this.

20 CHAIRMAN VEZZETTI: All right. Tom, how
21 we doing here? All right. Do we have any
22 more questions? Any more questions? Bill,
23 Tom, any more questions? No?

24 BOARD MEMBER SIMETI: I motion for an
25 executive session. Discuss it further.

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2 Because our understanding was --

3 CHAIRMAN VEZZETTI: All right. We have
4 another motion for executive session. All in
5 favor?

6 (Response of aye was given.)

7 CHAIRMAN VEZZETTI: All right.

8 (Recess taken.)

9 CHAIRMAN VEZZETTI: All right,
10 gentlemen. We have been in executive
11 session. We have a bit of some consternation
12 here as to how we figure out these figures
13 were calculated. So what we, what we want to
14 do is we need better verification of the
15 figures. And maybe, Bill, you can explain.

16 BOARD MEMBER BECKMANN: We can't figure
17 out how you got your \$4.60. Okay. Because
18 we're here just to talk about the increase
19 and the tipping.

20 CHAIRMAN VEZZETTI: Right.

21 MR. HIEP: \$4.60 is what I took from
22 Stony Point.

23 BOARD MEMBER BECKMANN: No, no. I
24 understand that. But we're talking now just
25 a little different. I understand where you

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2 got your \$4.60 from Stony Point and the
3 others.

4 MR. HIEP: Applied across.

5 BOARD MEMBER BECKMANN: This is what the
6 group came up with. We all know it's going
7 from 76 to 99, a 30 percent increase, \$23 per
8 ton. They had me do the math. We did an
9 average of your calculation of tonnage, which
10 was \$14,000 average from both.

11 MR. HIEP: Hold on. 14 --

12 BOARD MEMBER BECKMANN: Thousand tons.

13 MR. HIEP: What is 14,000 tons?

14 BOARD MEMBER BECKMANN: That's what you
15 pay at the Solid Waste Authority.

16 (Discussion held off the record.)

17 BOARD MEMBER BECKMANN: Okay, so we got
18 14,000 tons per year as an average for you,
19 based on the solid waste information. That
20 was the tonnage in Orangetown.

21 MR. HIEP: Okay. Robert or Kenneth?

22 BOARD MEMBER BECKMANN: Ken.

23 MR. HIEP: Okay.

24 BOARD MEMBER BECKMANN: Okay. One year
25 was 14,897. Other years, 12,830 for eleven

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2 months. This is what Mr. Simeti picked up
3 on. So it comes out to 14,000 times 23 is
4 322,000 a year, divided by 8,000, which is
5 your estimate of clients. And that comes out
6 to \$40.25 for just the increase in tonnage,
7 if the numbers we have are correct.

8 MR. PAKOLA: So I think if we can just
9 explain what you're looking at so they can
10 get us the answer.

11 CHAIRMAN VEZZETTI: It's too -- the
12 statistics have become a little too
13 confusing. We need a better basis.

14 MR. BRENNER: If you remember the last
15 hearing, okay, the last hearing,
16 Mr. Vezzetti -- not Vezzetti, I'm sorry,
17 Mr. Simeti.

18 CHAIRMAN VEZZETTI: Simeti.

19 MR. HIEP: He said we can use -- go, you
20 say.

21 MR. BRENNER: Very specifically, he
22 brought this up at the last hearing, and we
23 were told we could not jam the numbers
24 together. And he said I will either have
25 those numbers or --

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2 MR. HIEP: Or similar comparisons.

3 MR. BRENNER: -- comparisons. That's
4 his, that's what he said. We've given you
5 similar comparisons.

6 MR. HIEP: Same as the last time.

7 MR. BRENNER: Okay. Those are his
8 words. You want to go back in the minutes,
9 check the minutes of your own meeting. Those
10 were his words. We've given you similar -- I
11 think you're working more with numbers here
12 because he gave me 12,000 tons as his. The
13 town has much more garbage than that.

14 BOARD MEMBER SIMETI: No, no. We have
15 the --

16 CHAIRMAN VEZZETTI: I think that was an
17 example.

18 BOARD MEMBER SIMETI: That was just an
19 example. Okay. So I move to put in the two
20 documents from Rockland Green that reflect
21 the tonnage and the cost to all carters in
22 Orangetown for consideration of the Board, as
23 well as a copy to the petitioner, as I guess
24 E.

25 MR. PAKOLA: I think it's 4.

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2 BOARD MEMBER SIMETI: 4.

3 CHAIRMAN VEZZETTI: 2 or 4.

4 MR. PAKOLA: Yeah, it's 4. Commission
5 Exhibit 4, it's a two-page document.

6 Mr. Brenner, there's a copy. And if we can
7 explain to the petitioner.

8 BOARD MEMBER SIMETI: Rockland Green
9 provided this document and it reflects -- not
10 calculations. What does it represent. You
11 know, tonnage at the landfill for 2022 and
12 2023 up to March, to November 3, 2023. So
13 we're trying to figure out, we know what the
14 carters in Orangetown are paying based on the
15 tons, and trying to figure out the cost
16 increase to the carter that's to be passed
17 along to the customer. And it's very simple.

18 MR. HIEP: It's really not. You left
19 out Robert Hiep Inc. You left out Rockland
20 Wastepaper LLC.

21 CHAIRMAN VEZZETTI: I think --

22 BOARD MEMBER SIMETI: That's not, that's
23 not --

24 BOARD MEMBER BECKMANN: That's not
25 representative, then.

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2 BOARD MEMBER SIMETI: Then you're
3 saying -- well, I wouldn't know the
4 difference. I don't know all the carters,
5 respectfully. I don't know all the names of
6 the carters that provide residential waste.
7 Is this -- this is residential waste, not
8 commercial. And --

9 CHAIRMAN VEZZETTI: It says residential
10 on it. So I think --

11 BOARD MEMBER SIMETI: Oh, okay.

12 CHAIRMAN VEZZETTI: I think the issue, I
13 think the issue is the trying to calculate
14 this, a fair and reasonable increase, is very
15 difficult.

16 MR. HIEP: Isn't fair and reasonable the
17 same as every other town around here?

18 CHAIRMAN VEZZETTI: Well, we have to --
19 the Board feels that -- I know. But the
20 Board feels that we have a responsibility to
21 present a, you know, the facts as best we can
22 get them based on certain statistics.

23 The other point I want to bring up is on
24 this one. When we did look at it, we
25 thought -- didn't we think, feel that this --

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2 this isn't in the record right now. This is
3 another -- this is the one with the 50 cents,
4 this. That seemed to be more representative
5 of what you were doing other than this other
6 one, which seems -- see the comparisons of
7 the two? See that there? That's the one
8 that -- just the way it's presented is what
9 we're saying.

10 MR. BRENNER: No, no. That sheet can be
11 modified.

12 CHAIRMAN VEZZETTI: Yeah, that's what
13 I'm just saying.

14 MR. BRENNER: We don't have a problem
15 with that.

16 BOARD MEMBER SIMETI: We would like to
17 have that moved into evidence. Is that it?

18 CHAIRMAN VEZZETTI: The second one in
19 there.

20 MR. HIEP: You like this one better.

21 CHAIRMAN VEZZETTI: Yeah.

22 MR. HIEP: Showing 50 cents.

23 BOARD MEMBER SIMETI: Correct.

24 CHAIRMAN VEZZETTI: Yes.

25 BOARD MEMBER BECKMANN: Yes.

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2 MR. HIEP: So that's done. So you don't
3 want to use this one, you want to use this
4 one.

5 CHAIRMAN VEZZETTI: Well, then we'd have
6 to --

7 MR. PAKOLA: The exhibits stay as they
8 are. But that one will be Exhibit E.

9 MR. HIEP: That's fine.

10 MR. BRENNER: Put it in as Exhibit 2 for
11 clarity purposes.

12 MR. PAKOLA: Exhibit E.

13 MR. HIEP: 3 and \$23.34, put 50 cents
14 into \$4.60, and then use 50 cents --

15 CHAIRMAN VEZZETTI: Well, we felt
16 that --

17 MR. HIEP: I understand that.

18 CHAIRMAN VEZZETTI: See what I mean?
19 The other one is a little confusing.

20 MR. HIEP: Yeah, I understand.

21 CHAIRMAN VEZZETTI: It looks like
22 there's an increase of \$4.60 every year, even
23 though there is. But you know what I'm
24 saying.

25 MR. BRENNER: Okay, though it's --

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2 MR. HIEP: It's clearer.

3 CHAIRMAN VEZZETTI: Yes, exactly.

4 MR. HIEP: So why don't we take this out
5 and put this in?

6 MR. PAKOLA: We can keep them both.

7 MR. BRENNER: You can keep both. This
8 will be exhibit what?

9 MR. PAKOLA: It's Exhibit E.

10 MR. BRENNER: And it's being submitted
11 for clarity purposes.

12 CHAIRMAN VEZZETTI: Do you want to
13 resolve it?

14 MR. PAKOLA: And if you can vote on
15 Exhibit E to come in, I recommend that it
16 comes in.

17 CHAIRMAN VEZZETTI: Yes. There's a
18 motion to --

19 BOARD MEMBER SIMETI: Motion.

20 CHAIRMAN VEZZETTI: -- allow Exhibit E
21 be put into the record.

22 MR. HIEP: That's the one you're taking
23 out.

24 MR. BRENNER: Well, they're going to
25 leave it in.

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2 MR. PAKOLA: We can keep it.

3 CHAIRMAN VEZZETTI: It's in there, but
4 that's --

5 MR. BRENNER: We just thought it's
6 clearer. That's clearer.

7 CHAIRMAN VEZZETTI: We understand. Now
8 the other question is the concern that the
9 Board is having is that it's unclear how you
10 came up with the \$4.60. Is there -- do you
11 have another means of providing us with
12 statistics that show a justification for the
13 \$4.60?

14 MR. HIEP: That's just what I used from
15 Stony Point, we used in Clarkstown.

16 BOARD MEMBER BECKMANN: We understand
17 the comparable approach. What the Board is
18 very concerned about is anybody can sit down
19 and do the simple math. But when you do the
20 simple math, it doesn't justify the \$4.60.
21 It comes in with the number of \$33.35, if you
22 do some simple math. And that's the issue.
23 So there has to be something.

24 MR. HIEP: Off of, off of them numbers.

25 BOARD MEMBER BECKMANN: Off the tonnage

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2 numbers that we did. If you just take the
3 average tonnage.

4 MR. HIEP: But you're missing Robert
5 Hiep.

6 BOARD MEMBER BECKMANN: No, no, no. I'm
7 not questioning that. That may show
8 something different. We just did simple math
9 at if you were 14,000 tons a year, an
10 operator, and you have \$23 a ton, and you
11 have 8,000 clients, it would show out. And
12 if you had 6,000 clients, the numbers come
13 out perfect. But at 8,000 clients, it just
14 doesn't make sense. That's the issue there.
15 And of course the Board is aware that I know
16 we have seasonal clients. We have two
17 families.

18 MR. HIEP: A lot of people don't pay for
19 service at all.

20 BOARD MEMBER BECKMANN: Right. We have
21 people that don't pay for service at all.
22 And we have two families, three families. We
23 understand all that.

24 So the Board was concerned if somebody
25 just did simple math on the tonnage, that it

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2 doesn't show a justification for \$4.60. It
3 would show a justification for about \$3.35.
4 That's the issue that's here on the simple
5 math approach. And I know it's not simple
6 math, but we just did it as simple math.

7 MR. BRENNER: It's only residential.

8 BOARD MEMBER BECKMANN: That's only
9 residential, correct. That's all we
10 regulate, is the residential.

11 MR. BRENNER: In other words, you're
12 only locking this in terms of dumping fees.

13 BOARD MEMBER BECKMANN: Well, the
14 increase is only --

15 MR. BRENNER: What about the
16 differential costs of running the operation?

17 BOARD MEMBER BECKMANN: Well, that's not
18 in front of the Board right now.

19 CHAIRMAN VEZZETTI: Our last -- but that
20 was the last, the basis for the last
21 increase, right.

22 BOARD MEMBER HUBER: Yeah.

23 BOARD MEMBER BECKMANN: The last
24 increase was basis. We're here on the --

25 CHAIRMAN VEZZETTI: We're just on the

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2 dumping fees. We just need --

3 MR. BRENNER: But our lovely government
4 is wash the money some more down, by printing
5 more.

6 BOARD MEMBER BECKMANN: No, we
7 understand that, so.

8 MR. HIEP: So how many residents are
9 there?

10 BOARD MEMBER BECKMANN: That's a good
11 question.

12 MR. PAKOLA: If I can say, you're the
13 witness, not this Board. I mean.

14 MR. BRENNER: Well, you presented this.
15 That's the only reason we're asking.

16 MR. PAKOLA: Right. But I mean --

17 BOARD MEMBER BECKMANN: No, we just did
18 simple math, that's all. The simple math
19 portion of it, that's all. That's all we're
20 concerned about. And we know there's other
21 costs besides the tipping fees.

22 MR. BRENNER: Well, I think we should
23 ask for a temporary -- can we come back next
24 week or something like that? If we can't, we
25 can't.

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2 BOARD MEMBER BECKMANN: We understand.

3 MR. BRENNER: There's a time factor
4 here.

5 CHAIRMAN VEZZETTI: Yeah, we realize
6 that. All right. We'll have --

7 BOARD MEMBER HUBER: I think the only
8 thing that we're looking for is just a little
9 more clarification on your \$4.60 when we get
10 \$3.35.

11 BOARD MEMBER BECKMANN: We understand
12 clearly \$3.35 out of the \$4.60. That math
13 works.

14 BOARD MEMBER SIMETI: But it also needs
15 to be documentation. Not documentation
16 prepared for the hearing. It needs to be
17 actual documentation that's supported by
18 certification under business record rule so
19 that there is an accurate representation, not
20 an estimation, of what the cost and what the
21 household, how many customers there are for
22 every carter that would benefit from this
23 increase.

24 MR. PAKOLA: But I don't know if
25 Mr. Hiep has to be responsible for everyone.

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2 I think we can --

3 BOARD MEMBER SIMETI: Oh, no. Mr. Hiep
4 isn't.

5 MR. PAKOLA: -- treat Mr. Hiep as
6 representative.

7 BOARD MEMBER SIMETI: He's not -- no,
8 he's just a witness. I understand that
9 Mr. Brenner represents the carters, is that
10 correct?

11 MR. PAKOLA: Many of the carters.

12 BOARD MEMBER SIMETI: He's not
13 representing one company. He's representing
14 the carters before the Board. So he has
15 access to the, he has access to the clients
16 that have the information. I think it's
17 simple. I don't know. And then we can
18 fairly accurately compute what the cost
19 consequence is to the customer because of the
20 increase in the tipping fee to be paid by the
21 carter. Is there another way?

22 CHAIRMAN VEZZETTI: Well, that's what
23 we'll ask for. See what we can get.

24 BOARD MEMBER SIMETI: Okay.

25 CHAIRMAN VEZZETTI: And we'd also

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2 request a, if you can get a, the notification
3 or copy of the resolution of Rockland Green
4 to verify it. Right?

5 BOARD MEMBER BECKMANN: Yeah. Rockland
6 Green and then the backup for the other ones,
7 too. Just a piece of paper.

8 BOARD MEMBER SIMETI: Or the letter from
9 Rockland Green that goes out to the carters
10 that notify them of the increase.

11 CHAIRMAN VEZZETTI: Yeah, that all.
12 Anything.

13 BOARD MEMBER SIMETI: I mean, that's,
14 that would be acceptable, I believe, subject
15 to Board approval and Counsel's
16 recommendation.

17 CHAIRMAN VEZZETTI: All right. Make a
18 motion?

19 MR. BRENNER: Well.

20 MR. PAKOLA: Mr. Brenner, just to make
21 sure that you know what is being asked.

22 MR. BRENNER: Well, I was going to have
23 to -- I really, I understand what you're
24 looking for. I don't know if we can get that
25 data. That's one of the problems. I'm going

1 Proceedings

2 to have to get the data. I'm just --

3 BOARD MEMBER SIMETI: So then,
4 Mr. Brenner, I'll ask you and your client for
5 a methodology in which to pass along this
6 cost increase. That's all.

7 (Discussion held off the record.)

8 MR. BRENNER: I would like a
9 continuation to get you the information
10 you're looking for.

11 CHAIRMAN VEZZETTI: Okay. There's a
12 request for continuation. Can we set a date
13 for another public hearing?

14 MR. PAKOLA: If we announce it right
15 now, since this is a public hearing, we don't
16 have to publish notice. That would be the
17 best. So what date?

18 BOARD MEMBER BECKMANN: How about
19 December 6th?

20 CHAIRMAN VEZZETTI: December 6th.

21 MR. HIEP: So this is going to go into
22 next year.

23 BOARD MEMBER BECKMANN: No, no.

24 MR. HIEP: Can I say something really
25 quick?

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2 MR. HIEP: Yes, it does, because first
3 there has to be the Town Board.

4 CHAIRMAN VEZZETTI: It goes to the Town
5 Board.

6 MR. HIEP: Then there has to be a public
7 hearing for the Town Board to vote.

8 MR. BRENNER: No.

9 MR. PAKOLA: Keep in mind it doesn't
10 have to be public for the Town Board. And
11 this is the public hearing.

12 MR. HIEP: Last time we had to wait
13 until --

14 MR. BRENNER: Well, she didn't put it on
15 the agenda the last time.

16 BOARD MEMBER SIMETI: When is the Town
17 Board meeting in December?

18 MR. PAKOLA: I'm not sure.

19 MR. BRENNER: We got to find out when
20 the Town Board meeting is in December.

21 BOARD MEMBER HUBER: Bill said the
22 second Tuesday in December. The 12th, should
23 be the 12th.

24 CHAIRMAN VEZZETTI: So we can get it
25 done on the 6th. All right. Your request

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2 for --

3 MR. HIEP: Can I say something really
4 quick? So my father gave you an estimate of
5 8,000 houses. That's out of all the
6 companies that he owns combined. So your
7 figure of whatever you said, five, 7,000 --

8 BOARD MEMBER BECKMANN: We just did
9 simple math based on what we were told.

10 MR. HIEP: I know, but --

11 BOARD MEMBER BECKMANN: So we have to
12 get the math.

13 MR. HIEP: But you were based on Kenneth
14 Hiep.

15 BOARD MEMBER BECKMANN: Yeah.

16 MR. HIEP: Yes. But he has other
17 companies that also pick up here.

18 BOARD MEMBER BECKMANN: Correct.

19 MR. HIEP: And also if they're in a
20 different truck. Sometimes they're
21 dumping --

22 BOARD MEMBER BECKMANN: That's fine. If
23 it was 6,000 into the --

24 MR. BRENNER: I have to give you the
25 justification for the tonnage.

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2 CHAIRMAN VEZZETTI: Right.

3 MR. BRENNER: And his costs are going up
4 because of this tonnage.

5 CHAIRMAN VEZZETTI: Right.

6 MR. BRENNER: Okay.

7 CHAIRMAN VEZZETTI: That's what we're
8 asking. That's all we're asking.

9 MR. BRENNER: It's costing you more to
10 deliver it to the heavier trucks. I have to
11 give you a case to support it. I understand
12 what he's saying.

13 BOARD MEMBER SIMETI: But help me
14 understand. It's just a cost increase. It's
15 not a population density increase. So it's
16 really simple math the way I see it.

17 MR. BRENNER: Well, it's not simple math
18 because if I have a truck now that's going to
19 make more trips because --

20 BOARD MEMBER SIMETI: Okay. You know
21 what, you don't have to present it tonight.
22 You can make your presentation on the 12th --
23 6th.

24 MR. BRENNER: Okay.

25 BOARD MEMBER SIMETI: That's fine. If

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2 you want to give it to us in advance so we
3 have an ability to view it.

4 MR. BRENNER: I will try.

5 BOARD MEMBER SIMETI: I respect that
6 it's a difficult task.

7 CHAIRMAN VEZZETTI: It's not so simple
8 as to say okay, the tipping fee's going up
9 from, what was it, 77 or --

10 BOARD MEMBER HUBER: 76.

11 CHAIRMAN VEZZETTI: 76 to 99, and divide
12 it by something. We don't have anything to
13 do that, to verify why it would be a \$4.60
14 increase the first year. We just want
15 something to be able to say this is how it
16 was presented.

17 MR. HIEP: It's just the number everyone
18 uses.

19 BOARD MEMBER BECKMANN: And we
20 understand it's the comparables. We
21 understand the comparables.

22 MR. HIEP: That's what we were told to
23 bring.

24 BOARD MEMBER BECKMANN: I understand
25 that. Here's the math issue that has to be

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2 resolved. That's all. Because the math
3 issue just shows a little different number.
4 That's the issue.

5 MR. BRENNER: So what you're really
6 saying is the other towns may be overpaying
7 tremendously.

8 BOARD MEMBER BECKMANN: No, I'm not
9 saying that. I'm just saying right now, just
10 doing the simple, stupid math, okay, based on
11 the information we have, it didn't work out.
12 Worked out 70 percent of it, but didn't work
13 out a hundred percent.

14 MR. HIEP: So how do I get --

15 CHAIRMAN VEZZETTI: Motion to --

16 MR. HIEP: -- costs from my other
17 business.

18 BOARD MEMBER SIMETI: Mr. Chairman, I'll
19 defer. I'll defer to the petitioner for
20 their methodology. And then we'll have an
21 opportunity to review it and make a decision.
22 Maybe they'll come.

23 CHAIRMAN VEZZETTI: All right. So
24 you're saying that whatever they present
25 us --

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2 BOARD MEMBER SIMETI: Whatever they
3 present us, we'll consider.

4 CHAIRMAN VEZZETTI: -- to verify it,
5 we'll consider.

6 MR. HIEP: This is very difficult.

7 CHAIRMAN VEZZETTI: It is. I know it
8 is. Trying to figure it out is not easy.
9 So. But.

10 MR. HIEP: So where are my other two --
11 where's all the other residential? Oh,
12 you're missing Robert Hiep Inc.

13 BOARD MEMBER SIMETI: This is --

14 MR. HIEP: This is a very difficult way
15 to do it.

16 MR. PAKOLA: Mr. Hiep, you're not tied
17 to that, though. You can present your own.

18 CHAIRMAN VEZZETTI: Yes.

19 MR. HIEP: Okay. Now my father's going
20 to take one of my routes and break it down to
21 a certain amount of houses, and then get the
22 weights for a week, and multiply them by
23 4.33.

24 MR. PAKOLA: I think as long as you give
25 the Board, the Commission some basis.

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2 BOARD MEMBER BECKMANN: Any
3 methodologies.

4 MR. HIEP: That would be easier for me.

5 BOARD MEMBER BECKMANN: When I was a
6 baby, okay, we used to use 5.5 pounds per day
7 per person, and computed it out the old ways
8 before recycling came, and we had it down to
9 a science years and years ago. But today,
10 everything is changed, so.

11 MR. HIEP: I mean, if I can grab a
12 hundred houses.

13 BOARD MEMBER BECKMANN: It doesn't
14 matter. Something like you said. I know
15 statistically, if you have more than 30 in a
16 statistical model, that works perfectly. The
17 statistics are good on 30 samples without a
18 problem.

19 MR. HIEP: All right. So we have --

20 MR. PAKOLA: Okay. If someone else is
21 talking, you need your name for the record.
22 What's your name?

23 MR. HIEP: No, I understand. So I
24 can -- you just want me to sort of break down
25 costs per house. I can do it with 50 houses,

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2 a hundred houses, in a mini packer. I can
3 control it, dump it separately, keep the dump
4 receipt for a week, multiply it times 4.33.
5 It's my monthly cost.

6 BOARD MEMBER BECKMANN: Correct.
7 Because the simple math -- simple math,
8 okay -- supports \$3.35 just doing it very
9 simple without the thinking. And I know
10 there's a tremendous more amount to think
11 about.

12 MR. HIEP: All right. I'm going to
13 probably try to do something like that.

14 CHAIRMAN VEZZETTI: That should be okay.

15 BOARD MEMBER SIMETI: I was hoping it
16 was simple.

17 CHAIRMAN VEZZETTI: It hasn't been
18 simple.

19 BOARD MEMBER SIMETI: But it should be.
20 But maybe I don't understand.

21 CHAIRMAN VEZZETTI: Well, the question,
22 you know, when you get right down to it, I
23 know what you presented was based on what the
24 other towns did. But the question that we
25 had is where did they come up with this,

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2 right? How did they come up with this
3 particular number? We don't know. And we
4 were trying to figure it out, right? And it
5 wasn't coming out. Well, if we can't figure
6 this out, maybe you can show us how. So
7 that's what we feel is, we need for the
8 public and for the Board.

9 MR. HIEP: Okay.

10 BOARD MEMBER SIMETI: Thank you for your
11 time. We respect that. We're just trying to
12 make it right for everybody.

13 CHAIRMAN VEZZETTI: So we'll have a
14 motion to adjourn, or a motion to postpone?

15 BOARD MEMBER SIMETI: A motion to
16 December 6th.

17 BOARD MEMBER BECKMANN: A motion for a
18 continuance.

19 CHAIRMAN VEZZETTI: A motion for a
20 continuance to December 6th. At 5:00, right?

21 MR. PAKOLA: 5:15, I think.

22 CHAIRMAN VEZZETTI: What's that?

23 BOARD MEMBER SIMETI: I can't get here
24 before 5:15.

25 CHAIRMAN VEZZETTI: Okay. 5:15, then,

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right?

BOARD MEMBER SIMETI: Yeah.

CHAIRMAN VEZZETTI: Okay, for 5:15. All
those in favor?

(Response of aye was given.)


CHAIRMAN VEZZETTI: Okay. So see you on
the 6th, 5:15.

(Time noted: 7:25 p.m.)

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THE FOREGOING IS CERTIFIED to be a true
and correct transcription of the original
stenographic minutes to the best of my ability.


Jennifer L. Johnson



LAWYER NOTES/ERRATA SHEET

[illegible]**Print Name:**

Sworn or affirmed to before me this

_____ day of _____, 20_____

Notary Public

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7:16	26 (5) 1:10 14:18,19	5.5 (1) 55:6	
<u>Z</u>	28:2,7	5:00 (1) 57:20	
<u>0</u>	27 (1) 4:11	5:15 (5) 57:21,24,25	
<u>1</u>	27th (1) 5:18	58:4,8	
1 (3) 3:10,24 4:10	283 (1) 3:21	5:39 (1) 1:12	
1.3 (1) 13:24	284 (1) 4:17	50 (20) 13:7,8,9,10	
1.31 (1) 13:11	<u>3</u>	13:13,16 14:22	
1.34 (1) 14:10	3 (6) 3:18,24 4:15	26:8,14,16 27:20	
108 (1) 15:6	14:3 36:12 39:13	28:13 29:9,16	
10956 (1) 1:23	3.10 (1) 29:14	30:9 38:3,22	
12,000 (1) 35:12	3.35 (4) 43:3 45:10	39:13,14 55:25	
12,830 (1) 33:25	45:12 56:8	<u>6</u>	
124 (1) 15:7	3.5 (1) 14:10	6 (1) 1:4	
12th (3) 49:22,23	30 (9) 11:13,15 12:4	6,000 (2) 42:12	
51:22	12:21 17:6,9 33:7	50:23	
13-point (1) 12:2	55:15,17	634-4200 (1) 1:24	
14 (7) 3:22 4:18	322,000 (1) 34:4	6th (7) 48:19,20	
11:16,18 12:2,14	33.50 (1) 26:16	49:25 51:23 57:16	
33:11	33.35 (2) 13:6 41:21	57:20 58:8	
14,000 (5) 33:10,13	33.50 (9) 9:20 11:18	<u>7</u>	
33:18 34:3 42:9	11:24 12:7,9,13	7 (1) 20:16	
14,897 (1) 33:25	13:19 27:10,18	7,000 (1) 50:7	
	34 (4) 13:19 27:12	7:25 (1) 58:9	
	27:24 28:16		
	34.50 (1) 27:12		
	35.50 (1) 28:16		

Exhibits -

Donald Brenner, P.E., L.L.B.

*Attorney-At-Law • Professional Engineer
4 Independence Avenue, Tappan, New York 10983*

Phone 845-359-2210

Fax 845-359-8070

October 27, 2023

via email: rsfraga@orangetown.com

Rosanna Sfraga, Town Clerk
Town of Orangetown
26 W. Orangeburg Road
Orangeburg, NY 10962

Re: Residential Garbage Haulers
Town on Orangetown
23-1394-9

Dear Mrs. Sfraga, Town Clerk:

In accordance with Section 17B - Subsection 6 the Residential Haulers in the Town are requesting that the Sanitation Commissioner schedule a public hearing to modify the rates due to the projected increase charges at the County receiving station.

By copy of this letter I am informing the Town's Deputy Attorney, Richard Pakola and the Town's Clerk to the Sanitation Board, Stephen Munno.

Very truly yours,

Donald Brenner
Donald Brenner

DB/hi

cc: Deputy Town Attorney, Richard Pakola
Sanitation Board
Orangetown Residential Haulers

ROCKLAND COUNTY TIMES

Offices: 119 Main Street (2nd Floor) • Nanuet, NY 10954-2882 • Tel (845) 627-1414 • Fax (845) 627-1411

Legal Notice:

(Ref. No.: 27101)

AFFIDAVIT OF PUBLICATION

STATE OF NEW YORK)
) ss:
COUNTY OF ROCKLAND)

TERESA WARNER of the Town of Orangetown, County of Rockland,
State of New York, being duly sworn says that she is the Principal Clerk of the
ROCKLAND COUNTY TIMES, a newspaper published in the Town of Clarkstown,
County of Rockland, State of New York, and that the legal notice of which the
annexed is a copy was published in the issue of: *November 2, 2023.*

Teresa Warner

TERESA WARNER

Sworn to before me this

2 day of *November* 2023.

[Signature]

NOTARY PUBLIC, STATE OF NEW YORK

WALTER H SANCHEZ
Notary Public, State of New York
Registration No. 01SA4857488
Qualified in Queens County
Filed in Rockland County
Commission Expires April 21, 2026

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town of Orangetown Sanitation Commission on the 15th day of November, 2023, at 5:30 PM, at Orangetown Town Hall, 26 Orangeburg Road, Orangeburg, New York, to consider pursuant to Chapter 17B of the Town Code, "Garbage Removal," section 6, "Charges," the Petition of Donald Brenner on behalf of the licensed garbage haulers of the Town of Orangetown for a modification to rates and whether the Sanitation Commission should recommend to the Town Board that the Town Board amend the currently authorized rate schedule.

At the time and place of the public hearing specified above, all interested persons will be given an opportunity to be heard.

By order of the Sanitation Commission of the Town of Orangetown.

Dated: November 1, 2023

Stephen F. Munno, Acting
Clerk
Sanitation Commission
Rosanna Sfraga
Town Clerk

1x11-2/27/101

Commission Ex. 2

RESOLUTION NO. 283 – Continued

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

RESOLUTION NO. 284**APPROVE / GARBAGE HAULERS / MONTHLY RATE INCREASE**

WHEREAS, in a letter dated March 25, 2022, Donald Brenner, Esq., as attorney and on behalf of the licensed garbage haulers of the Town of Orangetown, requested an increase in the authorized rates for the collection of garbage within the Town of Orangetown; and

WHEREAS, pursuant to Town Code Section 17B-6.C, the Town of Orangetown Sanitation Commission on April 27, 2022 duly held a public hearing on the matter; and

WHEREAS, the Orangetown Sanitation Commission, after considering the testimony and exhibits entered into evidence at the public hearing, recommends to the Town Board pursuant to Section 17B-6.H of the Town Code that the Town Board approve a rate increase for the garbage haulers in the Town of Orangetown from \$30.00 per month to \$32.50 per month effective July 2022 with a \$0.50 increase annually in January for a period of four years thereafter.

NOW, THEREFORE, BE IT RESOLVED, pursuant to Section 17B-6.I of the Town of Orangetown Town Code, the following monthly rate increases are hereby approved and authorized as follows:

Year	Effective Date	Amount
2022	7/1/2022	\$32.50
2023	1/1/2023	\$33.00
2024	1/1/2024	\$33.50
2025	1/1/2025	\$34.00
2026	1/1/2026	\$34.50

Councilperson Jerry Bottari offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

RESOLUTION NO. 285**APPOINT T. P. BAILEY / CHAIRPERSON / ORANGETOWN PARKS AND RECREATION DEVELOPMENT ADVISORY COMMITTEE / 2022 / 1-YEAR TERM**

RESOLVED, that T. P. Bailey is hereby appointed Chairperson of the Orangetown Parks and Recreation Development Advisory Committee, for a 1-year term, commencing January 01, 2022, and expires on December 31, 2022.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

RESIDENTIAL PICK UP GARBAGE FOR JANUARY 2024 - DECEMBER 2028

Garbage Collection (Unit price per eligible dwelling unit per month)

Year	Town of Orangetown	Town of Clarkstown	Town of Stony Point
2024	\$38.10	\$38.08	\$37.95
2025	\$38.60	\$39.42	\$38.45
2026	\$39.10	\$41.80	\$38.94
2027		\$43.22	\$39.45
2028		\$44.43	

Petitioner's Ex "A"

Town of Orangetown Residential Pick-Up Rate
Residential Pick-up of Garbage for January 2024 –
December 2027

Unit cost for the period January 2024 through December 31 2027.

Garbage Collection (Unit price per eligible dwelling unit per month)

(Based on Rockland Green's Tipping increase to \$99.00/ton starting January 1, 2024)

January 2024 - \$ 33.50 + 4.60 = \$38.10

January 2025 - \$ 34.00 + 4.60 = \$38.60

January 2026 - \$ 34.50 + 4.60 = \$ 39.10

Petitioner's Ex "B"

Town of Clarkstown Residential Pick-Up Rate
Residential Pick-up of Garbage for January 2024 –
December 2028

Unit cost for the period January 2024 through December 31 2028.

Garbage Collection (Unit price per eligible dwelling unit per month)

(Based on Rockland Green's Tipping increase to \$99.00/ton starting January 1, 2024)

January 2024 -	<u>\$ 38.08</u>
January 2025 -	<u>\$ 38.08 + 1.34 = \$39.42</u>
January 2026 -	<u>\$ 39.42 + 2.38 = \$41.80</u>
January 2027 -	<u>\$ 41.80 + 1.42 = \$43.22</u>
January 2028 -	<u>\$ 44.22 + 1.21 = \$44.43</u>

Peterson's Ex. "C"

Town of Stony Point Residential Pick-Up Rate
Residential Pick-up of Garbage for January 2024 –
December 2028

Unit cost for the period January 2024 through December 31 2028.

Garbage Collection (Unit price per eligible dwelling unit per month)

(Based on Rockland Green's Tipping increase to \$99.00/ton starting January 1, 2024)

January 2024 -	<u>\$ 33.35 + 4.60 = \$37.95</u>
January 2025 -	<u>\$ 37.95 + 0.50 = \$38.45</u>
January 2026 -	<u>\$ 38.45 + 0.50 = \$38.95</u>
January 2027 -	<u>\$ 38.95 + 0.50 = \$39.45</u>

Petitioner's Ex. "D"

Donald Brenner, P.E., LL.B.

*Attorney-At-Law • Professional Engineer
4 Independence Avenue, Tappan, New York 10983*

Phone 845-359-2210

Fax 845-359-8070

MEMORANDUM

TO: Sanitation Commission and Sanitation Board
Town of Orangetown

FROM: Donald Brenner P.E., LL.B

DATE: December 5, 2023

RE: Orangetown Residential Garbage Haulers
Rate Adjustment
23-1394-9

The Commission held a public hearing on November 15, 2023 when haulers informed the Board that the Rockland County Solid Waste Management Authority where increasing the rate charge at the Transfer Station (for residential uses) to \$99.00 per ton (see Appendix A and Appendix B).

The Board requested that the haulers provide them with additional data to support an adjustment to their charges based on this increase.

Therefore, the following data is being place onto the Record.

Exhibit "F"

Hauler No. 1 - Donato Marangi Inc.
Collection Date: December 1, 2023 (see Appendix C)

<u>ITEM</u>	<u>DATA</u>
Pickup Dates	
Tuesday	3,500 lbs
Friday	<u>2,300 lbs</u>
Weekly Total	5,800 lbs
Yearly (times 52)	301,600 lbs
Number of Houses Serviced	60
Yearly lbs (household)	5,026.67 lbs
Converse to Tons (divide by 2,000)	2.52 tons
Increase in dumping fee (\$99 - \$76)	\$23.00
Increase in Cost Yearly (2.52 x \$23)	\$57.96
Monthly increase in cost (divide by 12)	\$4.83

Hauler No. 2 - Deluca Sanitation Corp.
Collection Date: November 17, 2023 and
November 21, 2023(see Appendix D)

<u>ITEM</u>	<u>DATA</u>
Pickup Dates	
Tuesday	2,420 lbs
Friday	<u>2,980 lbs</u>
Weekly Total	5,400 lbs
Yearly (times 52)	280,800 lbs
Number of Houses Serviced	50
Yearly lbs (household)	5,616 lbs
Converse to Tons (divide by 2,000)	2.81 tons
Increase in dumping fee (\$99 - \$76)	\$23.00
Increase in Cost Yearly (2.81 x \$23)	\$64.63
Monthly increase in cost (divide by 12)	\$5.39

Hauler No. 3 - Heip Inc.
Collection Date: November 28, 2023 and
December 1, 2023(see Appendix E)

<u>ITEM</u>	<u>DATA</u>
Pickup Dates	
Tuesday	3,060 lbs
Friday	<u>2,280 lbs</u>
Weekly Total	5,340 lbs
Yearly (times 52)	277,680 lbs
Number of Houses Serviced	60
Yearly lbs (household)	4,628 lbs
Converse to Tons (divide by 2,000)	2.32 tons
Increase in dumping fee (\$99 - \$76)	\$23.00
Increase in Cost Yearly (2.32 x \$23)	\$53.36
Monthly increase in cost (divide by 12)	\$4.45

Donald Brenner, P.E., L.L.B.

Sanitation Commission and Sanitation Board Town of Orangetown
Town of Orangetown

December 5, 2023
Page 2 of 2

Accordingly, the revised monthly cost would be:

Town of Orangetown Residential Pick-Up Charge

Residential Pick-up of Garbage for January 2024 - December 2027

Unit cost for the period January 2024 through December 31, 2027.

Garbage Collection (Unit price per eligible dwelling unit per month)
(Base on Rockland Green’s Tipping increase to \$99.00/ton starting January 1, 2024)

January 2024	-	<u>\$33.50 + 4.60 =</u>	<u>\$38.10</u>
January 2025	-	<u>\$38.10 + .50 =</u>	<u>\$38.60</u>
January 2026	-	<u>\$38.60 + .50 =</u>	<u>\$39.10</u>

DB/hi

Appendix A

ROCKLAND COUNTY SOLID WASTE MANAGEMENT AUTHORITY
2024 Proposed Rate Schedule for Authority Facilities

2024 Rates
Per Ton

Transfer Station

Acceptable Waste:

In-County (Municipal Residential)	\$	99.00
In-County (Commercial)	\$	124.00
Out-of-County/State	\$	124.00

Tires:

Car each	\$	6.00
Truck each	\$	20.00
Per Ton	\$	400.00

Scrap Metal / Ton

N/C

Cocomposting Facility (per ton)*

Clean Unprocessed Wood Waste:	\$	25.00
Clean Chipped Wood	N/C	
Wood Pallets	\$	10.00
Brush	\$	57.00

Concrete Crushing Facility

Asphalt	\$	23.00
Concrete	\$	23.00
Surcharge for Concrete w/PSI of 3,500 or greater (per ton)	\$	25.00
Oversize Charges (per load):		
Rate 1 (Less than 10 ton truck)	\$	30.00
Rate 2 (10-15 ton truck)	\$	60.00
Rate 3 (15 tons & Up)	\$	200.00

Yard Waste Facility - Clarkstown

Leaves (Out of County/Commercial)	\$	51.00
Grass	\$	70.00
Brush	\$	57.00
Mixed Yard Waste	\$	105.00
Stumps	\$	150.00

** All loads of chipped or unprocessed clean wood (uncoated, untreated, unpainted and unstained wood or lumber) must be inspected by the Cocomposting facility operator, who has the authorization to approve or disapprove all deliveries. Unacceptable material, residue, or contaminated wood must be removed at generator/hauler expense and disposed of at their expense. In addition, the Authority will price clean chipped wood based on market conditions.*

Appendix B

ROCKLAND COUNTY TIMES

Offices: 119 Main Street (2nd Floor) • Nanuet, NY 10954-2882 • Tel: (845) 627-1414 • Fax: (845) 627-1411

Legal Notice

(Ref. No.: 27101)

AFFIDAVIT OF PUBLICATION

STATE OF NEW YORK)
COUNTY OF ROCKLAND)

TERESA WARNER of the Town of Orangetown, County of Rockland,
State of New York, being duly sworn says that she is the Principal Clerk of the
ROCKLAND COUNTY TIMES, a newspaper published in the Town of Clarkstown,
County of Rockland, State of New York, and that the legal notice of which the
annexed is a copy was published in the issue of: *November 2, 2023.*

Teresa Warner

TERESA WARNER

Sworn to before me this

2 day of *November*, 2023

[Signature]

NOTARY PUBLIC, STATE OF NEW YORK

WALTER H SANCHEZ
Notary Public, State of New York
Registration No. 01SA4857488
Qualified in Queens County
Filed in Rockland County
Commission Expires April 21, 2026

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town of Orangetown Sanitation Commission on the 15th day of November, 2023, at 5:30 P.M. at Orangetown Town Hall, 26 Orangeburg Road, Orangeburg, New York, to consider pursuant to Chapter 17B of the Town Code, "Garbage Removal," section 8, "Charges," the Petition of Donald Brenner on behalf of the licensed garbage haulers of the Town of Orangetown for a modification to rates and whether the Sanitation Commission should recommend to the Town Board that the Town Board amend the currently authorized rate schedule.

At the time and place of the public hearing specified above, all interested persons will be given an opportunity to be heard.

By order of the Sanitation Commission of the Town of Orangetown.

Dated: November 1, 2023

Stephen F. Munno, Acting
Clerk
Sanitation Commission
Rosanna Straga
Town Clerk

11-227101

Commission Expires 2026

Appendix C

ROCKLAND COUNTY SWMA (dba ROCKLAND GREEN)
1/2 MAIN STREET NANUET, NY 10954
PHONE: (845) 753-2200 FAX: (845) 753-2281

SITE

Clarkstown

HAULER ID

Donat

FK

BILL TO Donat				BILL TO DONATO MARANGI INC.				BILL TO 175 Route 303 Valley Cottage, NY 10989			
SITE 02	DATE 12/01/23	ENTRY TIME 08:29	OPER ELA	EXIT TIME 08:29	OPER ELA	GROSS WEIGHT 16420	TARE WEIGHT 14120	NET WEIGHT 2300			
VEHICLE/TRAILER # -5880		VEHICLE TYPE Packer Truck		TICKET NUMBER 2960132		MANIFEST#/BOL		C.C TYPE/FACILITY Transfer Stati		REFERENCE 72931ND	
DESCRIPTION WM (Municipal/Residential MSW Clarks				QTY 1.15	UNITS TN	RATE \$76.00	AMOUNT \$87.40	ORIGIN Pearl River			
C.C. APPROVAL: 161083 - Token				C.C. HOLDER NAME:				C.C. NUMBER			
RECYCLE				REBATE							
YES	NO	WAX	GARBAGE		MIX		OTHER		MRF SIGNATURE		

I hereby certify that the above information is true to the best of my knowledge. If this is a credit card transaction, the cardholder will pay card issuer the above amount pursuant to the cardholder agreement (Merchant agreement if credit card voucher).

INT
te:

SIGNATURE

TOTAL
\$87.40

ROCKLAND COUNTY SWMA (dba ROCKLAND GREEN)
1/2 MAIN STREET NANUET, NY 10954
PHONE: (845) 753-2200 FAX: (845) 753-2281

SITE

Clarkstown

HAULER ID

Donat

BILL TO				BILL TO DONATO MARANGI INC.				BILL TO 175 Route 303 Valley Cottage, NY 10989			
DATE 11/28/23	ENTRY TIME 07:26	OPER ELA	EXIT TIME 07:26	OPER ELA	GROSS WEIGHT 17620	TARE WEIGHT 14120	NET WEIGHT 3500				
VEHICLE/TRAILER # -5880		VEHICLE TYPE Packer Truck		TICKET NUMBER 2959300		MANIFEST#/BOL		C.C TYPE/FACILITY Transfer Stati		REFERENCE 72931ND	
DESCRIPTION WM (Municipal/Residential MSW Clarks				QTY 1.75	UNITS TN	RATE \$76.00	AMOUNT \$133.00	ORIGIN Pearl River			
C.C. APPROVAL: 187891 - Token				C.C. HOLDER NAME:				C.C. NUMBER			
RECYCLE				REBATE							
YES	NO	WAX	GARBAGE		MIX		OTHER		MRF SIGNATURE		

I hereby certify that the above information is true to the best of my knowledge. If this is a credit card transaction, the cardholder will pay card issuer the above amount pursuant to the cardholder agreement (Merchant agreement if credit card voucher).

SIGNATURE

TOTAL
\$133.00

Appendix D

E: (845) 753-2200 FAX: (845) 753-2281

Clarkstown

DELUCA

BILL TO				BILL TO				BILL TO			
UCA				DELUCA SANITATION CORP.				PO Box 65 Congers, NY 10920			
SITE	DATE	ENTRY TIME	OPER	EXIT TIME	OPER	GROSS WEIGHT	TARE WEIGHT	NET WEIGHT			
2	11/17/23	09:40	MY	09:40	MY	23700	21280	2420			
VEHICLE NUMBER		VEHICLE TYPE		TICKET NUMBER		MANIFEST#/BOL		C.C TYPE/FACILITY		REFERENCE	
2-8155		Packer Truck		2957310				Transfer Stati			
2226NC										Tipping - Clarkstown	
DESCRIPTION				QTY	UNITS	RATE	AMOUNT	ORIGIN			
(Municipal/Residential MSW Clarks				1.21	TN	\$76.00	\$91.96	Orangetown			
APPROVAL: 00614G				C.C. HOLDER NAME: DELUCA/ROBERT				C.C. NUMBER XXXXXXXXXXXX4644			
Credit Card											
RECYCLE				REBATE				LOOSE OCC			
BALED OCC											
YES	NO	WAX	GARBAGE	MIX	OTHER		MRF SIGNATURE				

I hereby certify that the above information is true to the best of my knowledge. If this is a credit card transaction, cardholder will pay card issuer the above amount pursuant to the cardholder agreement (Merchant agreement if credit voucher).

TOTAL

\$91.96

SIGNATURE

AND COUNTY SWMA (dba ROCKLAND GREEN)
MAIN STREET NANUET, NY 10954
E: (845) 753-2200 FAX: (845) 753-2281

SITE

HAULER ID

Clarkstown

DELUCA

BILL TO				BILL TO				BILL TO			
UCA				DELUCA SANITATION CORP.				PO Box 65 Congers, NY 10920			
SITE	DATE	ENTRY TIME	OPER	EXIT TIME	OPER	GROSS WEIGHT	TARE WEIGHT	NET WEIGHT			
	11/21/23	07:05	ELA	07:05	ELA	40980	38000	2980			
CLE/TRAILER #		VEHICLE TYPE		TICKET NUMBER		MANIFEST#/BOL		C.C TYPE/FACILITY		REFERENCE	
07		Packer Truck		2958043				Transfer Stati		95625JV	
DESCRIPTION				QTY	UNITS	RATE	AMOUNT	ORIGIN			
(Municipal/Residential MSW Clarks				1.49	TN	\$76.00	\$113.24	Orangetown			
APPROVAL: 05562G				C.C. HOLDER NAME:				C.C. NUMBER XXXXXXXXXXXX8			
Credit Card											
RECYCLE				REBATE							
BALED OCC											
YES	NO	WAX	GARBAGE	MIX	OTHER		MRF SIGNATURE				

I hereby certify that the above information is true to the best of my knowledge. If this is a credit card transaction, cardholder will pay card issuer the above amount pursuant to the cardholder agreement (Merchant agreement if credit voucher).

TOTAL

\$113.24

SIGNATURE

Appendix E

CLAND COUNTY SWMA (dba ROCKLAND GREEN)
MAIN STREET NANUET, NY 10954
NE: (845) 753-2200 FAX: (845) 753-2281

SITE
Clarkstown

HAULER ID
Hiepr

BILL TO eppr				BILL TO ROBERT HIEP, INC.				BILL TO 22 Snake Hill Road West Nyack, NY 10994			
SITE 02	DATE 11/28/23	ENTRY TIME 07:32	OPER ELA	EXIT TIME 07:32	OPER ELA	GROSS WEIGHT 43540	TARE WEIGHT 40480	NET WEIGHT 3060			
VEHICLE/TRAILER # 001		VEHICLE TYPE Packer Truck		TICKET NUMBER 2959304		MANIFEST#/BOL		C.C TYPE/FACILITY Transfer Stati		REFERENCE 60384MJ	
DESCRIPTION Municipal/Residential MSW Clarks				QTY 1.53	UNITS TN	RATE \$76.00	AMOUNT \$116.28		ORIGIN Orangetown		
APPROVAL: 128581				C.C. HOLDER NAME:				C.C. NUMBER			
YES		NO		WAX		RECYCLE		REBATE			
YES		NO		WAX		GARBAGE		MIX		OTHER	
MRF SIGNATURE											

I hereby certify that the above information is true to the best of my knowledge. If this is a credit card transaction, cardholder will pay card issuer the above amount pursuant to the cardholder agreement (Merchant agreement if credit voucher).

NT
: SIGNATURE

TOTAL
\$116.28

CLAND COUNTY SWMA (dba ROCKLAND GREEN)
MAIN STREET NANUET, NY 10954
NE: (845) 753-2200 FAX: (845) 753-2281

SITE
Clarkstown

HAULER ID
HIEPK

BILL TO EPK				BILL TO KENNETH HIEP, INC.				BILL TO 22 Snake Hill Road West Nyack, NY 10994			
SITE 02	DATE 12/01/23	ENTRY TIME 07:04	OPER ELA	EXIT TIME 07:10	OPER JB	GROSS WEIGHT 43760	TARE WEIGHT 41480	NET WEIGHT 2280			
VEHICLE/TRAILER # 0506		VEHICLE TYPE Packer Truck		TICKET NUMBER 2960094		MANIFEST#/BOL		C.C TYPE/FACILITY Transfer Stati		REFERENCE 63810KA	
DESCRIPTION (Municipal/Residential MSW Clarks				QTY 1.14	UNITS TN	RATE \$76.00	AMOUNT \$86.64		ORIGIN Orangetown		
APPROVAL: 188434 Token				C.C. HOLDER NAME:				C.C. NUMBER			
YES		NO		WAX		RECYCLE		REBATE			
YES		NO		WAX		GARBAGE		MIX		OTHER	
MRF SIGNATURE											

I hereby certify that the above information is true to the best of my knowledge. If this is a credit card transaction, cardholder will pay card issuer the above amount pursuant to the cardholder agreement (Merchant agreement if credit voucher).

T
: SIGNATURE

TOTAL
\$86.64

<p>A</p> <p>ability (1) 11:7 accepting (1) 5:4 actual (2) 5:22 9:12 additional (4) 2:17 8:4 9:17,18 adjacent (1) 10:9 adjourn (1) 10:19 Adjourned (2) 2:7,8 adjustment (1) 2:5 admitted (1) 3:13 admitting (1) 3:15 ADVISOR (1) 1:18 agreed (1) 8:8 agreement (1) 9:9 agreements (1) 6:17 allowing (1) 3:17 amount (1) 7:22 amounts (1) 7:25 annual (1) 8:5 answer (1) 3:10 APPEARANCES... 1:15 appended (1) 6:9 appendices (1) 4:21 arithmetic (1) 2:24 asked (2) 3:4,11 asking (1) 8:9 assume (1) 5:15 attached (1) 5:22 attachment (1) 4:16 attachments (1) 4:20 Attorney (1) 2:15 Authority (1) 5:14 average (4) 7:13 8:8 8:19,21 averages (1) 8:20 aware (1) 5:9 aye (4) 3:24,25 10:2 10:20</p>	<p>bill (1) 5:15 bills (3) 2:19,23 5:22 Board (3) 9:16 10:4 10:12 Brenner (16) 2:12 2:13,14 4:23 5:2 5:11,20,22 6:6,12 6:15 7:10,15,21 9:8 10:13 Brenner's (1) 4:19</p>	<p>Congers (1) 1:23 continued (1) 2:9 contract (1) 3:6 converted (1) 8:2 correct (9) 5:19,20 6:5,6,11,12 7:10 7:15 11:5 cost (2) 2:25 3:2 Counsel (1) 9:12 County (9) 1:1 2:19 3:6 7:5,8 8:10,23 9:14 10:10 course (1) 2:25 Court (1) 4:4</p>	<p>10:7 give (1) 2:13 given (6) 2:21 3:3 3:25 6:24 10:2,20 glad (1) 3:10 goes (1) 6:15 going (5) 2:3,15 3:8 5:4 8:10 gonna (1) 4:15 good (1) 8:12 gotten (1) 2:23 Green (6) 2:19 3:8 4:17,24 5:3,9</p>	<p>look (1) 7:21 looking (1) 8:19 looks (1) 4:19 lowest (2) 6:24 7:4</p>
<p>B</p> <p>B (1) 5:17 back (3) 2:18,24 6:15 backyard (1) 6:25 based (4) 5:25 7:6,7 9:11 basis (1) 6:3 Beckmann (12) 1:12 4:10,10,15 4:22 5:13 7:6,11 8:12,21 9:10,21 best (2) 6:25 11:6</p>	<p>C</p> <p>calculated (1) 6:14 calculation (1) 7:22 calculations (2) 5:18 6:16 calendar (5) 6:10 9:5,17,18,19 call (4) 2:6,20 4:4,7 carters (1) 9:13 cents (3) 9:6,17,19 CERTIFIED (1) 11:4 Chairman (21) 1:10 2:2,8,11 3:16,20 3:23 4:2,3,6,8,12 8:11,17,24 9:3,20 9:24 10:3,14,18 charged (2) 5:14,23 charges (1) 8:22 Charles (2) 1:10 4:7 Chris (3) 4:9 7:16 8:25 CHRISTOPHER... 1:11 City (1) 1:24 clarify (1) 5:16 Clarkstown (2) 6:19 7:3 clear (1) 6:8 client (2) 6:2,23 close (1) 10:16 collection (1) 6:3 commission (3) 1:4 3:14 4:13 COMMITTEE (1) 1:18 communities (1) 6:18 comparable (4) 7:7 8:15,22 9:14 comparing (1) 10:8 computation (1) 6:4 conclusion (1) 6:20</p>	<p>D</p> <p>data (2) 9:12,14 December (2) 1:7 4:25 Deluca (1) 2:22 divided (3) 7:12,24 8:5 document (2) 4:18 7:14 dollar (2) 8:13,13 dump (1) 2:19 dumping (1) 8:3</p> <p>E</p> <p>ESQ (1) 1:17 example (1) 9:4 examples (1) 8:16 excuse (1) 4:6 exhibit (10) 2:16 3:17,18 4:15,19 5:6,6,17,18 6:9 Exhibits (1) 3:12</p>	<p>H</p> <p>Hall (1) 1:6 haulers (5) 2:4,11 5:19 7:3 10:7 hauling (1) 2:19 hearing (2) 2:3 10:17 Hiep (1) 2:23 higher (2) 6:19,22 home (1) 7:24 honestly (1) 5:11 household (2) 3:3 8:2 Huber (8) 1:11 3:22 3:23 4:9,9 7:16,16 9:2</p> <p>I</p> <p>impacted (1) 8:14 included (1) 3:5 increase (7) 6:4,10 7:12 8:13 9:6,16 10:12 increased (1) 8:3 indicated (1) 9:6 individual (1) 3:3 information (1) 9:11</p>	<p>M</p> <p>Marangi (1) 2:22 meeting (4) 2:10,16 3:11 4:24 Melissa (1) 11:12 MEMBER (3) 1:11 1:12,13 Members (2) 1:9 4:13 methodology (2) 5:25,25 minutes (1) 11:6 motion (7) 3:20 9:10,21,24 10:3 10:16,18 move (1) 9:15 multiplied (1) 7:23</p>
		<p>F</p> <p>F (6) 2:16 3:18 4:15 4:19 5:6 6:9 fair (2) 8:18 10:10 far (1) 3:12 favor (4) 3:17,24 9:25 10:19 fee (3) 7:12 8:3,14 feel (1) 10:10 first (1) 8:7 floor (1) 2:13 FOREGOING (1) 11:4 further (1) 8:25</p>	<p>J</p> <p>K</p> <p>know (7) 4:23 5:2,2 5:11 6:25 7:19 10:15</p> <p>L</p> <p>landfill (1) 5:23 LEGAL (1) 1:18 letter (5) 3:8 4:17 4:20 5:3 6:8</p>	<p>N</p> <p>New (3) 1:1,24,24 noted (1) 10:21 number (2) 8:5,6 numbers (2) 6:21 7:9</p> <p>O</p> <p>Oh (1) 4:6 Okay (4) 2:14 4:22 5:16 6:7 once (1) 7:22 ORANGE (1) 1:22 Orangetown (5) 1:3 1:6 2:22 6:23 7:4 original (2) 6:16 11:6</p> <p>P</p> <p>p.m (2) 1:7 10:21 PAKOLA (7) 1:17 2:7,9 3:12 4:3,18 10:15 part (1) 9:8 particular (1) 8:7 passes (1) 10:3 Pezzullo (1) 11:12 Point (2) 6:19 7:2 postponed (1) 2:6 presentation (2) 8:12 9:12 presented (1) 10:6</p>

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STATE OF NEW YORK : COUNTY OF ROCKLAND

-----X

TOWN OF ORANGETOWN

SANITATION COMMISSION

-----X

Town of Orangetown Town Hall
Wednesday
December 6, 2023
5:37 p.m.

MEMBERS:

CHARLES VEZZETTI, CHAIRMAN

CHRISTOPHER HUBER, MEMBER

WILLIAM BECKMANN, MEMBER

THOMAS SIMETI, MEMBER

APPEARANCES:

RICHARD PAKOLA, ESQ.,

LEGAL ADVISOR TO THE COMMITTEE

ROCKLAND & ORANGE REPORTING

2 Congers Road, Suite 2

New City, New York 10956

(845)634-4200

1 Proceedings

2 THE CHAIRMAN: It's about 5:37, I'm
3 going to reopen the public hearing on the
4 request from our residential garbage haulers
5 for a rate adjustment that we, what would
6 you call it, postponed or --

7 MR. PAKOLA: Adjourned.

8 THE CHAIRMAN: Adjourned --

9 MR. PAKOLA: And continued at our last
10 meeting.

11 THE CHAIRMAN: So for the haulers Mr.
12 Brenner has -- will be representing them and
13 I give you the floor Mr. Brenner.

14 MR. BRENNER: Okay. As I spoke to your
15 Attorney, we're going to put this in as
16 Exhibit F. At our last meeting you requested
17 that we do some additional work for you so
18 what we did do is we actually went back and
19 got hauling bills from Green, County dump,
20 whatever you want to call it, which I've
21 given to you. All three are users in the
22 Town of Orangetown, Marangi, Deluca and
23 Hiep. I've gotten their bills, I've worked
24 them back with the arithmetic on it, I've
25 shown of course what the cost of tons were

1 Proceedings

2 and came out actually what the cost would be
3 to the individual household which I've given
4 you. I think that's what you asked for.

5 I've also included with it you wanted a --
6 we have the Rockland County contract, this
7 is the second time, and I also have the
8 letter from Green showing the price is going
9 up. If there's anything else I would be
10 glad to answer questions but I think that's
11 what you asked for at the last meeting.

12 MR. PAKOLA: And as far as Exhibits I'm
13 supposed to recommend that it be admitted
14 which I do and then the commission is
15 supposed to vote on admitting it.

16 THE CHAIRMAN: All right. Do we have a
17 vote in favor of allowing the Exhibit,
18 Exhibit F, was that?

19 MR. SIMETI: Yes.

20 THE CHAIRMAN: We have a motion by Mr.
21 Simeti.

22 MR. HUBER: Second.

23 THE CHAIRMAN: Second by Mr. Huber. All
24 in favor say aye.

25 (Response of aye was given.)

1 Proceedings

2 THE CHAIRMAN: All right.

3 MR. PAKOLA: Mr. Chairman, perhaps we
4 could also take a roll call for the Court
5 Reporter?

6 THE CHAIRMAN: Oh, excuse me, yes.
7 We'll take the roll call. Charles Vezzetti,
8 Chairman.

9 MR. HUBER: Chris Huber.

10 MR. BECKMANN: William Beckmann.

11 MR. SIMETI: Tom Simeti.

12 THE CHAIRMAN: All right. Do we have
13 any -- all the Members of the Commission
14 have reviewed the submission, any questions?

15 MR. BECKMANN: Is Exhibit F, we gonna
16 get an attachment of it for the record the
17 letter from Rockland Green?

18 MR. PAKOLA: Yeah, this whole document
19 is Exhibit F. It looks like Mr. Brenner's
20 letter and there's a few attachments to it,
21 appendices.

22 MR. BECKMANN: Okay.

23 MR. SIMETI: Mr. Brenner, do you know if
24 Rockland Green had their meeting for
25 December?

1 Proceedings

2 MR. BRENNER: I don't know. I know we
3 did get a letter from Rockland Green they
4 are going to recommend accepting.

5 MR. SIMETI: Yes, there's -- your
6 Exhibit A and your the Exhibit F reflects
7 the proposed rate schedule. I was just
8 wondering if it was their -- it was actually
9 taken by Rockland Green if you were aware of
10 it.

11 MR. BRENNER: I honestly don't know.

12 MR. SIMETI: Thank you.

13 MR. BECKMANN: I received the rates from
14 Solid Waste Authority that were charged on
15 the tax bill so I assume they did something.

16 MR. SIMETI: Okay. And just to clarify,
17 there was three -- in your exhibit B, in
18 your -- in the exhibit there's calculations
19 from three haulers; is that correct?

20 MR. BRENNER: That's correct.

21 MR. SIMETI: And --

22 MR. BRENNER: We attached actual bills
23 that the landfill charged.

24 MR. SIMETI: For purpose of the
25 methodology -- based methodology being

1 Proceedings

2 proposed by the -- your client is to utilize
3 these three collection samples for the basis
4 for a computation for an increase; is that
5 correct?

6 MR. BRENNER: That is correct.

7 MR. SIMETI: Okay. And so just so the
8 record is clear, I see in a letter that's
9 also appended to this Exhibit F reflects a
10 proposed increase of \$4.60 for the calendar
11 year 2024; is that correct?

12 MR. BRENNER: That is correct.

13 MR. SIMETI: How was that \$4.60, how was
14 that calculated?

15 MR. BRENNER: That goes back to the
16 original calculations that we put together
17 in that these were the agreements that were
18 reached in the other communities. Stony
19 Point and Clarkstown were actually higher
20 and they came to the conclusion that the
21 4.60 came from, as you can see these numbers
22 all came in even higher than 4.60, but this
23 client is -- Orangetown has always been the
24 lowest of the three Towns and they've given
25 the best service. You know we have backyard

1 Proceedings

2 service here and I think Stony Point does,
3 Clarkstown does not, but our haulers in
4 Orangetown have always been the lowest in
5 the County for this.

6 MR. BECKMANN: So based on this, 4.60
7 was based on the comparable rates in the
8 County and support would show here the
9 numbers actually for 4.45 and 5.39.

10 MR. BRENNER: That's correct.

11 MR. BECKMANN: Talking about a \$23
12 increase with tonnage fee divided by
13 whatever the tonnage is average is here in
14 this document.

15 MR. BRENNER: That is correct.

16 MR. HUBER: Chris Huber has a question.
17 What are these receipts supposed to be
18 proving to me or us? They're saying that,
19 you know, you had quantity 1.21 tons and \$76
20 and it's 91, what is that showing me?

21 MR. BRENNER: If you look at the typical
22 calculation, once we got the amount of
23 weekly from the towns we then multiplied the
24 yearly, we divided it by the home service
25 and it gave us the yearly amounts per

1 Proceedings

2 household, we then converted it to tons. We
3 increased the dumping fee, it was \$23, the
4 additional tonnage times the \$23 came to the
5 annual number and that was divided by 12 and
6 that's where the last number came from. So
7 this particular one, the first one, 4.83
8 it's an average and we agreed -- we are
9 asking for the 4.61 which is what's the
10 going rate really within the County.

11 THE CHAIRMAN: All right.

12 MR. BECKMANN: Very good presentation.
13 Shows dollar for dollar that the increase
14 and the tipping fee how it's impacted the
15 rates and the comparable supported tonnage
16 from the examples.

17 THE CHAIRMAN: Right. Seems to -- seems
18 to be a fair sampling and verifies the
19 average. Well, we're only looking for
20 averages.

21 MR. BECKMANN: Verifies the average and
22 it's comparable charges elsewhere in the
23 County.

24 THE CHAIRMAN: Right. Do we have any
25 other further questions on it? Chris?

1 Proceedings

2 MR. HUBER: No.

3 THE CHAIRMAN: Tom any?

4 MR. SIMETI: \$4.60 for example for 2024
5 is for calendar year '24 and then you've
6 indicated an increase of 50 cents for '25
7 and '26?

8 MR. BRENNER: Which is part of the
9 agreement that the Town makes.

10 MR. BECKMANN: I will make a motion
11 based on the information provided,
12 presentation by Counsel, the actual data
13 that was submitted by the carters, along
14 with the comparable data in Rockland County
15 I, would move that our recommendation to the
16 Town Board would be an increase of \$4.60 for
17 calendar year '24, an additional 50 cents
18 for calendar year '25 and an additional 50
19 cents for calendar year '26.

20 THE CHAIRMAN: All right. We have a
21 motion by Mr. Beckmann, may we have a
22 second?

23 MR. SIMETI: I would second, yes.

24 THE CHAIRMAN: Motion, second, all those
25 in favor?

1 Proceedings

2 (Response of aye was given.)

3 THE CHAIRMAN: Motion passes. So we'll
4 make a recommendation to the Town Board that
5 having reviewed the statistics that have
6 been presented to us by our residential
7 garbage haulers and their representatives
8 and also in comparing those rates to those
9 of our adjacent or other Towns in the
10 County, we feel that this is a fair and
11 reasonable request and we'll recommend the
12 increase to the Town Board.

13 MR. BRENNER: That's it.

14 THE CHAIRMAN: Do we have anything else?

15 MR. PAKOLA: Not that I know of.

16 MR. SIMETI: Motion to close the public
17 hearing.

18 THE CHAIRMAN: We have a motion to
19 adjourn, all those favor?

20 (Response of aye was given.)

21 (Time noted 5:51 p.m.)

22

23 ****

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4 THE FOREGOING IS CERTIFIED to be
5 a true and correct transcription of the
6 original stenographic minutes to the best
7 of my ability.

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9
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11 Melissa Pezzullo

12 Melissa Pezzullo
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Donald Brenner, P.E., LL.B.

*Attorney-At-Law • Professional Engineer
4 Independence Avenue, Tappan, New York 10983*

Phone 845-359-2210

Fax 845-359-8070

December 18, 2023

Via Email: supervisor@orangetown.com and Hand Delivery

Supervisor Teresa M. Kenny
Town of Orangetown
26 West Orangeburg Road
Orangeburg, New York 10962

Re: Information -
Residential Garbage Haulers Rate Increase
Town of Orangetown
23-1394-9

Dear Supervisor Kenny:

At the Town Board meeting of Tuesday, December 12, 2023 you requested that the haulers provide the Town Board additional data to support their request for a rate increase (see Addendum A - your Email of December 13, 2023).

Rockland Green provided the following:

(1) <u>Year 2023</u>	<u>Net Tons</u>
<u>Hauler</u>	<u>11 Months</u>
Kenneth Hiep, Inc.	4,578.88
Robert Hiep, Inc.	3,466.10
Donato Marrangi, Inc.	2,083.56
Cottage Carting, Inc.	670.34
Decluca Sanitation Corp.	1,383.12
<u>Year 2022</u>	<u>Full Year</u>
Kenneth Hiep, Inc.	4,917.23
Robert Hiep, Inc.	3,982.06
Donato Marrangi, Inc.	2,963.82
Decluca Sanitation Corp.	1,656.81

Supervisor Teresa M. Kenny
Re: Residential Garbage Haulers

December 18, 2023
Page 2 of 2

- (2) The total number of residential account (units) in Orangetown from the carters is 9,064.

Note: South Nyack is not included in the count.

- (3) The total annual tipping fees paid to Rockland Green for the Orangetown haulers:

Year 2022	-	\$1,027,513.90
Year 2023 (11 months)	-	\$ 925,832.00

- (4) Total 2022 tonnage from residential garbage picked up by the haulers is 13,519.92 tons.
Total tonnage (11 months only) picked up by the haulers is 12,182 tons.

- (5) The Stony Point contract is enclosed (Addendum B).

- (6) The Clarkstown residential contract is enclosed (Addendum C).

- (7) The carters could not obtain that information from the Town of Haverstraw.

- (8) The carters could not obtain that information from the Town of Ramapo.


Note: Both Haverstraw and Ramapo have multiple Villages and each village has its own charges.

- (9) The Towns do not negotiate commercial waste charges.

- (10) In Orangetown the haulers provide a 10% discount for senior users and there are presently 1,081 seniors using this discount.

If you require additional information I and the haulers will be present Monday night.

Very truly yours,


Donald Brenner

DB/hi
cc: Town Board
Residential Haulers

Addendum A

Town of Orangetown

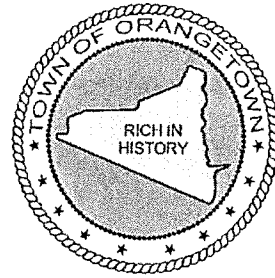
Town Hall • 26 West Orangeburg Road • Orangeburg, NY 10962

Telephone: (845) 359-5100 ext. 2293

Fax: (845) 359-2623

e-mail: supervisor@orangetown.com

website: www.orangetown.com



Teresa M. Kenny
Town Supervisor

December 13, 2023

Via Email and Facsimile

Donald Brenner, Esq.
4 Independence Avenue
Tappan, NY 10983

Re: Information for Garbage Hauler Rate Increase

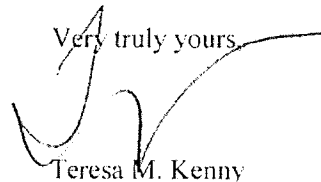
Dear Mr. Brenner:

In furtherance of the requested rate increase presented at the Town Board meeting last night, I request the following documentation as it pertains to residential garbage pickup:

- 1) The total number of residential accounts (units) in Orangetown from all of the carters providing service in Orangetown;
- 2) The total annual tipping fees paid to Rockland Green from all Orangetown residential garbage in 2022 and 2023;
- 3) Total 2022 tonnage from all residential garbage dropped from Orangetown households;
- 4) Do Clarkstown and Stony Point have curbside pickup or at the house?
- 5) Do the carters have a written contract with Clarkstown or Stony Point? If so, please provide a copy.
- 6) Why is the residential charge for garbage pick-up in Haverstraw so much less than Clarkstown, Stony Point and Orangetown (\$26.75 starting 2024)?
- 7) What is the current charge per residential unit in Ramapo and has a rate been set for 2024?
- 8) Do any of the Towns regulate commercial pick up fees and, if so, how?
- 9) What is the senior citizen discount and how many accounts do you have with the discount?

Please provide this information as soon as possible so that we can move forward with the special Town Board meeting Monday. My understanding is that some of this was asked for at the hearing before the Sanitation Commission but never provided.

Very truly yours,



Teresa M. Kenny

cc: Town Board

Addendum B

AGREEMENT

THIS AGREEMENT, made this 2nd day of March, 2022, by and between the TOWN OF STONY POINT, Rockland County, New York (hereinafter referred to as the Town), a municipal corporation, organized and existing under the laws of the State of New York, having its principal place of business at 74 East Main Street, Stony Point, New York; VIGNOLA SANITATION CORPORATION, having its principal place of business at P.O. Box 611, Stony Point, New York 10980; and CARLO MINUTO CARTING COMPANY, INC., having its principal place of business at P.O. Box 234, 20 West Snake Hill Road, West Nyack New York 10994 (hereinafter collectively referred to as the "Carters").

WITNESSETH:

WHEREAS, the Town of Stony Point and the Carters licensed under an existing agreement to provide residential sanitation services to the residents of the Town of Stony Point continue to work together in an effort to provide quality sanitation services to the residents of the Town at reasonable rates; and

WHEREAS, the Town and the Carters previously entered into an Agreement dated March 1, 2010 providing for certain terms and conditions concerning residential carting services within the Town; and

WHEREAS, the Town and the Carters previously entered into a subsequent Agreement dated March 1, 2019 providing for certain terms and conditions concerning residential carting services within the Town; and

WHEREAS, said proposal is in the best interest of the Town and the residential carters licensed to provide said residential sanitation services to the residents of the Town;

NOW, THEREFORE, the Town and the Carters for the consideration hereinbefore named agree as follows:

ARTICLE I: Term and Work Included.

1. Commencing March 1, 2022 and continuing through February 29, 2028, and any renewal period thereafter, the present licensed carters named in this agreement shall have the right, subject to compliance with all legal requirements, to continue to provide curbside residential sanitation service for a single-family residence located in the Town of Stony Point. The monthly rates for this service shall be as follows:

- A. Effective March 1, 2022, will be Thirty-two and 35/100 (\$32.35) Dollars per single-family residence.
- B. Effective March 1, 2023, will be Thirty-two and 85/100 (\$32.85) Dollars per single-family residence.

- C. Effective **March 1, 2024**, will be Thirty-three and 35/100 (\$33.35) Dollars per single-family residence.
- D. Effective **March 1, 2025**, will be Thirty-three and 85/100 (\$33.85) Dollars per single-family residence.
- E. Effective **March 1, 2026**, will be Thirty-four and 35/100 (\$34.35) Dollars per single-family residence.
- F. Effective **March 1, 2027**, will be Thirty-four and 85/100 (\$34.85) Dollars per single-family residence.

2. On or after December 15, 2027, the Carters and the Town shall in good faith consider whether to enter into a new agreement under such terms and conditions mutually agreeable to both parties.

3. In addition to the monthly rate provided in paragraph 1, each Carter shall be entitled to add \$1.00 per month to the previously quoted monthly rate for every full \$5.00 increase from the present \$76.00 per ton tipping fee charged at the County controlled transfer station where the residential waste is deposited. Such \$1.00 increase will be the only increase permitted during the term of this agreement for any increase in the cost for dumping or "tipping fees" However, should the Town require the carters to dispose of said garbage and bulk items at a facility located outside of the North Rockland area, i.e.; Town and/or Village of Haverstraw, Stony Point, then the carters are entitled to an additional \$1.00 increase in the monthly rate for residential sanitation service disposal costs.

4. The Carters also agree that upon written request of any resident owner of a single-family residence serviced by said Carters and upon proof of senior citizenship status that said senior citizen resident shall be entitled to receive a \$1.00 discount per month from the amount so billed.

5. The Carters agree that they will provide each and every residential customer at least one day per month allocated to bulk item pick-up day.

* Definition of bulk items: discardable household items of a durable nature, such as home furnishings, i.e. sofas, chairs, storm/screen windows and doors, floor coverings, carpeting and padding, tightly rolled, bundled and tied; small quantities of the following material. Not more than two (2) bundles, no longer than five (5) feet or heavier than fifty (50) pounds each, or containers with a combined weight of no more than one hundred (100) pounds will be collected.

The following materials are not included in the monthly bulk program but are the responsibility of the "do it yourself" homeowner, or agreement made between the homeowner and his professional home improvement/trade contractor, or residential carter: Furnaces and boilers; Building materials from renovation – decks, porches, sheds and fences, materials from clearing land – tree stumps, grass clippings, soil, rocks, concrete and asphalt; Paint or other hazardous waste type products collected by the County of Rockland at the Fire Training site.

ARTICLE II: No Collusion or Fraud.

The Carters hereby agree that the only person or persons interested as principal or principals in the bid or Proposal submitted by the Carters for this Agreement are named herein, and that no other person other than those mentioned herein has any interest in the above named proposal or in the securing of the permit or agreement, and this Agreement has been secured without connection with any person or persons other than those named, and that the proposal is in all respects fair and was prepared, and this Agreement secured without collusion or fraud and that neither any official nor employee of the Town has or shall have a financial interest in the performance of this Agreement or in the supplies, work, or business to which it relates, or in any portion of the profits thereof.

ARTICLE III: Right to Suspend Work and Cancel Agreement.

1. It is further mutually agreed that if any time during the execution of the work, the Town Board shall determine that the work pursuant to this Agreement is not being performed according to this Agreement and/or the permit requirements, the Town may suspend or stop the Carters' work pursuant to this Agreement.

2. Whenever the Town determines to suspend or stop work under this Agreement, written notice shall be sent by certified mail to the Carters at its provided address, and the Carters shall be entitled to a Hearing before the Town Board on whether or not this Agreement has been violated. Any violation of this Agreement shall be established by a preponderance of evidence.

ARTICLE IV: Insurance.

1. The Carters shall procure and maintain at their own expense and without expense to the Town, liability insurance for damages imposed by law, of the kinds and in the amount as follows: \$1,000,000 per person for bodily injury, \$1,000,000 each accident (aggregate), and \$500,000 for each property claim, \$2,000,000 each accident (aggregate). The Carters shall also obtain at its sole expense, the statutory limits for Worker's Compensation, said insurance to be procured from the insurance companies authorized to do such business in the State of New York, covering all operations under this Agreement, whether performed by the Carters or by any subcontractor and shall maintain such insurance in force for the duration of this Agreement. All insurance policies required under this Agreement shall include in addition to the Carters' name, the following named additional insured parties: The Town of Stony Point.

2. Before commencing the work pursuant to this Agreement, the Carters shall furnish to the Town Clerk, a certificate or certificates of insurance, in a form satisfactory to the Town showing compliance with this Article. All insurance shall be issued by companies authorized to do business in the State of New York who have certificates of solvency, and shall have a thirty (30) day non-cancelable clause. In the event of the cancellation, said policy shall be replaced by an equivalent insurance prior to the cancellation date.

ARTICLE V: Compliance With Laws.

1. The Carters shall comply with all the provisions of the Laws of the State of New York and of the United States of America which affect municipalities and municipal contracts and more particularly the Labor Law, the General Municipal Law, the Worker's Compensation Law, the Lien Law, the Personal Property Law, State Unemployment Insurance Law, Federal Social Security Law, Department of Labor Occupational Safety and Health Act, Executive Orders, State, Local and Municipal Health Laws, rules and regulations and any and all regulations promulgated by the State of New York and/or amendments and additions thereto insofar as the same shall be applicable to any contract awarded hereunder, with the same force and effect as if set forth at length herein.

2. The Carters shall file for and obtain all required permits and obtain inspections as specified herein, and as required by law, including a Town residential carter permit. All permits and fees shall be paid for by the Carters. In the event of a conflict between this agreement and the permit requirements, the permit requirements shall control. However, to the extent there are any requirements or provisions in this Agreement that are in addition to the permit requirements, such additional provisions or requirements shall not be deemed a conflict.

ARTICLE VI: Assignments.

This Agreement may not be assigned by the Carters without the express written permission of the Town.

ARTICLE VII: Successors.

This agreement shall bind the successors and representatives of the parties hereto.

ARTICLE VIII: Defense of Actions or Suits.

Neither the Town nor any of its officers or agents shall in any manner be answerable or responsible for any loss or damage that shall or may happen by reason of this Agreement, nor shall it be in any manner answerable or responsible for any injury done, for damages or compensation required to be paid under any present or future law, to any person or persons whomever, whether employees of the Carters or otherwise, or for damages to any person or property, whether belonging to the Town or to others, occurring or to others, occurring during, or resulting by reason of this Agreement. Against all such injuries, damages and compensation, the Carters shall and will properly guard. The Carters shall also at all times indemnify and save harmless the Town and its Employees, against all such injuries, damages and compensation arising or resulting from the performance of this Agreement. The Carters shall carry liability insurance in the sums required under this Agreement for the complete duration of this Agreement.

ARTICLE IX: Verbal Statements Not Binding.

It is understood and agreed that the written terms and provisions of this Agreement shall supersede all prior verbal statements of the Town or other representatives of the Town, and such

statements shall not be effective or be construed as entering, forming part of, or otherwise altering the written agreement in any manner.

ARTICLE X: No Waiver of Rights.

Any remedy provided in this Agreement shall be taken and construed as in addition to each and every other remedy herein provided; and in addition to all other suits, actions or legal proceedings, the Town shall be entitled as of right to a writ of injunction against any breach of any of the provisions of this Agreement.

ARTICLE XI: Notice Procedures.

1. Any notice from one party to the other, under this Agreement, shall be in writing and shall be dated and signed by the party giving such notice, or by a duly authorized representative of such party.

2. All inquiries between parties of this Agreement pertaining to details, progress and coordination of the work shall be considered binding only when in writing and directed from the Carters through the Town Clerk or from the Town, when directed to the Carters designated representative.

ARTICLE XII: Governing Law

This Agreement shall be governed by the Laws of New York, without regard to choice of law provisions and the venue of any action or proceeding shall be deemed to be Rockland County, New York.

ARTICLE XIII: Successors and Assignees.

This Agreement shall be binding upon and shall be for the benefit of the parties, subsidiaries, affiliates, heirs, successors, legal representatives and assigns of each of the parties hereto, to the fullest extent permitted by law, except that where any purported assignment is made without the express written consent of the Town, the provisions of this agreement shall not apply to such unauthorized assignee.

ARTICLE XIV: Severability and Interpretation.

In the event that any Court or tribunal declares any provision of this Agreement as unenforceable, contrary to law or otherwise denies effect to any provision of this Agreement, it is the express intention of the parties that all other aspects of this Agreement remain in full force and effect in all other respects.

ARTICLE XV: Effective Date.

This Agreement is effective upon execution by all parties.

ARTICLE XVI: Counterparts.

This Agreement has been prepared for execution by each of the parties which may be executed in any number of counterparts, all of which, when taken together, shall constitute a single agreement. Electronic, PDF or facsimile signatures shall be deemed to be original signatures of the signing party if presented to the other party as a signed document.

ARTICLE XVII. Entire Agreement.

This Agreement constitutes the entire agreement among the parties, and nothing more nor less than the contents of this Agreement is intended by the parties. Nothing in this Agreement may be changed unless accomplished by a written agreement signed by both parties.

IN WITNESS WHEREOF, the Town of Stony Point caused its seal to be affixed hereunto, and these presents to be signed by its Supervisor, and to be attested by its Town Clerk, both duly authorized so to do; and the Carters have hereunto caused its corporate seal to be affixed hereunto and these presents to be signed and to be attested to as both being duly authorized to so do the day and year first above mentioned.

TOWN OF STONY POINT

VIGNOLA SANITATION CORP.

By: 

James Monaghan, Town Supervisor

By: 

Vincent Vignola President

Print Name and Title

ATTEST:

By: 

Town Clerk

SEAL

CARLO MINUTO CARTING
COMPANY, INC.

By: 

MARCO Minuto CEO

Print Name and Title

Addendum C



**Awarding Bid #13-2023 -- Residential Refuse and Bulk Collection for Services
for One, Two and Three Family Homes in the Unincorporated Portion of the
Town of Clarkstown**

RESOLVED, that based upon the recommendation of the Authorized Purchasing Agent and the Director of the Department of Engineering and Facilities Management that

**BID # 13-2023 - RESIDENTIAL REFUSE AND BULK COLLECTION SERVICES FOR
ONE, TWO AND THREE FAMILY HOMES IN THE UNINCORPORATED
PORTION OF THE TOWN OF CLARKSTOWN**

is hereby awarded to: CLARKSTOWN CARTING ASSOCIATION, INC.
P.O. BOX 220
WEST NYACK, NY 10994
PRINCIPAL: ROBERT HIEP, PRESIDENT

as per their proposed low bid prices as follows for the duration of the contract from January 1, 2024 through December 31, 2028

Garbage Collection (unit price per eligible dwelling unit per month):

JANUARY 1, 2024 THROUGH DECEMBER 31, 2024 \$32.50

JANUARY 1, 2025 THROUGH DECEMBER 31, 2025 \$33.64

JANUARY 1, 2026 THROUGH DECEMBER 31, 2026 \$34.82

JANUARY 1, 2027 THROUGH DECEMBER 31, 2027 \$36.04

JANUARY 1, 2028 THROUGH DECEMBER 31, 2028 \$37.00

Bulk Waste Collection (unit price per eligible dwelling unit per month):

JANUARY 1, 2024 THROUGH DECEMBER 31, 2024 \$5.58

JANUARY 1, 2025 THROUGH DECEMBER 31, 2025 \$5.78

JANUARY 1, 2026 THROUGH DECEMBER 31, 2026 \$6.98

JANUARY 1, 2027 THROUGH DECEMBER 31, 2027 \$7.18

JANUARY 1, 2028 THROUGH DECEMBER 31, 2028 \$7.43

Senior Citizen Exemption (unit price per eligible dwelling unit per month - Garbage): \$10.00

Senior Citizen Exemption (unit price per eligible dwelling unit per month - Bulk Waste): \$10.00

and be it

FURTHER RESOLVED, that said award is subject to the receipt by the Purchasing Department of the following:

- a) Signed Contract Documents - four sets
- b) Letter of Credit as per specifications
- c) Certificate of Contractor's Liability and Property Damage Coverage, including a Save Harmless Agreement
- d) Certificate of Automobile Liability Coverage
- e) Certificate of Worker's Compensation insurance coverage
- f) Certificate of Worker's Disability Insurance coverage

The Town of Clarkstown must be named as additional insured by way of policy endorsement on all liability policies, as they pertain to the project awarded and be it

FURTHER RESOLVED, that project shall be under the supervision of the Department of Engineering and Facilities Management.

DATED: July 18, 2023

CJ

STATE OF NEW YORK
ROCKLAND COUNTY SS:
TOWN OF CLARKSTOWN

I, JUSTIN SWEET, Town Clerk of the Town of Clarkstown, County of Rockland, hereby certify that I have compared the foregoing copy with the original recording on file in said office, and find the same to be a true and correct transcript there from and the whole of such original.

IN TESTIMONY WHEREOF I have hereunto subscribed my name and affixed the seal of the Town of Clarkstown, this 24rd day of JULY 2023.

A handwritten signature in black ink, appearing to read "Justin Sweet", is written over a faint circular embossed seal. The signature is fluid and cursive.

JUSTIN SWEET
Town Clerk