

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



May 20, 2021

7:00 PM

RESOLUTIONS:

1. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH D&B ENGINEERS AND ARCHITECTS FOR PROFESSIONAL ENGINEERING SERVICES FOR THE REPLACEMENT OF THE TRANSFER STATION TIPPING FLOOR, AUTHORITY PROJECT NO. SW01-21.
2. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH OMNI RECYCLING OF WESTBURY INC. FOR THE OPERATION AND MAINTENANCE OF THE NORTH HEMPSTEAD TRANSFER STATION, PORT WASHINGTON.
3. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH LOCKWOOD, KESSLER & BARTLETT INC. FOR TRANSFER STATION DRAINAGE AND SITE IMPROVEMENTS, AUTHORITY PROJECT NO. SW03-20.
4. A RESOLUTION RATIFYING THE ACTIONS OF THE NORTH HEMPSTEAD SOLID WASTE MANAGEMENT AUTHORITY IN CONNECTION WITH THE JAMAICA ASH AND RUBBISH REMOVAL CO. WESTBURY TRANSFER STATION FIRE.
5. A RESOLUTION AMENDING THE AUTHORITY'S PROCUREMENT POLICY WITH REGARD TO APPRENTICESHIP TRAINING REQUIREMENTS.

PROPOSED RESOLUTION

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

RESOLUTION NO. s016 -2021

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH D&B ENGINEERS AND ARCHITECTS FOR PROFESSIONAL ENGINEERING SERVICES FOR THE REPLACEMENT OF THE TRANSFER STATION TIPPING FLOOR, AUTHORITY PROJECT NO. SW01-21.

WHEREAS, the Town of North Hempstead Solid Waste Management Authority (the “Authority”) requires engineering services related to the replacement or rehabilitation of the transfer station tipping floor, Authority Project No. SW01-21 (the “Services”); and

WHEREAS, the Executive Director of the Authority (the “Executive Director”) has issued a Request for Proposals (the “RFP”) for the Services, in accordance with the Authority’s Procurement Policy

WHEREAS, having considered and scored the proposals received in response to the Request for Proposals, the Executive Director has recommended that this Board award a contract for the Services described in the RFP to D&B Engineers and Architects, P.C., 330 Crossways Park Drive, Woodbury, New York 11797 in consideration of an amount not to exceed Ninety Nine Thousand Nine Hundred Fifteen and 00/100 Dollars (\$99,915.00) (the “Agreement”); and

WHEREAS, this Board wishes to authorize the Agreement.

NOW, THEREFORE, BE IT

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

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

RESOLVED that the Office of the Town Attorney, as counsel to the Authority, be and hereby is authorized and directed to negotiate and supervise the execution of the Agreement; and be it further

RESOLVED that the Treasurer or Assistant Treasurer be and hereby is authorized and directed to pay the reduced costs associated with the Agreement upon receipt of a duly executed Agreement and certified claims therefor.

Dated: Manhasset, New York

May 20, 2020

The vote on the foregoing resolution was recorded as recorded as follows:

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

Nays: None

cc: Town Attorney SWMA Purchasing

PROPOSED RESOLUTION

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

RESOLUTION NO. s017-2021

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

WHEREAS, the Town, on behalf of the Town of North Hempstead Solid Waste Management Authority (the “Authority”) has previously entered into, and amended, an agreement (the “Agreement”) with OMNI Recycling of Westbury, Inc., 7 Portland Avenue, Westbury, New York 11590 (“OMNI”) for operation of the North Hempstead Transfer Station, located at 999 West Shore Road, Port Washington, New York (the “Transfer Station”) and for the transportation and disposal of solid waste and recyclables; and

WHEREAS, the renewal of the Authority’s permit to operate the Transfer Station, issued in January 2021 by the New York State Department of Environmental Conservation (“DEC”), requires that the Transfer Station implement a drum-mounted odor misting system in the grass clippings storage area at the former incinerator building on the Transfer Station site; and

WHEREAS, the Authority will provide the misters, but requires OMNI to provide the misting solution and operate the misters; and

WHEREAS, the Executive Director of the Authority (the “Executive Director”) has recommended that the Town amend the Agreement to provide for OMNI to supply misting solution drums for the odor misting system for an amount not to exceed One Thousand Four Hundred Thirty Three and 83/100 Dollars (\$1,433.83) per fifty-five (55) gallon drum of misting solution (the “Amendment”); and

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

NOW, THEREFORE, BE IT

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

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

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

RESOLVED that the Treasurer or Assistant Treasurer be and hereby is authorized and directed to pay the costs thereof upon receipt of a duly executed Agreement and certified claims therefor.

Dated: Manhasset, New York

May 20, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney Treasurer Executive Director

PROPOSED RESOLUTION

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

RESOLUTION NO. s018-2021

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH LOCKWOOD, KESSLER & BARTLETT INC. FOR TRANSFER STATION DRAINAGE AND SITE IMPROVEMENTS, AUTHORITY PROJECT NO. SW03-20.

WHEREAS, pursuant to Resolution No. s06-2021, duly adopted on February 24, 2021, the Town of North Hempstead Solid Waste Management Authority (the “Authority”) entered into an agreement with Lockwood, Kessler & Bartlett, Inc., One Aerial Way, Syosset, New York 11791 (the “Contractor”), to provide professional engineering services related to drainage and site improvements at the North Hempstead Transfer Station in consideration of an amount not to exceed One Hundred Seventy-One Thousand Nine Hundred Ninety-Five and 06/100 Dollars (\$171,995.06) (the “Original Agreement”); and

WHEREAS, the Executive Director of the Authority (the “Executive Director”) has recommended that the Authority amend the Original Agreement to increase the scope of the agreement to include the investigation of the source of an underground water leak in the vicinity of the current Transfer Station building and former baler/shredder building, thereby increasing the contract amount by Twenty-One Thousand Seven Hundred Fifty and 00/100 Dollars (\$21,750.00) (the “Amendment”); and

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

NOW, THEREFORE, BE IT

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

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

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

RESOLVED that the Treasurer or Assistant Treasurer be and hereby is authorized and directed to pay the costs associated with the Amendment upon receipt of a duly executed Amendment and certified claims therefor.

Dated: Manhasset, New York

May 20, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Counsel to the Authority Assistant Treasurer

PROPOSED RESOLUTION

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

RESOLUTION NO. s019-2021

A RESOLUTION RATIFYING THE ACTIONS OF THE NORTH HEMPSTEAD SOLID WASTE MANAGEMENT AUTHORITY IN CONNECTION WITH THE JAMAICA ASH AND RUBBISH REMOVAL CO. WESTBURY TRANSFER STATION FIRE.

WHEREAS, Jamaica Ash & Rubbish Removal Co. (“Jamaica Ash”) suffered a fire at its Westbury Transfer Station on May 5, 2021, resulting in severe damage to the facility; and

WHEREAS, in order to assist in alleviating the emergency condition caused by the Westbury Transfer Station fire, avoid an interruption of waste collection services in the County and generate additional revenue for the Town of North Hempstead Solid Waste Management Authority (the “Authority”) the Authority waived its “No Medallion” surcharge (the “Surcharge”) for twenty days beginning May 6, 2021 and ending May 26, 2021 for trucks operated by Jamaica Ash that bring waste from outside the Town to the North Hempstead Transfer Station; and

WHEREAS, the Executive Director of the Authority has requested that this Board ratify the Authority’s waiver of the Surcharge; and

WHEREAS, this Board finds it to be in the best interest of the Town to ratify the Authority’s waiver of the Surcharge.

NOW, THEREFORE, BE IT

RESOLVED that the Authority’s waiver of the Surcharge be and hereby is ratified.

Dated: Manhasset, New York

May 20, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney

PROPOSED RESOLUTION

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

RESOLUTION NO. s020-2021

A RESOLUTION AMENDING THE AUTHORITY'S PROCUREMENT POLICY WITH REGARD TO APPRENTICESHIP TRAINING REQUIREMENTS.

WHEREAS, the Town of North Hempstead Solid Waste Management Authority (the "Authority") has previously adopted a Procurement Policy; and

WHEREAS, the Board of the Authority finds that apprenticeship training programs provide workers with skills required to assure the safe construction and improvement of facilities; and

WHEREAS, the Board finds that it is in the best interest of the Authority to amend the Procurement Policy in order to require that, with respect to construction contracts in excess of \$500,000, contractors and subcontractors shall have in place apprenticeship training agreements appropriate for the type and scope of work to be performed which have been registered with and approved by the New York State Commissioner of Labor in accordance with Article 23 of the New York Labor Law as evidenced by valid Certificates of Completion evidencing that apprentices have graduated from such programs.

NOW, THEREFORE, BE IT

RESOLVED, that the procurement policy of the Town of North Hempstead Solid Waste Management Authority shall be amended to include the following section:

APPRENTICESHIP TRAINING PROGRAMS

1. Definitions.

As used in this section, the following terms shall have the meanings indicated:

Authority

The Town of North Hempstead Solid Waste Management Authority.

Certificate of Completion

A certificate issued by the DOL, which recognizes an individual's successful completion of a state-approved and state-registered apprenticeship program in any trade and job title necessary for the performance of the construction contract. The certificate shall evidence that the successful completion occurred within the program time period.

Construction Contract

Any contract for the construction, reconstruction, improvement, rehabilitation, alteration, renovation, or demolition of any building, facility or physical structure of any kind to which the Town of North Hempstead Solid Waste Management Authority is a signatory with a value in excess of \$500,000.

Contractor or Subcontractor

A contractor or subcontractor who employs labor under a construction contract.

DOL

The New York State Department of Labor.

Program Time Period

The period of time equal to 24 months plus the apprenticeship program's length as established by the DOL for the specific trade referenced in the certificate of completion, measured retroactively from the date of the bid opening for the construction contract. For purposes of this definition, the program time period for the trade of laborer shall be 24 months.

Sponsor

Any organization or entity operating an apprenticeship program registered with the DOL and in whose name the program is registered.

2. Apprenticeship requirements.

A. Every contractor or subcontractor who is a party to, or working under, a construction contract with the Authority shall be a participant in good standing in a qualified apprenticeship program that is registered with and approved by the DOL and shall have in place apprenticeship agreements that specifically identify or pertain to the trade(s) and/or job title(s) called for within the construction contract.

B. Prior to entering into a construction contract with the Authority, each contractor must submit certificates of completion to the Authority. If a contractor is a signatory to a sponsor, the contractor must submit to the Authority a letter from the sponsor verifying its signatory status.

C. It shall be the contractor's responsibility to submit the required certificates of completion as part of any bid submitted in connection with a construction contract.

D. If a contractor uses a subcontractor on a construction contract, the contractor shall submit certificates of completion for the subcontractor. The contractor must submit the subcontractor's or the subcontractor's sponsor's certificates of completion to the Authority prior to a subcontractor beginning work under the contract. If a subcontractor is a signatory to a sponsor, the contractor must submit to the Authority a letter from the sponsor verifying the signatory status.

3. Rules and regulations.

The Authority's Executive Director is hereby authorized, empowered and directed, if necessary, to promulgate such rules and regulations necessary and appropriate for the implementation and enforcement of any provisions of this section.

4. Exemptions.

This section shall not apply:

- A. Where a specific trade has not been included among the list of trades maintained by the New York State Commissioner of Labor available for such apprenticeship agreements at the time of opening bids for the project; or
- B. To any contracts utilizing federal, state, county or other funding assistance to the extent such funding assistance precludes application of this section; or
- C. To emergency procurements pursuant to General Municipal Law § 103; or
- D. To any subcontractor upon receipt of proof in the form of a sworn written statement by the contractor that such subcontractor is entitled to receive less than \$100,000 under the construction contract.

5. Applicability.

This section shall apply to construction contracts advertised for bids on or after May 21, 2021.

; and be it further

RESOLVED, that the remainder of the Procurement Policy not amended by this resolution shall remain in full force and effect; and be it further

RESOLVED, that this resolution shall become effective immediately upon its adoption.

Dated: Manhasset, New York

May 20, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Counsel to the Authority Assistant Treasurer