

1. Chairman Phillips called to order the Rockland Green Board meeting for Thursday July 28, 2022, at 5:00 p.m.

2. Pledge of Allegiance led by Commissioner Jobson

3. Roll call by clerk. There is a quorum.

Present

Chairman Phillips
Commissioner Hoehmann
Commissioner Hofstein via phone
Commissioner Hood
Commissioner Jobson
Commissioner Kenny
Commissioner Kohut
Commissioner Lynn via phone

Present

Commissioner Monaghan
Commissioner Moroney
Commissioner Paul
Commissioner Powers
Commissioner Soskin
Commissioner Specht
Commissioner Wieder

Absent

Commissioner McGowan
Commissioner Yeger

Staff

Jerry Damiani, Izzy Eisenbach, Guy Festa, Jeremy Goldstein, Suzanne Haggerty, Dee Louis, Ron Ludwig, Ken Murphy

Others

Stephanie Kosmos, Dave Weitzman, Teno West

4. Introduced by: Kohut/Moroney

Unan.

July 28, 2022

**RESOLUTION NO. 67 OF 2022
ADOPTION OF MINUTES, MEETING OF
JUNE 22, 2022**

RESOLVED, that the transcribed Minutes of Rockland Green are approved for the meeting June 22, 2022 as recorded by the Clerk and are hereby adopted.

5. Introduced by: Hoehmann/Specht

Unan.

July 28, 2022

**RESOLUTION NO. 68 OF 2022
AUTHORIZING APPROVAL OF CHANGE ORDERS TO
CONTRACT FOR FACILITY IMPROVEMENTS –
GENERAL CONSTRUCTION AT THE MATERIALS RECOVERY FACILITY**

WHEREAS, by Resolution No. 56 of 2021, the Board of the Rockland County Solid Waste Management Authority d/b/a Rockland Green (hereinafter “Rockland Green”) authorized award of the contract for Facility Improvements – General Construction at the Materials Recovery Facility (“MRF”) to Butler Construction Group, Inc. (the “Contractor”) dated as of October 13, 2021 (the “Contract”); and

WHEREAS, on December 7, 2021, Rockland Green approved certain modifications to the Contract in the form of Change Orders 1, 2 and 3 pursuant to Resolution No. 79 of 2021; and

WHEREAS, on January 27, 2022, Rockland Green approved certain modifications to the Contract in the form of Change Orders 4, 6, 7, 9, 10, 12 and 14 pursuant to Resolution No. 14 of 2022; and

WHEREAS, on February 24, 2022, Rockland Green approved certain modifications to the Contract in the form of Change Orders 16 and 17 pursuant to Resolution No. 27 of 2022; and

WHEREAS, on March 24, 2022, Rockland Green approved certain modifications to the Contract in the form of Change Orders 18 and 19 pursuant to Resolution No. 31 of 2022; and

WHEREAS, on April 28, 2022, Rockland Green approved certain modifications to the Contract in the form of Change Orders 20 and 22 pursuant to Resolution Nos. 39 and 48 of 2022, respectively; and

WHEREAS, on May 26, 2022, Rockland Green approved certain modifications to the Contract in the form of Change Orders 31, 11 and 13 pursuant to Resolution No. 50 of 2022; and

WHEREAS, on June 22, 2022, Rockland Green approved certain modifications to the Contract in the form of Changer Order 33 pursuant to Resolution No. 57 of 2022; and

WHEREAS, certain modifications to the masonry on the east side of the building are required due to Orange & Rockland’s eight (8) foot clearance requirement for the installation of the gas meter and revisions to masonry on west side of the building are necessary due to final compressor air intake design, and the Contractor has agreed to perform such work for an amount equal to \$16,963.70, to be designated as Change Order 39; and

WHEREAS, Rockland Green's Engineer, RRT Engineering, LLC, has reviewed this change order, a copy of which is attached hereto, and agrees with the change order for the modification to the work for the values stated therein; now therefore be it

RESOLVED, that Rockland Green hereby approves Change Order 39 for an increase in the Contract Price in an amount equal to \$16,963.70; and be it further

RESOLVED, that the approval of Change Order 39 shall result in an overall increase in the Contract Price by \$16,963.70 for a total amended Contract Price of \$7,935,923.08 for the Contract.

Phillips: Our first resolution is authorizing approval of change order for facility improvements general construction at the Materials Recovery Facility. Executive Director, do you want to give a brief explanation of what we are doing here?

Damiani: Yes. This change order is regarding Contract #2 for \$16,963.70 for a masonry change. Orange & Rockland requires an eight-foot clearance next to the gas meters as well as structural clearance requirements. The structural drawings were in conflict with the architectural drawings.

6. Introduced by: Wieder/Hood

Unan.

July 28, 2022

**RESOLUTION NO. 69 OF 2022
AUTHORIZING APPROVAL OF CHANGE ORDERS TO THE CONTRACT FOR
FACILITY IMPROVEMENTS –
PLUMBING AT THE MATERIALS RECOVERY FACILITY
IN HILLBURN, NEW YORK**

WHEREAS, by Resolution No. 66 of 2021, the Board of the Rockland County Solid Waste Management Authority d/b/a Rockland Green (hereinafter "Rockland Green") authorized award of the Contract for Facility Improvements – Plumbing at the Materials Recovery Facility in Hillburn, New York between Rockland Green and Joe Lombardo Plumbing and Heating of Rockland, Inc. (the "Contractor") dated as of October 18, 2021 (the "Contract"); and

WHEREAS, on March 24, 2022, Rockland Green approved certain modifications to the Contract in the form of Change Orders 1 and 3 pursuant to Resolution No. 32 of 2022; and

WHEREAS, on April 28, 2022, Rockland Green approved certain modifications to the Contract in the form of Change Orders 2R1, 4R1, 5, and 8 pursuant to Resolution No. 41 of 2022; and

WHEREAS, on June 22, 2022, Rockland Green approved certain modifications to the Contract in the form of Change Order 9 pursuant to Resolution No. 59 of 2022; and

WHEREAS, existing vent piping located in the dedicated electrical space must be moved pursuant to the requirements of the NEC, and the Contractor has agreed to perform such work for an amount equal to \$2,823.03, to be designated as Change Order 10; and

WHEREAS, existing floor drains were replaced to allow for new adjustable floor drains to allow epoxy floor to be pitched to the drain, and the Contractor has agreed to perform such work for an amount equal to \$4,351.92, to be designated as Change Order 11; and

WHEREAS, Rockland Green's Engineer, RRT Engineering, LLC, has reviewed these change orders, copies of which are attached hereto, and agrees with the Change Orders for modifications to the work for the values stated therein; now therefore be it

RESOLVED, that Rockland Green hereby approves Change Order 10 for an increase in the Contract Price in an amount equal to \$2,823.03; and be it further

RESOLVED, that Rockland Green hereby approves Change Order 11 for an increase in the Contract Price in an amount equal to \$4,351.92; and be it further

RESOLVED, that the approval of Change Orders 10 and 11 shall result in an overall increase the Contract Price by \$7,174.95 for a total amended Contract Price of \$406,356.39 for the Contract.

Phillips: Authorizing approval of change order for facility improvement for plumbing at the Materials Recover Facility. Brief explanation.

Damiani: Two change orders in the amount of \$7,174.95. One change order is regarding the relocation of the existing vent line in the electrical room. The other change order reflects our options to select epoxy flooring in lieu of tile flooring in the bathroom. We had to adjust the existing drains because they were not a part of the procurement process.

7. Introduced by: Monaghan/ Paul

Unan.

July 28, 2022

**RESOLUTION NO. 70 OF 2022
AUTHORIZING APPROVAL OF CHANGE ORDERS TO
THE CONTRACT FOR FACILITY IMPROVEMENTS –
ELECTRICAL AT THE MATERIALS RECOVERY FACILITY
IN HILLBURN, NEW YORK**

WHEREAS, by Resolution No. 67 of 2021, the Board of the Rockland County Solid Waste Management Authority d/b/a Rockland Green (hereinafter “Rockland Green”) authorized award of the Contract for Facility Improvements – Electrical at the Materials Recovery Facility in Hillburn, New York between Rockland Green and Fanshawe, Inc. d/b/a Rockland Electric (the “Contractor”) dated as of October 18, 2021 (the “Contract”); and

WHEREAS, on February 24, 2022, Rockland Green approved certain modifications to the Contract in the form of Change Orders EC-02 and EC-03 pursuant to Resolution No. 23 of 2022; and

WHEREAS, on April 28, 2022, Rockland Green approved a certain modification to the Contract in the form of Change Order 5R1 pursuant to Resolution No. 42 of 2022; and

WHEREAS, on May 26, 2022, Rockland Green approved certain modifications to the Contract in the form of Change Orders EC-09 and EC-06 pursuant to Resolution No. 51 of 2022 and Change Order EC-10 pursuant to Resolution No. 55 of 2022; and

WHEREAS, on June 22, 2022, Rockland Green approved certain modifications to the Contract in the form of Change Orders 11 and 7 pursuant to Resolution No. 60 of 2022; and

WHEREAS, a new power drop for the glass system is required due to updates to the glass system design by Van Dyk Baler Corp., and the Contractor has agreed to perform such work for an amount equal to \$40,227.92, to be designated as Change Order EC-04; and

WHEREAS, Rockland Green’s Engineer, RRT Engineering, LLC, has reviewed this change order, a copy of which is attached hereto, and agrees with the Change Order for the modification to the work for the values stated therein; now therefore be it

RESOLVED, that Rockland Green hereby approves Change Order EC-04 for an increase in the Contract Price in an amount equal to \$40,227.92; and be it further

RESOLVED, that the approval of Change Order EC-04 shall result in an overall increase of the Contract Price by \$40,227.92 for a total amended Contract Price of \$1,414,021.36.

Phillips: Authorizing approval of change order to facility improvements for the electrical at the Materials Recovery Facility. Once again, Executive Director would you like to give us a brief summary of this resolution.

Damiani: This change order is \$40,227.92 regarding the new advanced glass clean-up system as well as VDRS omitted the electrical load for the dust collection system. We will go back to Van Dyke to recover our cost for a portion of this change order.

8. Introduced by: Jobson/Specht

Unan.

July 28, 2022

**RESOLUTION NO. 71 OF 2022
AUTHORIZING APPROVAL OF CHANGE ORDERS TO
THE CONTRACT FOR FACILITY IMPROVEMENTS –
FIRE PROTECTION SYSTEM AT THE MATERIALS RECOVERY FACILITY
IN HILLBURN, NEW YORK**

WHEREAS, by Resolution No. 68 of 2021, the Board of the Rockland County Solid Waste Management Authority d/b/a Rockland Green (hereinafter “Rockland Green”) authorized award of the Contract for Facility Improvements – Fire Protection System at the Materials Recovery Facility in Hillburn, New York between Rockland Green and W&M Sprinkler NYC, LLC d/b/a W&M Fire Protection Services (the “Contractor”) dated as of October 18, 2021 (the “Contract”); and

WHEREAS, on February 24, 2022, Rockland Green approved certain modifications to the Contract in the form of Change Orders FA-01 and FP-7 pursuant to Resolution No. 24 of 2022; and

WHEREAS, on March 24, 2022, Rockland Green approved certain modifications to the Contract in the form of Change Orders FP-1A, FP-1B, FP-1C, FP-5, FP-6, FP-8, 2 and FP-9 pursuant to Resolution No. 33 of 2022; and

WHEREAS, on April 28, 2022, Rockland Green approved a modification to the Contract in the form of Change Order 10 pursuant to Resolution No. 43 of 2022; and

WHEREAS, on May 26, 2022, Rockland Green approved a modification to the Contract in the form of Change Order FP-11 pursuant to Resolution No. 52 of 2022; and

WHEREAS, on June 22, 2022, Rockland Green approved a modification to the Contract in the form of Change Order FA-02 pursuant to Resolution No. 61 of 2022; and

WHEREAS, the relocation of a fire alarm strobe related to the new storefront window in the second floor conference room is required, and the removal of pull stations due to the elimination of exterior doorways is required (to be credited against the costs of relocation of the fire alarm strobe), and

the Contractor has agreed to perform such work for an amount equal to \$759.60, to be designated as Change Order FA-03; and

WHEREAS, Rockland Green's Engineer, RRT Engineering, LLC, has reviewed this change order, a copy of which is attached hereto, and agrees with the Change Order for modification to the work for the pricing stated therein; now therefore be it

RESOLVED, that Rockland Green hereby approves Change Order FA-03 for an increase in the Contract Price in an amount equal to \$759.60; and be it further

RESOLVED, that the approval of Change Order FA-03 shall result in an overall increase in the Contract Price in an amount equal to \$759.60 for a total amended Contract Price of \$999,677.93.

Phillips: Authorizing approval of change orders to the facility improvements fire protection system at the Materials Recovery Facility. Once again, a brief explanation.

Damiani: A change order in the amount of \$759.60 for the relocation of a pull station and the installation of a strobe.

9. Introduced By: Soskin/Kenny

Unan.

July 28, 2022

RESOLUTION NO. 72 of 2022

ACCEPTING PROPOSAL, AND AUTHORIZING NEGOTIATION AND AWARD OF THE SERVICE AGREEMENT FOR THE OPERATION AND MAINTENANCE OF THE MATERIALS RECOVERY FACILITY

WHEREAS, the Rockland County Solid Waste Management Authority d/b/a Rockland Green (hereinafter "Rockland Green") is a Public Benefit Corporation, duly organized and existing under the Rockland County Solid Waste Management Authority Act, as set forth under Title 13-M of the Public Authorities Law of the State of New York; and

WHEREAS, Rockland Green owns a Materials Recovery Facility located at 420 Torne Valley Road, Hillburn, New York for the purpose of processing and marketing recyclable materials delivered to such facility; and

WHEREAS, in 2019, Rockland Green undertook the implementation of such major modifications and upgrades to the Materials Recovery Facility, which are now nearing completion; and

WHEREAS, on October 15, 2021, Rockland Green issued a Request for Proposals for the Operation and Maintenance of the Materials Recovery Facility in Hillburn, New York (RFP No. 2021-17) (the "RFP"); and

WHEREAS, Rockland Green issued Addenda to the RFP on November 12, November 17, and December 17 of 2021, and January 5, February 16, February 28, March 18, April 7, April 15, April 29, and May 4 of 2022; and

WHEREAS, on or before May 11, 2022, proposals were received from the following two firms: (i) Casella Recycling, LLC (“Casella”), and (ii) Sims Municipal Recycling of New York LLC (“SMR”); and

WHEREAS, Rockland Green’s evaluation team evaluated the proposals and sought additional clarifying information from each proposer and conducted interviews with each proposer; and

WHEREAS, Rockland Green’s evaluation committee evaluated the proposals, including the information obtained during the clarification process, and taking into consideration the eight (8) comparative evaluation criteria set forth in the RFP, determined that SMR provided the most advantageous proposal for the operation and maintenance of the Materials Recovery Facility; now therefore be it

RESOLVED, that the proposal of SMR for the prices submitted during the procurement process is hereby accepted; and be it further

RESOLVED, that Rockland Green hereby authorizes the Executive Director of Rockland Green to negotiate with SMR and, if negotiations prove successful, execute the Materials Recovery Facility Service Agreement, as further negotiated, subject to the review and approval by the General Counsel; and be it further

RESOLVED, that the Materials Recovery Facility Service Agreement shall be on the terms and conditions as substantially as presented at this meeting and in the evaluation report, with such amendments, modifications, changes and omissions thereto as the Executive Director of Rockland Green may negotiate and approve as in the best interests of Rockland Green and not inconsistent with the terms of this resolution, and the executed Materials Recovery Facility Service Agreement shall constitute conclusive evidence of the valid authorization hereunder of any such amendment, modification, change or omission, and be it further

RESOLVED, that the Executive Director of Rockland Green is hereby authorized to take such actions necessary to effectuate this transaction, including those actions related to the mobilization of the Operator, such mobilization actions subject to the further approval of the Chairman; and be it further

RESOLVED, that Rockland Green, in its sole discretion, has the right to discontinue negotiations with SMR at any time prior to the execution of the Materials Recovery Facility Service Agreement as such agreement shall not be binding and valid until executed by the parties, and in such event may commence negotiations with the next proposer.

Phillips: Accepting proposal and authorizing negotiations and award of the service agreement of the operation and maintenance of the Materials Recovery Facility. Executive Director would you give us a summary.

Damiani: For your consideration, this evening please find the Evaluation Committee's findings regarding Rockland Green's Request for Proposal for operations and maintenance for the Materials Recovery Facility. A little background on the procurement timeline, the request for expressions of interest was issued on August 3, 2020 seeking input from companies experienced in MRF operations. What we were looking for was an understanding of the industry regarding terms, financial models, revenue sharing, performance guarantees the security for performance. Information obtained through the RFEI was later analyzed and incorporated into the RFP 2021-17. The RFP was issued on October 15, 2021 with a mandatory preproposal meeting which took place on October 29, 2021. A total of seven companies attended. However, only two companies elected to submit a proposal by the submission date of May 11, 2022 Casella Recycling LLC (Casella) and Sims Municipal Recycling (SMR). For your convenience we have not only provided a full evaluation report in your packets, but also an executive summary which highlights the comparative evaluation criteria findings of both Casella and SMR. The comparative evaluation criteria include the following: qualifications and relevant experience, technical proposal, project organization, references, financial capacity, risk posture, service agreement and most importantly pricing. The evaluation committee recognizes both proposers were qualified, however, Sims Municipal Recycling (SMR) provided an overall lower cost and approach to operating provided greater value to Rockland Green which should be selected for further negotiations.

Phillips: Very good. There were two proposers?

Damiani: Yes, two companies that submitted proposals.

Phillips: How many companies were interested?

Damiani: There were seven companies that attended the preproposal conference, but we only received two proposals.

Phillips: With the two proposals you were very satisfied with both of them it's just you felt this was the superior of the two?

Damiani: Sims Municipal Recycling addressed it with a better operational approach providing more staff 32 versus 24 with more mechanics at a lower price. We are investing over \$17 million in a dual stream processing system. They included in their pricing four mechanics as well as two operators to accept the materials delivered to each one of the receiving bays. So overall, their operational approach far exceeded that of Casella's.

Phillips: Both contractors have a great deal of experience but one with more employees submitted a lower bid and felt the reasoning for that was?

Damiani: They are required to follow prevailing wage, but Sims took a position that they truly felt that the new facility warranted 32 employees.

Phillips: When we looked at the two there was a possibility that one had more overhead with additional management. Not to say with this plant their overall company. Does anyone have any questions on this?

Moroney: How much was the difference in cost between the two?

Damiani: \$240,610.

10. Introduced: Jobson/Hood

Unan.

June 22, 2022

RESOLUTION No. 73 OF 2022

CANCELATION OF AUGUST 25, 2022 MEETING

WHEREAS, the Chairman may elect to cancel or reschedule any single regular monthly meeting for lack of any business to be transacted or anticipated lack of a quorum, therefore be it

RESOLVED, that the regular monthly meeting, originally scheduled for August 25, 2022 shall be canceled.

Phillips: Is there any new business?

Damiani: I want to let the Commissioners know that Rockland Green will be receiving a FEMA grant in the amount of \$335,309 for your efforts through the public assistance due to tropical storm Isaias. Rockland Green stepped up to the plate and partnered with the emergency services within Rockland County with credit to the West Nyack Facility as the facility that would accept the storm related debris and FEMA rewarded us. We are also going after an additional \$16,765.47 for staff's time. We are completing the public assistance request. I would like to thank Janet Burnet, Jeremy Goldstein and Noreen Gelok for all their support in the public assistance request.

Through our indirect contract with Paint Care and Clean Harbors we received significant savings for May and June in the amount of \$17,000 where we no longer incur the cost for paint disposal. We are saving on the car count which is in excess of \$35 and we are also saving on the per gallon cost which is 0.43¢ a gallon.

As you are aware, we awarded a partial roof replacement for our Cocomposting Facility. We awarded it to VAD Construction out of Brooklyn. They could not meet our insurance requirements, so we went after their proposal bond and Ken Murphy did an excellent job recovering \$5,700.

Phillips: So tonight, our revenues exceeded our change orders.

Introduced by: Kohut/Powers

Unan.

July 28, 2022

RESOLUTION NO. 74 OF 2022**AUTHORIZING APPROVAL OF CHANGE ORDERS TO
THE CONTRACT FOR FACILITY IMPROVEMENTS –
FIRE PROTECTION SYSTEM AT THE MATERIALS RECOVERY FACILITY
IN HILLBURN, NEW YORK**

WHEREAS, by Resolution No. 68 of 2021, the Board of the Rockland County Solid Waste Management Authority d/b/a Rockland Green (hereinafter “Rockland Green”) authorized award of the Contract for Facility Improvements – Fire Protection System at the Materials Recovery Facility in Hillburn, New York between Rockland Green and W&M Sprinkler NYC, LLC d/b/a W&M Fire Protection Services (the “Contractor”) dated as of October 18, 2021 (the “Contract”); and

WHEREAS, on February 24, 2022, Rockland Green approved certain modifications to the Contract in the form of Change Orders FA-01 and FP-7 pursuant to Resolution No. 24 of 2022; and

WHEREAS, on March 24, 2022, Rockland Green approved certain modifications to the Contract in the form of Change Orders FP-1A, FP-1B, FP-1C, FP-5, FP-6, FP-8, 2 and FP-9 pursuant to Resolution No. 33 of 2022; and

WHEREAS, on April 28, 2022, Rockland Green approved a modification to the Contract in the form of Change Order 10 pursuant to Resolution No. 43 of 2022; and

WHEREAS, on May 26, 2022, Rockland Green approved a modification to the Contract in the form of Change Order FP-11 pursuant to Resolution No. 52 of 2022; and

WHEREAS, on June 22, 2022, Rockland Green approved a modification to the Contract in the form of Change Order FA-02 pursuant to Resolution No. 61 of 2022; and

WHEREAS, on July 28, 2022, Rockland Green approved a modification to the Contract in the form of Change Order FA-03; and

WHEREAS, (A) the replacement and relocation of the 6-inch line out of the electrical room and the removal and reinstallation of the 4-inch west system main for the electricians is required, (B) the removal and reinstallation of the 21-foot section of leaking sprinkler main and a 5-foot section of riser piping is required, and (C) the replacement of the east side 6-inch sprinkler main from Area 3 into Area 2 has been requested by Rockland Green, and the Contractor has agreed to perform such work for an amount equal to \$60,951.01, to be designated as Change Order FP-12; and

WHEREAS, Rockland Green's Engineer, RRT Engineering, LLC, has reviewed this change order, a copy of which is attached hereto, and agrees with the Change Order for modification to the work for the pricing stated therein; now therefore be it

RESOLVED, that Rockland Green hereby approves Change Order FP-12 for an increase in the Contract Price in an amount equal to \$60,951.01; and be it further

RESOLVED, that the approval of Change Order FP-12 shall result in an overall increase in the Contract Price in an amount equal to \$60,951.01 for a total amended Contract Price of \$1,060,628.94.

Damiani: There is a change order that came in late this evening. This is regarding Contract #2 in the amount of \$60,950.50. We have to replace some existing 6" main lines for the existing fire suppression system that we tried not to incorporate into the original procurement for cost savings. We started replacing those lines in the end of 2016 but there are a few sections that have to be replaced.

Phillips: Is there any public comment? Any comments from the Commissioners? Since there are no comments from the public or the Commissioners do we have a motion to adjourn?

Hoehmann: Moved

Specht: Seconded

The meeting was adjourned at 5:20 p.m.

Respectfully submitted,
Suzanne Haggerty