

1. Chairman Phillips called to order the Rockland Green Board meeting for Tuesday May 23, 2023, at 5:11 p.m.

2. Pledge of Allegiance led by Commissioner Hood

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

Present

Chairman Phillips
Commissioner Foley
Commissioner Hoehmann
Commissioner Hofstein
Commissioner Hood
Commissioner Kohut

Present

Commissioner Lynn via phone
Commissioner Moroney
Commissioner Powers
Commissioner Soskin
Commissioner Specht
Commissioner Yeger

Absent

Commissioner Jobson
Commissioner Kenny
Commissioner Monaghan
Commissioner Paul
Commissioner Wieder

Staff

Jeremy Apotheker, Jerry Damiani, Lawrence Garvey, Noreen Gelok, Jeremy Goldstein, Suzanne Haggerty, Ken Murphy

Others

Stephanie Kosmos, Teno West

4. Introduced by: Hoehmann/Specht

Unan.

May 23, 2023

RESOLUTION No. 33 OF 2023
ADOPTION OF MINUTES, MEETING OF
MARCH 23, 2023

RESOLVED, that the transcribed Minutes of the Rockland Green are approved for the meeting March 23, 2023, as recorded by the Clerk and are hereby adopted.

5. Annual Stormwater Meeting

Phillips: Motion to adopt the Annual Stormwater MS4 Report

Kohut: Moved

Moroney: Seconded

Damiani: Rockland Green’s annual MS4 municipal separate storm sewer system for reporting period March 10, 2022 through March 9, 2023. Rockland Green’s stormwater management plan includes best management practices and techniques to properly manage stormwater discharge from our facilities and meet regulatory requirements of New York State DEC State’s Pollution Discharge Elimination System, SPDES, and the EPA’s Clean Water Act. Water bodies in which our stormwater discharges into as follows: The Hillburn Facility Torne Brook which flows into the Ramapo River; the Haverstraw Facility Cedar Pond Brook flows into the Hudson River; Clarkstown Facility an unnamed tributary flows into the Hackensack River; French Farms Facility minor tributaries of Lake DeForest system that ultimately discharges into the Hudson River. In conformance with the State’s SPDES requirements and in alignment with our Stormwater Management Plan, Rockland Green is required to implement six minimum control measures. MCM 1. Public Education and Outreach, which includes websites, social media, public service announcements, school programs and public events. MCM 2. Public Involvement/Participation such as the Household Hazardous Waste collection days supporting local cleanup events such as Keep Rockland Beautiful. MCM 3. Illicit Discharge Detection and Elimination our annual dry weather inspections of all of our facilities. MCM 4. Construction Site Stormwater Runoff Controls reducing tracking of material enhance sweeping engineer runoff control such as installation of silt fence, erosion control blankets on steep slopes to reduce runoff. MCM 5. Post-Construction Stormwater Management shows all facilities stormwater features are in good working order. That includes inventory of our 21 catch basins, 3 detention basins and 4 oil/water grit interceptors. MCM 6. Pollution Prevention and Good Housekeeping Practices visual inspections conducted regularly scheduled sweeping activities of all sites. For this reporting period, our facilities were swept over 60 times. Rockland Green and our partners are committed to improving water quality and reducing stormwater pollution to the maximized extent practical.

6. Introduced by: Powers/Yeger

Unan.

May 23, 2023

**RESOLUTION NO 34 OF 2023
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 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 Change Order 33 pursuant to Resolution No. 57 of 2022; and

WHEREAS, on July 28, 2022, Rockland Green approved certain modifications to the Contract in the form of Change Order 39 pursuant to Resolution No. 68 of 2022; and

WHEREAS, on September 29, 2022, Rockland Green approved certain modifications to the Contract in the form of Change Orders 44, 45, 46, and 43 pursuant to Resolution No. 76 of 2022; and

WHEREAS, on October 27, 2022, Rockland Green approved certain modifications to the Contract in the form of Change Order 55 pursuant to Resolution No. 88 of 2022; and

WHEREAS, on November 17, 2022, Rockland Green approved certain modifications to the Contract in the form of Change Orders 58, 60, 64 and 56 pursuant to Resolution No. 102 of 2022; and

WHEREAS, on December 20, 2022, Rockland Green approved certain modifications to the Contract in the form of Change Orders 50, 61, 65, 67, 72, 74, and 59, and Change Orders 57, 62, and 68 pursuant to Resolution Nos. 105 and 116 of 2022, respectively; and

WHEREAS, on January 26, 2023, Rockland Green approved certain modifications to the Contract in the form of Change Order 76 pursuant to Resolution No. 19 of 2023; and

WHEREAS, on February 23, 2023, Rockland Green approved certain modifications to the Contract in the form of Change Order 81 pursuant to Resolution No. 22 of 2023; and

WHEREAS, on March 23, 2023, Rockland Green approved certain modifications to the Contract in the form of Change Orders 88, 69, 78, 80 and 92 pursuant to Resolution No. 30 of 2023; and

WHEREAS, revised framing is required to align with the installed drum feeder location in Area 1, and the Contractor has agreed to such modification to the work for an increase in the Contract Price in the amount of \$3,680.91, to be designated as Change Order 98; and

WHEREAS, demolition of an existing soffit not included in the contract documents and the framing of enlarged conveyor opening 8 for the Dual Stream Recyclables Processing System are required, and the Contractor has agreed to such modifications to the work for an increase in the Contract Price in the amount of \$9,892.85, to be designated as Change Order Number 89; 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 the modification to the work for the values stated therein; now therefore be it

RESOLVED, that Rockland Green hereby approves Change Order 98 for an increase in the Contract Price in an amount equal to \$3,680.91; and be it further

RESOLVED, that Rockland Green hereby approves Change Order 89 for an increase in the Contract Price in an amount equal to \$9,892.85; and be it further

RESOLVED, that the approval of Change Orders 98 and 89 shall result in an overall increase in the Contract Price by an amount equal to \$13,573.76 for a total amended Contract Price of \$8,213,924.95.

Phillips: Mr. Executive Director, can you give us a synopsis of the change order?

Damiani: Contract #2 Butler Change Order 98 in the amount of \$3,680.91 relocation of Area 1 overhead door framing due to a conflict with a drum feeder. Change Order 89 in the amount of \$9,892.85 demo of an existing soffit which was not included in the contract documents for the installation of two doors along with the cutting reducing grit and providing of a box header at the new location.

7. Introduced by: Soskin/Specht

Unan.

May 23, 2023

**RESOLUTION NO. 35 OF 2023
AUTHORIZING APPROVAL OF CHANGE ORDER 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 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, on July 28, 2022, Rockland Green approved certain modifications to the Contract in the form of Change Orders 10 and 11 pursuant to Resolution No. 69 of 2022; and

WHEREAS, on December 20, 2022, Rockland Green approved certain modifications to the Contract in the form of Change Order 12 pursuant to Resolution No. 106 of 2022; and

WHEREAS, a due to water hammer issues, additional water arrestors and the replacement of the pressure reducing valve were required, and the Contractor has agreed to perform such work for an amount equal to \$4,081.00, to be designated as Change Order 13; 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 modifications to the work for the values stated therein; now therefore be it

RESOLVED, that Rockland Green hereby approves Change Order 13 for an increase in the Contract Price in an amount equal to \$4,081.00; and be it further

RESOLVED, that the approval of Change Order 13 shall result in an overall increase the Contract Price by \$4,081.00 for a total amended Contract Price of \$428,437.39 for the Contract.

Phillips: Mr. Executive Director, can you give us a synopsis of the change orders?

Damiani: Contract #4 Lombardo Change Order PC-13 in the amount of \$4,081.00 replacement of the facilities existing pressure reducer as well as the installation of three water hammer arrestors.

8. Introduced by: Hofstein/Specht

Unan.

May 23, 2023

**RESOLUTION NO. 36 OF 2023
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 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 modifications to the Contract in the form of Change Orders FA-03 and FP-12 pursuant to Resolution Nos. 72 and 74 of 2022; and

WHEREAS, on September 29, 2022, Rockland Green approved a modification to the Contract in the form of Change Order FP-13 pursuant to Resolution No. 78 of 2022; and

WHEREAS, on October 27, 2022, Rockland Green approved a modification to the Contract in the form of Change Order FP-14 pursuant to Resolution No. 89 of 2022; and

WHEREAS, on December 20, 2022, Rockland Green approved modifications to the Contract in the form of Change Orders FP-17, FP-18 and FP-19 pursuant to Resolution No. 108 of 2022; and

WHEREAS, on February 23, 2023, Rockland Green approved modifications to the Contract in the form of Change Orders FP-20, FP-21 and FP-22 pursuant to Resolution No. 24 of 2023; and

WHEREAS, on March 23, 2023, Rockland Green approved modifications to the Contract in the form of Change Order FP-23 pursuant to Resolution No. 32 of 2023; and

WHEREAS, after a conditions review of the Materials Recovery Facility, it was determined that due to visibility issues additional fire alarm devices are needed to provide visible and audible notifications, and the Contractor has agreed to perform such work for an amount equal to \$8,263.99, to be designated as Change Order FA-04; and

WHEREAS, the removal and reinstallation of sprinkler branch lines are required to allow for the rigging of VDRS's support beam installation, and the Contractor has agreed to perform such work for an amount equal to \$3,434.69, to be designated as Change Order FP-24; and

WHEREAS, the removal of the existing sprinkler head and the reinstallation of a new sprinkler head in the janitor's closet is required in connection with the installation of a ceiling in the janitor's closet, and the Contractor has agreed to perform such work for an amount equal to \$979.76, to be designated as Change Order FP-26; 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 the modifications to the work for the prices stated therein; now therefore be it

RESOLVED, that Rockland Green hereby approves Change Order FA-04 for an increase in the Contract Price in an amount equal to \$8,263.99; and be it further

RESOLVED, that Rockland Green hereby approves Change Order FP-24 for an increase in the Contract Price in an amount equal to \$3,434.69; and be it further

RESOLVED, that Rockland Green hereby approves Change Order FP-26 for an increase in the Contract Price in an amount equal to \$979.76; and be it further

RESOLVED, that the approval of Change Orders FA-04, FP- 24 and FP-26 shall result in an overall increase in the Contract Price in an amount equal to \$12,678.44, for a total amended Contract Price of \$1,134,032.30.

Phillips: Mr. Executive Director, brief synopsis of the fire protection change orders.

Damiani: Contract #6 W&M Fire Protection Services Change Order FA-04 in the amount of \$8,263.99 adding two additional horn strobes for better visibility on the sorting platforms and relocating the existing strobe. Change Order FP-24 in the amount of \$3,434.69 removal of the existing branch lines to allow for the installation of support beams for the residue conveyor. This will be a back charge to VDRS for failure to coordinate with the fire suppression contractor. Change Order FP-26 \$979.79 removal of existing upright sprinkler head and re-install new flexible pendant in the janitor's closet.

9. Introduced By: Foley/Hood

Unan.

May 23, 2023

RESOLUTION No. 37 of 2023

AUTHORIZING DISPOSAL OF SURPLUS EQUIPMENT

WHEREAS, in the course of its operations, Rockland Green accumulates unneeded, worn-out or obsolete equipment, computers, furniture, machinery, tools, parts and vehicles for which it has no need; and

WHEREAS, upon occasion, Rockland Green deems such property to be “Surplus Equipment;” and

WHEREAS, Rockland Green has recently determined that certain pieces of equipment identified on the attached “Schedule A” are Surplus Equipment; and

WHEREAS, Rockland Green has the discretion to dispose of Surplus Equipment by various methods, including sale, auction, competitive bidding, and private negotiation, as set forth in its Guidelines for Disposal of Rockland Green Real and Personal Property (“Property Disposal Guidelines”); and

WHEREAS, it may be desirable for Rockland Green to negotiate disposition of pieces of Surplus Equipment with municipalities that need such equipment in a manner that may benefit the taxpayers of Rockland County, provided that such disposition is consistent with the Property Disposal Guidelines; now therefore be it

RESOLVED, that the Executive Director or his staff are hereby authorized to dispose of the Surplus Equipment listed in the attached “Schedule A” in accordance with the Property Disposal Guidelines.

Phillips: Mr. Executive Director, we have a 2008 Eagle crusher to dispose of.

Damiani: Correct, Mr. Chairman. We recently installed our new mobile concrete and asphalt crushing plant at a cost of \$1.1 million. The original equipment was installed in 2008 and it is beyond its use for life expectancy.

New Business

Phillips: Mr. Executive Director, do we have any new business?

Damiani: Yes, Mr. Chairman. Under Contract #1 VDRS Change Order #3 in the amount of \$21,321.50. The cost includes reprogramming of the Andela cabinet to run a partial non-load test including temporary supports of the trommel feed to run the partial non-load test and installation of wall enclosures on both drum feeders for both the commingled and fiber drum feeders.

Introduced by: Moroney/Kohut

Unan.

May 23, 2023

**RESOLUTION NO. 38 OF 2023
AUTHORIZING APPROVAL OF CHANGE ORDER TO
THE DESIGN-BUILD AGREEMENT FOR THE DESIGN-BUILD OF A DUAL STREAM
RECYCLABLES PROCESSING SYSTEM AT THE MATERIALS RECOVERY FACILITY**

WHEREAS, by Resolution No. 21 of 2021, the Board of the Rockland County Solid Waste Management Authority d/b/a Rockland Green (hereinafter “Rockland Green”) authorized award of the Design-Build Agreement for the Design-Build of a Dual Stream Recyclables Processing System at the Materials Recovery Facility in Hillburn, New York between Rockland Green and Van Dyk Baler Corp. (the “Contractor”) dated as of May 28, 2021 (the “Contract”); and

WHEREAS, on January 27, 2022 Rockland Green approved a certain modification to the Contract in the form of Change Order 1 pursuant to Resolution No. 13 of 2022; and

WHEREAS, on March 24, 2022 Rockland Green approved a certain modification to the Contract in the form of Change Order 2 pursuant to Resolution No. 30 of 2022; and

WHEREAS, (i) additional programming for the Andela glass processing system (the “Andela System”) control cabinet is required to commence a partial start-up of the Andela System, and (ii) due to delayed delivery of the permanent supports to the trommel feed conveyor system end point, the installation of temporary supports is required to allow for partial start-up of the Andela System, and (iii) the installation of steel plate wall enclosures on the north and south sides of the container line drum feeder and on the north side of the fiber line drum feeder are required in order to prevent equipment damage and excessive housekeeping demands due to spillage, and the Contractor has agreed to undertake such additional work for an added cost of \$21,321.50, to be designated as Change Order No. 3; 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 No. 3 for an increase in the Fixed Design-Build Price in an amount equal to \$21,321.50; and be it further

RESOLVED, that the approval of Change Order 3 shall result in an overall increase of the Fixed Design-Build Price by \$21,321.50 for a total adjusted Fixed Design-Build Price of \$17,253,786.20.

Damiani: Contract #5 Rockland Electric Change Order 26 in the amount of \$43,912.18. This is for the installation of the control wire and conduit for 14 overhead doors. This was not included in Contract #2 Butler's contract. We went back and forth with Butler and Butler initiated a claim saying they are not responsible for the control wiring or the conduit for each of the 14 overhead doors. We went directly to the electrical contractor on site Rockland Electric and we received pricing in the amount of the change order. We also confirmed the pricing by bringing in a third party. The third party was approximately \$2,000 more than Rockland Electric. We will issue a counter claim back to Butler for Rockland Green to recover its' cost in the amount of the change order of \$43,912.18.

Introduced by: Hoehmann/Soskin

Unan.

May 23, 2023

**RESOLUTION NO. 39 OF 2023
AUTHORIZING APPROVAL OF CHANGE ORDER 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 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, on July 28, 2022, Rockland Green approved a certain modification to the Contract in the form of Change Order EC-04 pursuant to Resolution No. 70 of 2022; and

WHEREAS, on September 29, 2022, Rockland Green approved certain modifications to the Contract in the form of Change Orders EC-12 and EC-08 pursuant to Resolution No. 77 of 2022 and Change Order 14 pursuant to Resolution 82 of 2022; and

WHEREAS, on October 27, 2022, Rockland Green approved certain modifications to the Contract in the form of Change Orders 16 and 17 pursuant to Resolution No. 102 of 2022; and

WHEREAS, on December 20, 2022, Rockland Green approved certain modifications to the Contract in the form of Change Orders 18, 19 and 20 pursuant to Resolution No. 107 of 2022; and

WHEREAS, on January 26, 2023, Rockland Green approved certain modifications to the Contract in the form of Change Order 21 pursuant to Resolution No. 18 of 2023; and

WHEREAS, on February 23, 2023, Rockland Green approved certain modifications to the Contract in the form of Change Orders 22 and 23 pursuant to Resolution No. 23 of 2023; and

WHEREAS, on March 23, 2023, Rockland Green approved certain modifications to the Contract in the form of Change Orders 24 and 25 pursuant to Resolution No. 31 of 2023; and

WHEREAS, installation of the control devices and control wiring for the overhead doors in the processing area is required, and the Contractor has agreed to perform such work for an amount equal to \$43,912.18, to be designated as Change Order 26; 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 value stated therein; now therefore be it

RESOLVED, that Rockland Green hereby approves Change Order 26 for an increase in the Contract Price in an amount equal to \$43,912.18; and be it further

RESOLVED, that the approval of Change Order 26 shall result in an overall increase of the Contract Price by \$43,912.18 for a total amended Contract Price of \$1,611,633.95.

Yeger: Are these change orders and the prior ones we just voted on, are these all part of the same contract; or are they different contracts?

Phillips: Different contracts.

Yeger: All five are different projects?

Damiani: Different primes for one project the Materials Recovery Facility.

Yeger: We have to use five different contracts?

Damiani: Yes. Plumbing, electrical, etc.

Yeger: Just so everyone in the audience knows, New York State has a rule that every contract has to be bid on separately for the different parts. Instead of one bid price you get five little prices, and it just keeps going up a little bit at a time. Change orders are obviously necessary, but it is unfortunate that this is how we have to do business instead of having the one contract.

Damiani: The last resolution under new business authorizes the Authority to share the cost of legal services performed by Dichter Law LLC as part of a municipal consortium in support of reasonable water rates.

Phillips: This is where the five towns and the County of Rockland and Rockland Green are going in together to intervene in the Veolia rate case. Veolia is interested in raising the water rates and we have done this before both with the water and electric and gas rates where we have joined together for the people and businesses of Rockland County to try and reduce the amount that they are requesting. We have been extremely successful in the past in doing this. It is a great joint effort and it is a wonderful bipartisan effort.

Introduced By: Hofstein/Kohut

Unan.

May 23, 2023

RESOLUTION No. 40 OF 2023
AUTHORIZING THE AUTHORITY TO SHARE THE COST OF LEGAL SERVICES
PERFORMED BY DICHTER LAW LLC AS PART OF THE MUNICIPAL CONSORTIUM IN
SUPPORT OF REASONABLE WATER RATES

WHEREAS, Rockland Green considers it in its best interests to join the Municipal Consortium in Support of Reasonable Water Rates in connection with Veolia Water New York Rate Case, Docket No. 23-W-0111; and

WHEREAS, the Rockland County Town Supervisors received a proposal from Dichter Law LLC to represent and provide legal services to Rockland County as part of its share in connection with the case before the Public Service Commission; and

WHEREAS, the Municipal Consortium has requested Rockland Green's participation in the cost sharing for legal fees of Dichter Law LLC, to represent the Group in the pending case; and now, therefore be it

RESOLVED, that the Rockland Green Board hereby authorizes the Executive Director to enter into an agreement with Dichter Law LLC, in a form approved by General Counsel, to represent it as part of the Municipal Consortium; and be it further

RESOLVED, that Rockland Green's share for this legal work shall not exceed the amount of \$25,000.00.

Source of Funds: Contingency 6703-00

Phillips: Mr. Executive Director, is there any other new business?

Damiani: No.

Phillips: Do any of the Commissioners have any comments?

No Commissioner comments offered.

Comment from Public

Phillips: Is there anyone in the public that would like to bring any questions, suggestions or comments before the Board?

Nixie Gueits: Good evening, everybody. I would like to acknowledge the proactive efforts on the part of Rockland Green in such a short period of time. For those who are not aware, Rockland Green acted quickly regarding recommendation to contact other shelters and rescues with robust trap, neuter, vaccinate and release programs. Jeremy Apotheker met with some of these shelter's managers and got an earful about what has been going on in Rockland for the past few decades. Rockland Green then asked for the contact information for all the trap, neuter and vaccinate and return organizations in our area. I am pleased to report that every TNVR organization I spoke to is on board and ready to work with Rockland Green to address Rockland's out of control community cat population. I would like to thank Jerry Damiani and Jeremy Apotheker for visiting the TARA spay mobile clinic staff volunteers last month as well as speaking with Rockland County residents about the problems they face with this issue. I spoke with Jeremy briefly about how animal control officers are a vital part of the solution in other towns and counties that implement these successful programs. I want to thank you, Supervisor Hoehmann, for not changing your position of a full-time animal control officer to a part-time dog warden when Pat Coleman retired. It would have been a very easy thing to do at that time, but as a Clarkstown resident I very much appreciate it that we have a full-time animal control officer that responds to the desperate calls of the Clarkstown residents for all animals in distress not just stray dogs. It is my hope that the other towns follow your lead and begin to realize the importance of this critical position for responsible and humane animal management. In my 10 years as a former Hi-Tor Board member, and now a board member of Four Legs Good, no other agency has acted as quickly as Rockland Green to address this out-of-control population problem. We have a great culture here in Rockland regarding animals and trap, neuter, vaccinate and return. There always has been vying from the public and now finally there is buy-in from local Government. Full disclosure, I was very skeptical and critical regarding a government authority taking over animal management. I attended a Clarkstown Town meeting and spoke out against Rockland Green making this move last year. The actions taken thus far by Rockland Green have greatly changed my opinion. Rockland Green has moved forward quickly instead of the at the glacial pace that many animal advocates have witnessed Rockland County take over past few decades. Rockland Green immediately moved to address many issues long neglected by the County by the present shelter location. Rockland Green CARES should have its own Facebook page.

Phillips: We are working on that.

Nixie Gueits: I had no idea of some of the things that were happening at the present location until I went to the Rockland Green page and residents are not going to know the Rockland Green page. The unwanted animals of Rockland haven't gotten a fair shake for many years now. Thank you for acknowledging the existence of these animals and bringing them more than just hope and a lot of empty promises to the table. Last but not least I would like to thank Rockland Green for intervening on behalf of taxpaying animal advocates regarding the transfer of over 100 Hi-Tor cats over a six-week period. Especially the ones with FIV and feline leukemia to "sanctuaries". Thank you for not accepting a vague response as a final disposition to these animals. I want to end by emphasizing to all those involved in animal welfare that is decisive and a hands-on manner that Mr. Damiani and Mr. Apotheker have demonstrated thus far is exactly what we have been asking for and hoping for, for decades. Thank you.

Phillips: I do want to recognize our staff doing a great job and it has been very tedious because there has been a tremendous amount to do from our Executive Director, attorneys and our staff on site. I also want to compliment the five Town Supervisors because we have been trying to coordinate so that we are all on the same page for trap, neuter, vaccinate and return. Also, the Mayors, because some of the mayors have already engaged in this. It is something we have been saying for quite some time. There are certain things that do need government oversight and I think that you will find that Rockland Green is going to be accountable. We are moving ahead with our architect. We have a tremendous amount of work to do. We had difficulty acquiring information so that we could properly go out and plan how to convert this building into a shelter and we are still trying to get some exact numbers. We are on the right path and again, it has taken up a tremendous amount of our time. I think by having all the elected officials, Supervisors, Mayors and Legislators working for a common cause you are going to see results. Government does go at a slow pace, but we will get there. Just give us some time and we think the people of Rockland are going to be very proud and happy with what we come up with.

Eric Goldman: I am happy with what you guys are doing but I am still trying to understand where are you in relation to Hi-Tor having a shelter. Are you their supervisors, are you the overseers?

Phillips: We contracted with Hi-Tor to operate the shelter over the next two years.

Eric Goldman: What word would you use? Do you have decisions on hiring and firing or are you advising them?

Phillips: The way in which the contract is structured is that Hi-Tor is going to operate the shelter. There are things they are required to do per the contract with us. I would recommend you sit down with the Executive Director and our attorneys to go over what they must do. But in itself, Hi-Tor hires and fires its own staff and they themselves must be accountable to the State of New York with all the information that any shelter would have to provide to any State agency.

Eric Goldman: What is your role to you and them? Do you advise them? Do you control them?

Phillips: I think again, if you go back to the contract, there are things in there that they must provide to Rockland Green. We have an employee that we have assigned there to oversee things. The employee does not have authority over their employees that would be a conflict. But they are there to see what is

going on and they have to provide us with documentation of a lot of different things with the animals that is required under State law and required within the contract. The best thing to do, so you have every single thing Hi-Tor has to report to us, is to sit down with our Executive Director and one of our attorneys. I would like to see that done Jerry.

Eric Goldman: So, if you have something you want to get done there how do you do that?

Phillips: Give me a description.

Eric Goldman: You have someone onsite, and they report to you something that they are not happy about and they want to make a change. So how does that happen?

Phillips: Depending upon the contract. If it is our responsibility as a landlord or if it is their responsibility, we will address it in that manner. But again, without giving a specific example I cannot exactly tell you whose responsibility it would be. Do you have something specific you are concerned about?

Eric Goldman: No. I know this is kind of a quasi-governmental agency and you guys are in different parts of the government and Rockland Green itself, I get that. I am just trying to see what your relationship is there.

Phillips: For instance, every town hires paramedics to go out and service their community. There is a contract there for that. Now do we tell the paramedic company who to hire and who to fire or do we tell the paramedic company you have to do this amount of training, no. We just hire them because they are certified by the State of New York, and they have to then really respond to the State of New York with statistical data. Government does this a lot with private contractors, which is why I am saying to you please sit down and go over the contract. It spells it out.

Arlene Kahn: I administer the Rockland County Cat Parents page and I am a former administrator of the Town of Ramapo Community page. I also started the Rebuild Hi-Tor Animal Shelter with Don Franchino about eight years ago. For people who might be new here, or on-line, or writing an article I just want to lay out one thing. The new location. The problems with the new location are the following. The new location at 427 Beach Road in Haverstraw. There is a stench from the Joint Sewer which is right next door to the proposed shelter. The proposed shelter is next to a landfill with methane outgassing. It is in a designated flood plain. There is a truck distribution center planned across a narrow road from the uncapped landfill and it is going to be approximately 450,000 square feet and is going to operate 24/7. The traffic and pollution of both air and water will both contribute to unhealthy conditions for shelter employees, volunteers, doctors and of course the animals themselves. Lastly, there is no place that I see to walk the dogs and I will take you up on your offer to meet you there, maybe now that the weather is warmer. There is no decent place to walk the dogs which they desperately need. I think I have outlined enough of the reasons as to why this location is horrible and inappropriate when we have a beautiful present location in the Town of Ramapo where the shelter has flourished all these years. It was not subject to any abuse problems and the couple of things you said as to why we can't be there I had knocked that down with proof. You said it would cost approximately \$18 million to start over. About \$4 million to purchase, \$12-\$15 million to retrofit and then \$250,000 to lease the building for one year until you

purchase it which is projected to be January 2024. What I have heard from you is that going to this new pathetic location because it is cheaper and better for the taxpayers but that is not adding up. In addition, I have to say that you even said tonight that you are not even sure of the cost. If you don't even know the cost of the new shelter, how can you say it is going to be cheaper to do it there? These numbers don't add up so even if that is the reason to put it in a horrible location, which doesn't even add up.

Phillips: Thank you and I am going to wrap this up. I disagree with you. I think you should sit down with us. You left out that right across the street is a beautiful County Bay Park and right down the road is this gorgeous marina that is unequal on the East Coast. Right down the road is a canoe and kayak launch. Next to it, what was a landfill over 25 years ago, has been turned into a beautiful park. So naturally, I disagree with you about the wastewater treatment plant. The Commissioners and I have been out there, and we think it is an appropriate site. Come sit down with me. We don't have time to go over everything else. I do want to mention the cost and that is very important because when we went out for this, we were not given the numbers. If the County had gone ahead with a building that they were going to build for the shelter, from day one that building would have been under sized because they did not get the correct information of the number of cats, dogs and animals. We haven't gotten the cooperation that we should have gotten from the very beginning. I am venting to you, and I am venting because it was never given. It is like pulling teeth to get information in time.

Arlene Karger: From the County?

Phillips: I will lead you to understand who that is from, and it wasn't right. This Board requested it constantly from this organization and we weren't given it and this organization has said many other things that are not true. We are moving ahead, and we are going to build a beautiful shelter. This shelter is going to have plenty of room for dog runs and plenty of room for the animals. We want you on board. Please give me a call because there are a lot of things, I would like to discuss with you on that.

Marge Hook: I have volunteered at the Hi-Tor animal shelter for 20 years and as bad off as we were about certain things, it is nothing like what is going on now under this Board and its director. I am looking at an e-mail that was an answer to an e-mail that Nixie wrote "Hi Nixie, in reading your e-mail I see you requesting the names of the organization we transferred the cats to. This is not something we give you to the public. I understand that we now do get more tax-payer money for the contract, but we are still a private non-profit we are not required to provide this information." First of all, they are not a private non-profit. They are funded by tax-payer money. I want my money back that I had to pay in my last bill if this is what is going on. This woman has no idea of what she is talking about, and I really think that Rockland Green has to get a little bit tougher on their handling of what is going on up there. People are going up there to adopt or possibly just look to see if they want to adopt and they are being told and chased out of the place being told you can't come in here you have to make an appointment. That is b.s. this is a non-profit funded by the County and tax-payer dollars. It is not a private organization. I would like to know where the director spends most of his time because he supposedly was hired part-time and objected that he was full-time. He's getting \$75,000. What is he doing with his time? He is not there on the weekends. In the meantime, he is working for a real estate office in Westchester. How do you split up all of your time? Why is he not there on the weekends the busiest time during the month? It is very frustrating what is going on with these people at the shelter. If I were on this Board, I would go up there and put in people that would absolutely do the right thing. They are not open for adoptions unless you

make an appointment. Also, the TNVR, I think every Town and Rockland Green should take \$10,000 out of their budget and give it to the TNVR group who are doing a good job and thank God they are doing what they are doing. Also, the director of the shelter has the nerve to go on the radio and complain about the Clarkstown Police Department. The police did the right thing. They are not responsible. Who is responsible? The director is responsible. Why wasn't he called out about that? His availability should be 24/7 if he is getting \$75,000 a year to do whatever he is supposed to be doing. I blame it on this group for not being tougher on this bunch that is supposedly running this shelter. If it is part-time vs. full-time for the director, his salary should be reduced because as far as I know, the \$75,000 was based on full-time. He is not working full-time. Who is up there checking? We should put cameras up there in every office and every part of the shelter and make everybody sign in and out so that they can be tracked. If anybody is caught forging anyone's name or signature, they should automatically be fired. As I mentioned the last time I was here, a woman from the Great Pyrenees Rescue went up there to take the dog out of there and was told to get out of there. Who knows what happened to that dog. What about the bunnies they relocated to who knows where. There are no records being produced and that is the shame in all of you. The members of this Board are to blame for what is not being adhered to. Fire them and get rid of them. We have enough people who would go up there and work in place of these people who are doing nothing except sucking the blood out of the poor animals that are up there. Also, who opened the door and let all these cats out of their cages that are now running around the parking lot? They are trying to get back into the building and the director said I don't understand why these cats are trying to get back into the building. They are not feral cats. They were people's cats. It's outside starving to death trying to get back into the building.

Phillips: Thank you for your comments and I do suggest that you just put down in writing and give a copy to me and I will disperse all of your concerns that you just mentioned.

Phillips: Since there are no other public comments do we have a motion to adjourn? Thank you everyone for being here.

Kohut: Moved

Specht: Seconded

The meeting was adjourned at 5:49 p.m.

Respectfully submitted,
Suzanne Haggerty