

1. Chairman Phillips called to order the Rockland Green Board meeting for Thursday, April 28, 2022, at 5:11 p.m.

2. Pledge of Allegiance led by Commissioner Hoehmann

Phillips: Madam Clerk before I ask you to call the roll, on behalf of all the Commissioners we want to wish you a Happy Birthday, Suzanne.

Haggerty: Thank you.

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

Present

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

Present

Commissioner Monaghan
Commissioner Moroney
Commissioner Paul via phone
Commissioner Powers
Commissioner Soskin
Commissioner Specht
Commissioner Wieder
Commissioner Yeger via phone

Absent

Commissioner McGowan

Staff

Jerry Damiani, Noreen Gelok, Jeremy Goldstein, Suzanne Haggerty, Dee Louis, Ron Ludwig, Ken Murphy

Others

Steve Torres, Teno West

4. Introduced by: Soskin/Kohut

Unan.

April 28, 2022

**RESOLUTION No. 38 OF 2022
ADOPTION OF MINUTES, MEETING OF
MARCH 24, 2022**

RESOLVED, that the transcribed Minutes of Rockland Green are approved for the meeting March 24, 2022 as recorded by the Clerk and are hereby adopted.

5. Introduced by: Specht/Monaghan

Unan.

April 28, 2022

**RESOLUTION NO. 39 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, Rockland Green has requested that the Contractor remove the on-Site oil tank so that the Contractor is able to proceed with work in that area, and the Contractor has agreed to perform such work for an additional amount equal to \$10,127.60, to be designated as Change Order 20; 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, the additional scope of work, and pricing; now therefore be it

RESOLVED, that Rockland Green hereby approves Change Order 20 for an increase in the Contract Price in an amount equal to \$10,127.60; and be it further

RESOLVED, that the approval of Change Order 20 shall result in an overall increase of the Contract Price by \$10,127.60 for a total amended Contract Price of \$7,889,774.26 for the Contract.

Phillips: Mr. Executive Director can you give us a brief explanation.

Damiani: Yes, Mr. Chairman. This has to do with closing out an existing 2,000-gallon heating oil tank that was used to provide heat to the facility and the tank is no longer required.

6. **Introduced by: Hofstein/Powers**

Unan.

April 28, 2022

**RESOLUTION NO.40 OF 2022
AUTHORIZING APPROVAL OF CHANGE ORDERS TO
THE CONTRACT FOR FACILITY IMPROVEMENTS – MECHANICAL/HVAC AT THE
MATERIALS RECOVERY FACILITY IN HILLBURN, NEW YORK**

WHEREAS, by Resolution No. 65 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 – Mechanical/HVAC at the Materials Recovery Facility in Hillburn, New York between Rockland Green and Hauser Bros., Inc. (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 1, 2 and 3 pursuant to Resolution No. 22 of 2022; and

WHEREAS, Rockland Green and the Contractor have determined that support for the compressor room exhaust ductwork at the roof penetration point at the Materials Recovery Facility is needed, and the Contractor has agreed to perform such work for an additional amount equal to \$6,010.00, to be designated as Change Order 4; 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 4 for an increase in the Contract Price in an amount equal to \$6,010.00; and be it further

RESOLVED, that the approval of Change Order 4 shall result in an overall increase in the Contract Price by \$6,010.00 for a total amended Contract Price of \$1,021,991.00.

Phillips: Authorizing approval of change order to contract for facility improvements mechanical/HVAC at the MRF. Mr. Executive Director, can you give us a brief explanation.

Damiani: This change order reflects the mounting of an exhaust fan onto the deck.

7. **Introduced by: Weider/Moroney**

Unan.

April 28, 2022

**RESOLUTION NO. 41 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, the relocation of two toilets on the first floor of Area 3 is required to comply with the ADA, and the Contractor has agreed to perform such work for an amount equal to \$2,962.00, to be designated as Change Order 2R1; and

WHEREAS, the installation of a hot water recirculation system, which was not shown on the drawings, is needed to be consistent with energy code requirements, and the Contractor has agreed to perform such work for an amount equal to \$10,533.00, to be designated as Change Order 4R1; and

WHEREAS, the supply and installation of a different baler pump and control panel is required as a result of modifications to the baler collection system, and the Contractor has agreed to perform such work for an amount equal to \$1,934.45, to be designated as Change Order 5; and

WHEREAS, during demolition it was discovered that the existing toilet carrier face plates are showing signs of corrosion and must be replaced, and the Contractor has agreed to perform such work for an amount equal to \$5,391.00, to be designated as Change Order 8 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 2R1 for an increase in the Contract Price in an amount equal to \$2,962.00; and be it further

RESOLVED, that Rockland Green hereby approves Change Order 4R1 for an increase in the Contract Price in an amount equal to \$10,533.00; and be it further

RESOLVED, that Rockland Green hereby approves Change Order 5 for an increase in the Contract Price in an amount equal to \$1,934.45; and be it further

RESOLVED, that Rockland Green hereby approves Change Order 8 for an increase in the Contract Price in an amount equal to \$5,391.00; and be it further

RESOLVED, that the approval of Change Orders 2R1, 4R1, 5 and 8 shall increase the Contract Price by \$20,820.45 for a total amended Contract Price of \$394,006.20 for the Contract.

Phillips: Authorizing approval of change orders to contract for facility improvements, plumbing at the MRF. Mr. Executive Director, can you give me a brief explanation. I know you have four change orders in the plumbing contract.

Damiani: Correct, Mr. Chairman. The first change order has to do with the first-floor water closet to be ADA compliant. The second change order has to do with meeting the energy codes by installing a hot water circulator pump on the hot water system. The third change order reflects a more robust self-priming baler pump to circulate the liquid that would be generated from the baling operations into the holding tank. The fourth change order has to do with the existing toilet carrier face plates. In the demolition activities it was discovered that the face plates are damaged and they need to be replaced. We did not entertain replacing them we thought we could reuse the existing plates.

8. Introduced by: Jobson/Kenny

Unan.

April 28, 2022

RESOLUTION NO. 42 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, a step down of building power is required for the operation of the 120-v unit heaters which requires the installation of transformers for the gas fired heaters to function properly, and the Contractor has agreed to undertake such work for an amount equal to \$13,034.65, to be designated as Change Order 5R1; 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 value stated therein; now therefore be it

RESOLVED, that Rockland Green hereby approves Change Order 5R1 for an increase in the Contract Price in an amount equal to \$ 13,034.65; and be it further

RESOLVED, that the approval of Change Order 5R1 shall result in an overall increase of the Contract Price by \$13,034.65 for a total amended Contract Price of \$1,284,654.96.

Phillips: Authorizing approval of change order to the contract for facility improvements for the electrical at the MRF.

Damiani: Wiring of the transformers were required to reduce the voltage from 480 volts to 110 volts. It was admitted from the mechanical contract.

9. Introduced by: Specht/Hoehmann

Unan.

April 28, 2022

RESOLUTION NO. 43 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, it was determined that branch piping for the concrete masonry wall in Area 3, which was not in the original scope of work under the Contract, is required, and the Contractor has agreed to perform such work for an amount equal to \$2,509.08, to be designated as Change Order 10; 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 10 for an increase in the Contract Price in an amount equal to \$2,509.08; and be it further

RESOLVED, that the approval of Change Order 10 shall result in an overall increase in the Contract Price in an amount equal to \$2,509.08 for a total amended Contract Price of \$991,298.43.

Damiani: The existing wet system conflicts with the concrete masonry wall and it has to be moved to a heated area since the system is charged.

10. Introduced By: Monaghan/Kohut

Unan.

April 28, 2022

RESOLUTION NO. 44 of 2022

AUTHORIZE PURCHASE OF A SUPPLEMENTAL FIRE PROTECTION SYSTEM AT THE MATERIALS RECOVERY FACILITY TO FIREROVER LLC

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 maintains the Materials Recovery Facility for the purpose of processing and marketing recyclable materials delivered to such facility; and

WHEREAS, Rockland Green determined that major modifications and upgrades to the Materials Recovery Facility were required; and

WHEREAS, Rockland Green is in the process of implementing such major modifications and upgrades to the Materials Recovery Facility pursuant to various contracts procured through the issuance of requests for proposals including a contract for improvements to the fire protection system at the Materials Recovery Facility, which includes the installation of sprinklers throughout the facility as well as a fire alarm system; and

WHEREAS, Rockland Green’s consulting engineer RRT Engineering, LLC (“RRT”) has advised Rockland Green that due to the prevalence of fires at materials recovery facilities, RRT recommends the implementation of a supplemental system in addition to the aforementioned fire protection system, that would be capable of detecting fire at its incipient stages and that such incipient-stage detection includes flame detection, IR detection, foam systems, mist systems and other active equipment and training; and

WHEREAS, RRT recommends that Rockland Green employ all possible incipient detection resources available to mitigate fire at its facilities, and, therefore, recommends human monitoring combined with automatic and immediate suppression response; and

WHEREAS, RRT has advised Rockland Green that there is only one system available that provides these automatic protections backed by human monitoring and that such system is the Fire Rover “24/7 Comprehensive Fire Prevention Solution” (the “Fire Rover System”) offered by FireRover LLC; and

WHEREAS, the Fire Rover System suitable for the Materials Recovery Facility costs \$281,500 and monthly monitoring services pursuant to a sixty (60) month master service agreement in the amount of \$4,550 per month; and

WHEREAS, by Resolution 6 of 2019 the Board of Rockland Green adopted the current Rockland County Solid Waste Management Authority Procurement Policy (the “Procurement Policy”), which replaced any procurement policies previously approved by the Board of Rockland Green; and

WHEREAS, with respect purchases from a sole source, the Procurement Policy provides that:

It is the policy of the Authority to promote competition in the procurement process, whenever possible. Toward that end, the Authority will not specify the product of a certain manufacturer to the exclusion of all other comparable products, except where such a designation is required for the public interest, such as where local geographic, atmospheric or other conditions require the use of the, and only the type of, equipment specified. Where the Authority specifies a particular article or type of equipment which it regards as its general standard, it will provide that any other manufacturer of a similar equipment may meet the specifications if his or her product is reasonably equivalent to that mentioned as the standard. Only in those instances where the Authority is required to secure equipment or service from a sole source, may a purchase of such items or service be made without a competitive procurement process[;]

thus, indicating that only under limited circumstances may Rockland Green secure equipment or services from a sole source without a competitive procurement process; and

WHEREAS, because the Fire Rover System provides the only fire protection system that meets the criteria recommended by RRT, Rockland Green wishes to purchase the Fire Rover System and enter into a service contract with FireRover LLC for the purchase price of \$281,500.00 together with a sixty (60) month master service agreement in the amount of \$4,550 per month; now therefore be it

RESOLVED, that the Board is in receipt of RRT's letter, a copy of which is attached hereto, recommending Fire Rover, and that based on the information provided by RRT, the Board of Rockland Green hereby agrees acknowledges the need to purchase the Fire Rover System from FireRover LLC on a sole source basis for the purchase price of \$281,500.00 together with a sixty (60) month master service agreement in the amount of \$4,550 per month; and be it further

RESOLVED, that the Executive Director of Rockland Green is hereby authorized to negotiate with FireRover LLC, and, if negotiations prove successful, execute a contract for the acquisition of the Fire Rover System together with the master service agreement, on terms not inconsistent with this resolution and subject to review by the Chairman or Rockland Green's Counsel; and be it further

RESOLVED, that the purchase agreement and master service agreement with FireRover LLC shall constitute conclusive evidence of the valid authorization hereunder of any such amendments, modifications, change or omissions; and be it further

RESOLVED, that Rockland Green, in its sole discretion, has the right to discontinue negotiations with FireRover LLC at any time prior to the execution of the purchase agreement and master service agreement and such contracts shall not be binding and valid until executed by the parties.

Source of Funds: Bond Proceeds, 2021 A& C Series

Damiani: The fire rover system will give us the ability and it will protect the facility due to any type of fire. This is a 24/7 monitoring system. It ejects a biodegradable nonhazardous F-500 encapsulating agent to reduce and mitigate any potential risk of fire within the facility. As you are all aware, these facilities are prone to fires due to the lithium batteries that inadvertently get put into the recycling bins. This is in addition to the code which is required for the sprinkler system. This is an additional safety measure that we strongly feel is warranted since we did have two fires in March.

11. Introduced by: Rockland Green Board/Rockland Green Board Unan. April 28, 2022

RESOLUTION No. 45 OF 2022

**RATIFYING COLLECTIVE BARGAINING AGREEMENT 2022-2024 BETWEEN
ROCKLAND COUNTY SOLID WASTE MANAGEMENT AUTHORITY
D/B/A ROCKLAND GREEN
AND LOCAL 456, INTERNATIONAL BROTHERHOOD OF TEAMSTERS**

WHEREAS, by Board Resolution 70 of 2021, Rockland County Solid Waste Management Authority (“Rockland Green”) and the Local 456, International Brotherhood of Teamsters (the “Union”), entered into a proposed Collective Bargaining Agreement, dated January 23, 2019 to December 31, 2021; and

WHEREAS, an updated Collective Bargaining Agreement has been negotiated between the respective parties with the approval of the executive committee of Rockland Green for the years January 1, 2022 through December 31, 2024; and

WHEREAS, the parties have agreed that members of the Union employed by Rockland Green employed as of January 1, 2022 shall receive a two and a half percent (2.5%) wage increase, effective January 1, 2022. Effective January 1, 2023, members of the Union employed by Rockland Green shall receive a minimum two percent (2%) wage increase and in the event that the administrative employees receive an increase of greater than two percent (2%) then the Union employees shall receive the same increase as the administrative employees for 2023. Effective January 1, 2024, members of the Union employed by Rockland Green shall receive a minimum two percent (2%) wage increase and in the event that the administrative employees receive an increase of greater than two percent (2%) then the Union employees shall receive the same increase as the administrative employees for 2024; and

WHEREAS, on April 14, 2022 the Union ratified the proposed Collective Bargaining Agreement between the Parties, said Collective Bargaining Agreement, twenty seven pages in length, containing the full scope of rights and responsibilities of the respective parties; and

NOW, THEREFORE, BE IT RESOLVED THAT, the proposed Collective Bargaining Agreement for January 1, 2022 through December 31, 2024 be accepted and ratified by Rockland Green and that the Executive Director is authorized and directed to sign any and all documents and to do and cause to be done any and all acts necessary or proper in connection with or for carrying out this resolution.

Phillips: Ratifying collective bargaining agreement for the 2022-2024 between Rockland County Solid Waste d/b/a Rockland Green and Local 456, International Brotherhood of Teamsters. Commissioners, I believe this is self-explanatory in the contract with the years and the amounts that it runs through. Do any of the Commissioners have any questions on the contract with the union?

12. **Introduced By: Kohut/Moroney****Unan.****April 28, 2022**

**RESOLUTION No. 46 OF 2022
APPOINT LABORER-SEASONAL
TO ROCKLAND GREEN**

WHEREAS, the position of Laborer-Seasonal was established by the Rockland County Department of Personnel and by the Rockland Green Board by Resolution No. 23 of 2014; and

WHEREAS, the current position of Laborer-Seasonal is vacant; and

WHEREAS, the Rockland Green Board desires to fill that position with the appointment of Augusto Deleon, starting May 2, 2022; now therefore be it

RESOLVED, that the Rockland Green Board hereby provisionally appoints Augusto Deleon as Laborer-Seasonal, starting on May 2, 2022; and be it further

RESOLVED, that the compensation for such services shall be at the hourly rate of \$23.32 for a forty (40) hour week schedule not to exceed one hundred and thirty (130) working days; and be it further

RESOLVED, that the Executive Director is hereby authorized and directed to provide a compensation package as defined by the Employee Handbook and amendments.

Funding Source: Salaries/Contingency Fund

13. Discussion: Memorandum of Understanding between Rockland Green and the Rockland County Youth Bureau /Rockland Conservation Service Corps

Phillips: Mr. Executive Director can you state what we are doing here?

Damiani: Due to Covid the Repair Café's that were very successful prior to the pandemic, we are looking to partner again with the Rockland Conservation Service Corp. to provide an outlet for residents that have items such as lamps, vacuums or toys that could be repaired by volunteers to help out with sustainability and avoiding throwing things in the garbage. The memorandum of understanding reflects the responsibilities of both parties, and we look forward to the first event in June.

14. New Business

**Introduced by: Hoehmann/Specht
Kenny - Nay**

April 28, 2022

**RESOLUTION NO. 47 OF 2022
ENGAGING A CONSULTANT TO PERFORM MARKET RESEARCH SERVICES FOR
ROCKLAND GREEN**

WHEREAS, the Rockland County Solid Waste Management Authority d/b/a Rockland Green (hereinafter “Rockland Green”) has determined that it requires market research consulting services to assist with marketing research activities for Rockland Green; and

WHEREAS, Harrison Peck is able to provide such marketing research consulting services in order to provide assistance with the marketing of materials produced and the services offered by Rockland Green, and the coordination with other governmental entities including the Rockland County Sewer District No. 1; now therefore be it

RESOLVED, that Mr. Peck is hereby engaged to perform such services as a research data analyst consultant; and be it further

RESOLVED, that the compensation for such consulting services through the end of this calendar year shall not exceed \$75,000; and be it further

RESOLVED, that the Executive Director is hereby authorized and directed to execute documents to effectuate such arrangement consistent with this Resolution.

Phillips: We have a couple of new items under new business. The first item is engaging a consultant to perform market research for Rockland Green. This would be Harrison Peck to provide marketing research as consulting services to provide assistance with the marketing of materials produced with services offered by Rockland Green in coordination with other government entities such as Rockland County Sewer District No. 1. We will hire this consultant for a six-month period of time for a cost of \$75,000.

Kenny: Was there an RFP done on this? How did this contractor come about?

Phillips: No. This was discussed at the Executive Committee meeting and it became obvious to us that we need to create more marketing throughout Rockland County to get full recycling of all of our items. I think right now we need help with that because of when you look at the municipality’s percentages. Not only to help us market some of our products. This gentleman became known to us through a consulting company and that is how we went with him.

Kenny: Why is this under new business and we didn't get any back up on it before it is done here?

Phillips: It just came up and my apologies for that. We would normally have gotten it out to you beforehand.

Phillips: Mr. Executive Director I believe we have another item under new business?

Damiani: Yes. A change order under Contract #2. We discovered during demolition activities mold on the first floor. Quest did a visual survey and identified where the mold was. Butler, our contractor will provide a mold abatement and Quest will come in and do a post assessment to make sure that the mold was abated correctly and in accordance with all the rules and regulations.

Introduced by: Soskin/Powers

Unan.

April 28, 2022

**RESOLUTION NO. 48 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 this April 28, 2022 Rockland Green approved certain modifications to the Contract in the form of Change Order 20 pursuant to a Resolution approved by the Board; and

WHEREAS, mold remediation is required for Area 3 of the MRF, and the Contractor has agreed to perform such work for an additional amount equal to \$16,271.00, to be designated as Change Order 22; 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, the additional scope of work, and pricing; now therefore be it

RESOLVED, that Rockland Green hereby approves Change Order 22 for an increase in the Contract Price in an amount equal to \$16,271.00; and be it further

RESOLVED, that the approval of Change Order 22 shall result in an overall increase of the Contract Price by \$16,271.00 for a total amended Contract Price of \$7,906,045.26 for the Contract.

Damiani: I just want to point out to the Commissioners that Jen Sheridan in our Education Department worked hard at putting together a new pamphlet for Battery Recycling Awareness. We had two fires in March at the Transfer Station. This will tell residents what can and cannot be placed in the recycling and the position we take on how residents should properly manage their batteries. In 2021, we accepted over 98,000 pounds of batteries which include car batteries at our HHW. That fraction of the alkaline and lithium batteries was over 41,000 pounds at the HHW. It is a wonderful pamphlet. If you have any questions or concerns, please contact me or we will start distributing this out if there are no comments.

Phillips: Do we have any comments from the public? We ask to state your name and your address. Tonight, all we are doing is listening. We want to hear what your concerns are and any questions you have and we will get back to you at a later date. I know a lot of you are from Rockland Hi-Tor and Rockland Green's story appeared in some media outlets. I think it may have been exaggerated a little bit. Five Town Supervisors sit on Rockland Green as well as eight legislators, two mayors and two representatives from the County Executive. We know firsthand that there has been a rocky road with Hi-Tor and really what we wanted to do is create another alternative. It is not saying that that is the direction we are going in, but at least give the people of Rockland County another option in which they can pursue if that were the case. I think we have been intimately involved. I have been involved with Hi-Tor since I was the Director of Finance going back to 1982 with the Town of Haverstraw. We have had a lot of hills and valleys. We are all concerned about the animals. There are two things that the Board of Commissioners are concerned with, the care and safety of the animals as well as the cost to the taxpayers. Again, this is just another alternative. We are not saying we are going in this direction, but we want to put out there to the people of Rockland County another way in which we possibly could go. That will be determined at a later date. First speaker is Ilan Shulein from Thiells, New York.

Ilan Shulein: Thank you for letting me appear before you. I have a question for you Mr. Chairman. Mr. Howard Phillips is also my Supervisor I live in the Town of Haverstraw and he knows me quite well. Mr. Chairman, before I get to my point here, as a taxpayer of Rockland County, the last tax bill I got from the County a whopping cost for this Authority. I would like to know please how much you get paid and how much each Commissioner gets paid. We are in public forum here and we are all

taxpayers here I would like you to name each one of you how much you are paid full compensation and then I will get to the reason why.

Phillips: We said we wouldn't answer any questions here. I will take this question only because I think all the Commissioners would want me to answer that. We do not get paid anything to be on this Board. This Board was first created when all the landfills in Rockland County were closing because the DEC had a problem and they started closing every landfill in Rockland County. Herb Reisman, Phil Rotella, John Grant and a number of others got together and they said greater the quantity the less the cost. Almost simultaneously, New York State came out with mandatory recycling. At the time they all created the Solid Waste Authority they went out and almost simultaneously, had the State come in and demand recycling. From there it was evolved into an unbelievable operation were almost every stream of recycling is being collected in Rockland County. But we do not receive any compensation.

Ilan Shulein: I would like to say I am here because I believe very strongly Hi-Tor which was functioning for the past 50 years is doing a decent job. I have photos I get involved in obedience training, conformation and field work. I have been doing it for many years and I have as a homeowner have a good idea what is good for animals. I feel if Hi-Tor was doing a bad job it would have closed a long time ago. I don't believe this Authority is capable of and has any understanding of running a delicate issue like this. Because you are a financial director that doesn't give you any know how and knowledge of running a facility like this. You are the Chairman of this Authority you are also a Supervisor I feel that you exhibited some bad decision making some bad judgement when it comes to the Town of Haverstraw. Specifically, to the most recent the two dog parks. You put a seven-million-dollar recreation facility it was something you were dealing with back doors. I don't feel we got a fair deal. The dog parks you put up are dangerous and I told you so and a week later it was all done. I went to look at it and I was horrified. Not only you didn't take very seriously what I told you, you made it even worse. Somebody that talks about I care for animals you are acting oppositely. A qualified organization of taking care for 50 years of dogs and cats and pets and to have you and this Board that have no experience at all with no knowledge and no caring for animals. I think it is a mistake and it is going to cost the taxpayers a fortune because we are talking about bureaucracy and individual volunteers here. I don't believe the volunteers will work under the Authority and whatever you are going to do will cost us money as a taxpayer. Thank you so much.

Phillips: Thank you Ilan, we appreciate it. Next is Rosy Dixon.

Rosy Dixon: New City, New York. I am concerned this Board that has no experience whatsoever with dealing with animals seems to think that you can simply take over. I cannot see how this is not going to increase expense to the taxpayers. I can't tell you one condition where I feel the money might be well spent? Now and has been for decades the person that takes over the organization has another outside job. This is a position where somebody who has the job as head of Hi-Tor should be there all the time during normal working hours and that has not been the case because in each case the director has had another outside paying position. I also don't know if there has been a public hearing if Rockland Green is hoping to take this on what they anticipate the salary would be of this person who would head it. How many other positions that they are considering it would require in order to run it properly? How would these positions be filled from what source would these people be taken? Is it just going to be the buddies and friends of Rockland Green or is it going to be put out for bid and require these people

taking these dogs have suitable experience for this job? I feel we need a lot more information. I also and this is personal, there is one gentleman who is sitting here should be paying attention to what is going on and has been on his phone from the minute he walked in here until now and I find that offensive. My concern is Rockland Green is not in a suitable position at this point to take on this job. Thank you.

Phillips: Thank you Rosy we appreciate your comments. Next Charlene Palmer of Palisades New York.

Charlene Palmer: Thank you for your time. I have concerns as to Rockland Green taking over the operation of Hi-Tor. Admittedly, Hi-Tor has had a very sketchy history and I can understand the Commissioner's concern. However, I know that there are some Counties in both New York State and New Jersey where private shelters are run quite successfully and do not come under a government entity. I think at the very least those avenues should be explored. I don't believe that it should come under Rockland Green without more dialogue depending upon what you listen to on WRCR Radio and what you read in the local papers it was presented as a done deal with just the factor of having the Charters changed. I certainly hope there will be public input and certainty hope you will be responsible enough to issue RFP's and do this in a reasonable manner both for the care of the animals and the residents of the County.

Phillips: Thank you Charlene. We really appreciate your remarks. Now we have Lindsay Carpenter.

Lindsay Carpenter: Hi, glad to meet all of you. I just wanted to introduce myself. I am the new director of Hi-Tor. I am about a month in. First priority to me is humans and pets. I have twenty years of experience with working with animals, I have a medical background and the first thing that comes in the forefront at Hi-Tor at this point in time is the health of the animals. I can guarantee you that we are not adopting out any sick animals and we are servicing our community as we are supposed to. We are staffing accordingly to make sure that we have everything that we need. I am trying to find volunteers and cut costs back for the taxpayers anything that we can possibly do. We do have Board members that have other jobs; however, our Board is available to me whenever I call them. If I call them at 2 O'clock in the morning with a problem or concern they are there to address it. I don't feel like Rockland Green or anybody that is in a political position would be able to dedicate that time and that effort. I am sorry to share that and I appreciate all of our positions, but these are true human beings and that is what needs to take priority here is humanity. So don't take the humanity out of Hi-Tor and that is what I am here for.

Phillips: Thank you so much for your comments. Next is Hope from Spring Valley, New York.

Hoehmann: Mr. Chairman, my apologies I have to leave.

Phillips: You are being honored tonight I understand by the Nyack NAACP.

Hoehmann: I have a Zoom meeting at 5:45. Hopefully I will be able to get back for the Sewer District meeting is supposed to start at 6:15 p.m.

Monaghan: Congratulations.

Hoehmann: Thank you.

Hope Altkin: The Chairman and I spoke yesterday, I believe.

Phillips: It was, and we had a great conversation.

Hope Altkin: The nature of my inquiry is concerning the proposed changing of RG's Charter in order to make such an acquisition and the intentions involved at this time. I have listened with dismay over the years of delays in building a new shelter as the old shelter continued to deteriorate. Posing tremendous stress on staff and leading to many difficulties. Ultimately affecting operations of and of course the beloved animals. Over the years I have met many, many staff and Board members and volunteers who were deeply dedicated to the shelter there for the right reasons. I was a volunteer since the very opening day for on and off. But those first few years I volunteered constantly. I have not been a very active volunteer for some time due to personal reasons at no time has volunteer status been linked to the shelter's difficulties. Of course, I am very interested in supporting the best way forward for the animals and the shelter. I feel it is very important that there be transparency as well as willingness of all participants in the decision making moving forward to take into account all facets of circumstances and situation past and present so that errors made be corrected and learned from and moved on from. Having spent many years in service as a volunteer and also having been employed in the past as animal control officer as well as my own rescue efforts, I am not unfamiliar with some of the complexities of running a shelter. I look forward to learning more of RG's intentions. I had also sent a text to Lindsay today and I was speaking of some of my concerns. I only learned about this two days ago I happened to drop by making a donation. One of the things that I am concerned about is the relationship between the County and the shelter is it one of financial support. I don't know of any other relationship and I don't know how much of that is mandatory. But I don't see any other connection that I would look for and I am also concerned with the language of taking over that has been used.

Phillips: It's not by us but people in the media?

Hope Altkin: You actually did say it on our phone call.

Phillips: Which language

Hope Altkin: Taking over.

Phillips: I don't recall that.

Hope Altkin: I think the gist of what I was saying is I would love to see if Rockland Green has such a strong interest in helping the shelter be more effective which I believe it could use. I don't know how that form would come whether that would be through you or someone else. I hope you don't take that the wrong way. I believe everybody needs a little help especially after a two-year pandemic. I would like to see a collaborative approach. I thought it is important to respect the work that has been done by

so many people that literally have their boots on the ground for decades and get the real story of what happened. Knowing that fosters and volunteers without them a shelter could not run.

Phillips: We love volunteers.

Hope Altkin: Then why don't you become one?

Phillips: I am a volunteer in probably about four or five different organizations.

Hope Altkin: I am speaking out of turn, but I am saying you are always welcome at the shelter.

Phillips: Thank you.

Hope Altkin: Lastly, it seems that people are pointing to the troubles that have happened most recently and not acknowledging anything else. Including the stressor as I said of the County's delay in creating a new shelter and all of the wonderful things that have happened. It is really important not to look at this blip only or even two blips but look at the whole picture. I would love to see a collaborative approach to whatever happens. Thank you.

Phillips: Than you. It is obvious that all of the speakers so far have very heartfelt feeling about the animals and really it is all about the care of the animals. On behalf of all of the Commissioners we greatly appreciate that. The next speaker is Helen Allen of Pearl River.

Helen Allen: My name is Helen Allen I live in Pearl River and I have been a Hi-Tor Board member and volunteer for eight years. Hi-Tor of course as you know been in existence for 50 years. Nothing is more important to me then the animals. I am very surprised to hear that Rockland Green is going to possibly be stepping in and taking over this shelter with no experience no forethought in animal care at all. I am aware of certain public official in this room pushing this narrative and some falsehoods to be honest with you. This woman just mentioned collaborative, we have asked Supervisors to come to the shelter to have meetings with us meeting with the Board and it has never happened. We have had many emails to different Supervisors asking them to meet with us and it fell on deaf ears. As a Board member I find it reprehensible that no one from Rockland Green or any Supervisor has come down to talk to us. In closing, people are aware that Rockland Green is not supportive. They want the shelter to continue. We understand as shelter people that we deserve the right to take the new shelter into the future and not bring new people into this that really have no animal experience whatsoever. Thank you for listening.

Phillips: Next on the list is Arlene Kahn of Pomona.

Arlene Kahn: Hi, my name is Arlene Kahn I think some of you might know me. Just a little history, I started the Save Hi-Tor Animal Shelter community group. In 2012 we raised \$275,000 for the shelter that year and it enable them to remove their burden to stay open. Several years later I cofounded the Rebuild Hi-Tor Animal Shelter group with Donald Franchino and in a year we raised \$375,000 for the new shelter. We were very proud of that and these are the things that it's not me, it's the community that came together and did an outstanding job and raised close to a million dollars. I also started the Town of Ramapo community page group that I administered which is like a full-time occupation for

me. I also started the Rockland County Cat Parent page and I administrate that. I thought tonight we were going to get questions answered. I'm still going to ask my questions.

Phillips: Sure.

Arlene Kahn.: What bothers me is that we don't get our questions answered. On the cat's parent's page which is also a very politically active group for issues such as this, the terminology has been bantered around you are going to take over the shelter, you are going to run the shelter. But we don't know what your intention is. It has never been told to us. There has never been a statement put out by you, so everybody is just going by what they hear. I think it is really important that you have a community question and answer session for us. I think it would do good for everybody.

Phillips: That is very understandable.

Arlene Kahn: It is very important because we feel, if I can speak for everybody, we are coming up here and we are saying things and then we go back to our seat and we still don't know what is going on. My basic questions are this, what is your intention that Rockland Green role will be in hiring and firing staff and the appointing and removing Board members at Hi-Tor.

Phillips: We are not even there yet. I think I feel very comfortable and for the Commissioners to say we are nowhere near there yet.

Arlene Kahn: If that is the case then my second questions is where are you in this process?

Phillips: I am going to reiterate what I said at the beginning of the meeting. We are just trying to give an alternative if that is an avenue that sometime down the road we must go to. In order to do this, we need to get the Legislature to pass the resolution and it goes up to the State. That is all we are doing at this time. Nobody is saying we are moving in that direction at this time, but we want to have an alternative. Even people here tonight have admitted there have been hills and valleys and there's been struggles. I commend you on behalf of all the Commissioners the amount of money that you have raised. Donald Franchino when he was here talked about creating a Hi-Tor shelter and run it as well. We took great advise from him he is an elected official that is well respected in our community. Right now, it is just to have an alternative we don't know if we need it or not. But at least have options open that is all we are saying.

Arlene Kahn: As a follow-up we don't know what you mean by an alternative.

Phillips: We don't know where Hi-Tor is going to. That is the problem, and it has been a very big concern because we have had all of us have had a tremendous amount of people coming and complaining to us. They don't come to open meetings like this, but they do come to the Supervisors. I think all five Town Supervisors have had numerous complaints made to them about Hi-Tor. I don't want to get into a he said she said. All we are doing is looking and exploring to say is there some other alternative. I think everyone has the same goal to protect the animals. Duty human beings may find themselves in an animal shelter which is horrible to begin with I don't think anybody would argue that. They are living creatures. All we want to say is let's have them have a very decent life if that is where

they are going to be. The second thing is we do have to be responsible with taxpayers' money. I am sure you would want us to be. Some of the speakers stated that. That is all we are saying at this time. Obviously, a person like you has tremendous experience and knowledge. I was very impressed when Lindsay got up and spoke and Hope. Those things we want to listen to, but right now all we are saying is it may be good for the people of Rockland and the animals to have another alternative.

Arlene Kahn: What I want to say is this and I hate to use the word disgrace, but I am going to. I think it is a disgrace this community is looking for alternatives when you haven't been there. You don't know what is going on there and just keep in mind people have political agendas and these people who are coming to you with their complains whoever these people are it is incumbent upon you to go there yourself.

Phillips: I think we know that. Just so you know I don't want this to go out to the media, a number of us have been there. I have been there with the Supervisors, so we have been there and I have been there probably three times in the last year and a half to two years. Our animal control officers are there on a daily basis and they communicate with us. I just don't want that to be out there that we weren't there when we have been. A number of the Legislators were there and the staff from the County Executive's office have been there. I don't want that falsehood out there.

Arlene Kahn: Before you do your vote, everybody should go there. Everybody.

Phillips: And I agree with you.

Arlene Kahn: And meet with the Board.

Phillips: Next we have Hilda Kogut from Monsey, New York.

Hilda Kogut: This is my second time on the Board as a Board member. I stepped off about seven years ago because of issues of disfunction. Now I am back on the Board and the reason why I am back on the Board is because I see a change in the direction of Hi-Tor. I am particularly proud that we just hired Lindsay. I think she is doing a great job. My point is I am back on the Board and I have had an opportunity over the past two and a half months to watch Hi-Tor as it has been reconfigured as we hired a new director. Now a director and manager and we have somebody onsite everyday who is a full-time employee who could call the shots regarding matters that occur. I have had an opportunity to witness what happens when the Town of Clarkstown dog officer brings in a dog. I have been there when animals have been surrendered. What is important to me is that this is a no-kill shelter. If I rely on rumors or I rely on quotes it has been said that it may be more cost efficient to return to a former status that we were a kill shelter. I am really opposed to that.

Phillips: Let me just say, I haven't heard one single Commissioner every saying anything about going back to a kill shelter.

Hilda Kogut: Well, I am not just blowing this out of the air. I want to put that out there.

Phillips: Please, that is not on the table.

Hilda Kogut: This shelter to come or the shelter today is a shelter that is devoted to the animals and to giving the animals the best life. So how do we do that? We are identifying animals right now that need to be rehome perhaps even being put in a sanctuary. We are devoted to what happens to those animals and we want to give them the best care. How do you give them the best care? Well, you give them a new building. So now we put a shovel in the ground and we are going to have a brand-new building. For 51 years we struggled through this, that and the other thing right down to the fact that we never even had a washer and dryer and now you guys are so concerned about this facility that you are going to reconfigure it again and you are going to start to hire people possibly. I want to know how you hire them and who you hire and why at this juncture you decided to change courses when we could have used your help over all those many years. Again, I don't know when any of you were there. I have been there a lot. So, if you have been there the last 18 months come back now and make sure when you come back that you look at the conditions that these wonderful people have had to work under for so many years. I am glad that you care but the most important thing is that you care and will allow this facility to continue and move into a new building and have a new life. Thank you.

Phillips: Thank you Hilda. I greatly appreciate it. I don't know if anybody came in afterwards. But if you haven't spoken, we will give you time to come up and speak.

Amanda: Amanda from West Haverstraw, NY. For myself I am a Ferrell cat advocate. Just the wording of giving us another option you may not be aware but for myself for the past three years not a single email or phone call to Hudson Valley Humane Society has been answered. To say that you are giving us another option instead it feels like you are taking away the one option I have. Additionally, the shuttle is so important to not have that stop there, is making it unbearable. I feel there is a lot that isn't being addressed. A lot of these issues I agree with so many I will throw in my question. Don't feel the need to answer. There are many different articles on opposing sides and I don't know where the truth lies because if you compare one article to the next, they don't agree on anything. In several articles they say the Legislators have asked for budget projections to be submitted by Rockland Green in order to justify the takeover. Have those been submitted yet? If so, will those be made public. Rockland Green's efforts have been in the works for a year or so. I work in the nonprofit industry and I know that as a part of anything when you are changing your program, when you are transitioning to nonprofit or public authority, you would study successful shelter and rescue programs within New York State or outside of the state. There are so many that are thriving. I want to know have you been doing that research to look at the numbers and to see which one would be cost advantageous. If we follow a not-for-profit model or if we indeed take it over as public authority. I really don't understand why the current staff of Hi-Tor and the volunteers haven't been a part of the process just for the animals. I just can't imagine and to know that community means these guys are the guys that are going to know. I just don't understand why they are not there as an advisory part. Also, I am on Rockland Pet Parents having that resource, there is so much going on in the community we are digging into pockets that we don't have money in. We are trying to do what we can because we are not getting help anywhere. I'm sure we all have great ideas and Hi-Tor could be a part of really making the Ferrell cat community smaller and being proactive and really being a part of the community. I would like to know if we would have an opportunity to give our suggestions and to be a part of that. Projects of how the takeover would affect Rockland Green's tax levy as it went up 17% in 2021. Personnel is an interesting one and I think it comes down to the murky nature to me of Rockland Green as an entity. Will the personnel posting

be on the Rockland County site for jobs? Will it the posting be internally within Rockland Green staff. Will you be actually looking and making a public ask of people who have nonprofit experience in animal care experience. I would feel better if you would be taking those steps. Again, the no kill shelter issue. There is again the murkiness of checks and balances if Legislators make up Rockland Green and then you want to get approvals from Legislators, where is that back and forth. Lastly, it was just a little blurb in one of the articles that did catch my eye that was that the shelter faces a discrimination suit that will come. Who will pay that? In the worse case that is proven that is valid. Would that money come from taxpayers or come from Hi-Tor funding?

Phillips: Thank you. You can tell obviously you have a passion for animals as all speakers who got up here tonight. I am being sincere here; this is an alternative we are not at that point yet and we are just saying let us have the ability to look at different alternatives. We are not there yet. I appreciate everything you asked and said. Somebody brought up a 17% increase and maybe you haven't looked at Rockland Green over a period of time. We had to go out and build a new materials recovery facility. We are in the process of doing that right now. We were back in 1998 the state-of-the-art MRF. We no longer are, but to build a new MRF, Jerry the total cost is going to be?

Damiani: Thirty-five million.

Phillips: Thirty-five million and out of that 17% I think the MRF represented almost all of it or a large part of it, Jeremy?

Goldstein: Correct.

Phillips: When we go out to build a new construction like a MRF we have to tare it down where it is, so we had to go out to a private contractor to handle all our glass, plastic, cans, cardboard and paper. While we are building, we are out at another contractor, so we are paying that cost plus building a new facility. If you look at the history of Rockland Green, we have been the most efficient affordable recycling center in the Nation. That is how well we have done.

Kenny: I have to leave. For those who don't read the Rockland County Business Journal I am the one voice who has come out against the Rockland Green taking over the animal shelter. I will leave it at that for tonight because I have another meeting back at Orangetown Town Hall. Good night.

Phillips: You are the one Town that also is not using the shelter. The gentleman in the back that would like to speak.

Eric Goldman: Eric Goldman I live in Pomona, NY. I have been involved with the shelter for about the last ten years. I have to say if there were people staying at the shelter it would have been condemned years ago. There are holes in the walls there's wiring and leaks, so you are walking in puddles. It is a horrible environment to work in. Whatever complaints that you have gotten about Hi-Tor, I would like to see who could do better in that situation that they are in. I cannot believe that everyone goes there everyday and keeps a good attitude when the place is a total disastrous hovel. If you are considering ever doing this in the future, you need to give Hi-Tor the opportunity in their new facility to see what

they can do. Because they just have their hands tied behind their back. There is not enough room and totally inadequate facility to do anything properly.

Specht: Excuse Mr. Chairman, I have to go to the Sewer District meeting.

Phillips: I am sure you are going to go home and think of things that you didn't say or things you may have wanted to say. Feel free to contact any Supervisors or any of the Legislators that you know or Rockland Green. What is the best way to get to your website?

Damiani: If anyone would like to send an email to Rockland Green the email address is Info@rocklandgreen.com.

Phillips: Do we have a motion to adjourn?

Motion to adjourn.

Kohut: Moved

Moroney: Seconded

The meeting was adjourned at 6:12 p.m.

Respectfully submitted,
Suzanne Haggerty