

1. Chairman Phillips called to order the Rockland Green Board meeting for Tuesday June 22, 2023, at 5:05 p.m.

2. Pledge of Allegiance led by Commissioner Moroney

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

Present

Chairman Phillips
Commissioner Foley
Commissioner Hoehmann
Commissioner Hood
Commissioner Kenny
Commissioner Kohut

Present

Commissioner Moroney
Commissioner Paul
Commissioner Powers
Commissioner Soskin
Commissioner Specht
Commissioner Wieder
Commissioner Yeger

Absent

Commissioner Hofstein
Commissioner Jobson
Commissioner Lynn
Commissioner Monaghan

Staff

Jeremy Apotheker, Jerry Damiani, Jeremy Goldstein, Suzanne Haggerty, Ron Ludwig, Ken Murphy

Others

Stephanie Kosmos, Teno West

4. **Introduced by: Hoehmann/Specht**

Unan.

June 22, 2023

RESOLUTION No. 41 OF 2023
ADOPTION OF MINUTES, MEETING OF
MAY 23, 2023

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

5. Introduced by: Kenny/Hood

Unan.

June 22, 2023

**RESOLUTION NO. 42 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, on May 23, 2023, Rockland Green approved certain modifications to the Contract in the form of Change Order 26 pursuant to Resolution No. 39 of 2023; and

WHEREAS, the installation of lightning protection for the pre-existing portion of the Materials Recovery Facility building is required to correct reported deficiencies to bring the building up to code and obtain a UL master label, and the Contractor has agreed to perform such work for an amount equal to \$4,028.00, to be designated as Change Order 27; 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 27 for an increase in the Contract Price in an amount equal to \$4,028.00; and be it further

RESOLVED, that the approval of Change Order 27 shall result in an overall increase of the Contract Price by \$4,028.00 for a total amended Contract Price of \$1,615,661.95.

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

Damiani: The amount of the change order is \$4,028 related to the installation of the lightning protection for the preexisting portion of the facility. A portion of the facility that we did not build out is not code compliant and would not pass a UL inspection.

6. Introduced by: Moroney/Kohut

Unan.

June 22, 2023

**RESOLUTION NO. 43 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, on May 23, 2023, Rockland Green approved modifications to the Contract in the form of Change Orders FA-04, FP-24, and FP-26 pursuant to Resolution No. 36 of 2023; and

WHEREAS, due to the lack of heat in Area 3 of the Materials Recovery Facility, the Contractor was directed by Rockland Green and its Engineer to drain the previously tested and inspected system, and once heat was available in Area 3, Rockland Green and the Engineer directed the Contractor to refill and test the system, and the Contractor has agreed to perform such work for an amount equal to \$691.95, to be designated as Change Order FP-25; 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 price stated therein; now therefore be it

RESOLVED, that Rockland Green hereby approves Change Order FP-25 for an increase in the Contract Price in an amount equal to \$691.95; and be it further

RESOLVED, that the approval of Change Order FP-25 shall result in an overall increase in the Contract Price in an amount equal to \$691.95, for a total amended Contract Price of \$1,134,724.25.

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

Damiani: Change order in the amount of \$691.95 to W&M the fire suppression contractor due to a lack of heat within Area 3. It was tested and required to be drained down because it is a wet system and they were worried about it freezing. As we look to achieve substantial completion, we asked them to recharge the system and that is why a change order is required.

7. Introduced by: Soskin/Yeger

Unan.

June 22, 2023

**Resolution No. 44 of 2023
AUTHORIZING APPROVAL FOR PURCHASE OF
NEW COMPOST AGITATOR FOR ROCKLAND GREEN'S
COCOMPOSTING FACILITY**

WHEREAS, WeCare Denali, LLC (“WeCare”) is the operator of the Rockland Green’s Cocomposting Facility located at 400 Torne Valley Road, Hillburn, NY; and

WHEREAS, WeCare has provided a letter regarding replacing the Facility’s existing Compost Agitator #3 placed into service in 2013; and

WHEREAS, EDR, consulting engineers, reviewed the request and determined a replacement will be required; and

WHEREAS, lead time to delivery of a Wide Bay Compost Agitator and Dolly from BDP Industries, is sixty (60) weeks or longer; now therefore be it

RESOLVED, that Rockland Green approves the purchase of a Wide Bay Compost Agitator and Dolly from BDP Industries, BDP Quote # 092522-2037 REV B; and be it further

RESOLVED, that the Executive Director is authorized and directed to approve the purchase and to execute all contracts and other documents necessary for its purchase, in an amount not to exceed \$650,500.

SOURCE OF FUNDS: Unrestricted Funds

Damiani: Currently, the facility utilizes two agitators for processing sludge into a reusable compost product. The process relies on forced aeration and mechanical mixing of the feed stock to accelerate the biological process. Based upon the findings in both the EDR memorandum and BDP evaluation report, Rockland Green is requesting authorization to purchase a new agitator in the amount of \$650,500. Lead time on this unit is approximately 60 weeks out. The existing agitator was installed in 2013 and has processed over 600,000 tons of sludge.

8. Introduced By: Powers/Wieder

Unan.

June 22, 2023

**RESOLUTION NO. 45 OF 2023
AUTHORIZING AMENDMENT TO THE HAULING SERVICES AGREEMENT FOR THE
CLARKSTOWN TRANSFER STATION BETWEEN
ROCKLAND GREEN AND MR. BULT'S INC.**

WHEREAS, Rockland Green and Mr. Bult's, Inc. (the "Company") entered into a Hauling Services Agreement for the Clarkstown Transfer Station, dated as of September 1, 2013 (the "Service Agreement") for hauling services from the Clarkstown Transfer Station located in the Town of Clarkstown, New York to the disposal site designated by the Authority therein; and

WHEREAS, the Service Agreement provided an initial term of five years plus up to five one-year renewal terms, exercisable by Rockland Green in its sole discretion, with the renewal term pricing to be determined by the parties; and

WHEREAS, the initial term of the Service Agreement expired on August 31, 2018, and prior to the expiration of the extension periods, Rockland Green notified the Company that it was requesting to renew the Service Agreement on an emergency basis for a period not to exceed six months; and

WHEREAS, prior to the expiration of the fifth renewal term, Rockland Green and the Company commenced negotiations of renewal term pricing on an emergency basis for a six-month period; and;

WHEREAS, the parties have agreed upon the renewal term pricing and related provisions and have included such agreement in the terms of an amendment to the Service Agreement; now therefore be it

RESOLVED, that the Executive Director is hereby authorized to enter into an amendment to the Service Agreement substantially in the form presented at this meeting; and be it further

RESOLVED, that the Executive Director is authorized and directed to do and cause to be done any and all acts necessary or proper in connection with or for carrying out this resolution; and be it further

RESOLVED, that such amendment shall not be binding and valid until executed by the parties.

Phillips: Authorizing amendment to the hauling services agreement for the Clarkstown Transfer Station, Mr. Executive Director.

Damiani: Authorization to extend the existing hauling agreement with Mr. Bult's Inc. for an additional six months. The contract for hauling services out of West Nyack and long-term disposal are not aligned with one another. Long-term disposal expires August 31, 2024. I can't in good faith issue on RFP if I don't know where I am sending my waste. The six-month extension will allow Rockland Green the ability to negotiate with those proposals received for long-term disposal with Casella and Waste Management to lock in the destination for waste that we send out.

9. New Business

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

Damiani: Yes, Mr. Chairman. Seeking authorization to award RFP 2023-02 in the amount of \$172,550 for the installation of a 60 kW generator at the West Nyack Facility.

Introduced by: Paul/Foley

Unan.

June 22, 2023

Resolution No. 46 of 2023

AWARD OF CONTRACT FOR INSTALLATION OF A NEW 60kW GENERATOR, INCLUDING ELECTRICAL SERVICE MODIFICATIONS

RFP NO. 2023-02

WHEREAS, on April 18, 2023, Rockland Green issued a Request for Proposal RFP 2023-02 for the purpose of installation of a new 60kW Generator, including electrical service modifications at the West Nyack Transfer Station, located at 166 S. Rt. 303, West Nyack, N.Y.; and

WHEREAS, three proposals were submitted in response to RFP 2023-02. Rockland Green conducted an extensive evaluation of all the proposals, the two lowest priced proposals were submitted by local electrical contractors who performed prior services, or are currently providing services for Rockland Green; and

WHEREAS, after careful consideration and negotiation, it was ultimately determined that it would be in Rockland Green's best interest to award the contract to Hush Electrical Contracting; and now therefore be it

RESOLVED, that the Rockland Green Board awards the contract for the installation of a new 60kW Generator, including electrical modifications, to Hush Electrical Contracting, in an amount not to exceed \$172,550.00 and authorizes the Executive Director to execute an agreement, for the performance of the work specified in the proposal; and be it further

RESOLVED, that Rockland Green, in its sole discretion, has the right to rescind this award at any time prior to the execution of the agreement and such agreement shall not be binding and valid until executed by the parties.

Funding Source: Unrestricted Funds

Damiani: Contract No. 2 Butler Change Order 110 is for the janitor's closet on the second floor to enclose the ceiling in the amount of \$1,030.40.

Introduced by: Specht/Kenny

Unan.

June 22, 2023

**RESOLUTION NO 47 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, on May 23, 2023, Rockland Green approved certain modifications to the Contract in the form of Change Orders 98 and 89 pursuant to Resolution No. 34 of 2023; and

WHEREAS, pursuant to the Construction Change Directive issued on May 3, 2023, the Janitor's Closet 206 ceiling in Area 3 was installed in accordance with Ceiling Type C-1, and the Contractor has agreed to such modification to the work for an increase in the Contract Price in the amount of \$1,030.40, to be designated as Change Order 110; 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 110 for an increase in the Contract Price in an amount equal to \$1,030.40; and be it further

RESOLVED, that the approval of Change Order 110 shall result in an overall increase in the Contract Price by an amount equal to \$1,030.40 for a total amended Contract Price of \$8,214,955.35.

Damiani: An update on the Materials Recovery Facility improvements. We have officially started to wind down the project. We reached out to the various primes associated with the project to submit their releases from their prime subcontractors and material suppliers. As of June 13, Rockland Green has redirected all commercial loads back in the MRF to process the corrugated containers that are generated in the County. VDRS has completed Phase 1 of the no load test and we are looking to implement Phase 2 the week of June 26 and we will commence July 3 full operation at the facility.

Phillips: Do any of the Commissioners have any comments?

Hoehmann: I want to thank Jerry and his team for doing a great job on the MRF facility. I want to thank you as well for what you have done with the food waste program as we talk about extending the program across the County. The next town that will be participating is the Town of Clarkstown; so, I want to thank you.

Damiani: I want to thank my staff, Dee Louis, Ron Ludwig, they have been very instrumental in managing that project.

Comment from Public

Phillips: Is there anyone in the public that would like to bring anything before the Board?

Ilan Shulein: I am here to talk about two things. I am asking the Commissioners to consider changing the 5 O'clock time to a later time. The reason is 5 O'clock is extremely difficult for people working and many people just can not make it. Please consider making it a different time. Rockland Green decided to have an animal shelter in West Haverstraw. What is the exact reason why this location was chosen as an animal shelter.

Phillips: Thank you Ilan. Do we have a motion to close public participation?

Hoehmann: Moved

Kenny: Seconded

Phillips: We did a thorough search looking for a shelter throughout the five Towns. We spoke to the Supervisors which spoke to their assessors, and we came back with different locations. None of them seemed to work and this site that we chose was a building already constructed and we are anxious to get out of the current location and into the new location because of the condition of the current building. I think it is going to work out very well and I think it is going to be something the people of Rockland County will be proud of.

Phillips: Motion to go into Executive Session to discuss contractual matters.

Kohut: Moved

Moroney: Seconded

Phillips: Motion to come out of Executive Session.

Hoehmann: Moved

Soskin: Seconded

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 5:40 p.m.

Respectfully submitted,
Suzanne Haggerty