



**ROCKLAND COUNTY
SOLID WASTE MANAGEMENT AUTHORITY**

420 Torne Valley Road, P.O. Box 1217
Hillburn, NY 10931
tel 845-753-2200 fax 845-753-2281

Howard T. Phillips, Jr.
Interim Chairman

Anna Roppolo
Executive Director



Present

H. Phillips
M. Grant
G. Hoehmann
L. Lynn
J. Monaghan
P. Moroney
J. Noto
W. Sherwood
P. Soskin
A. Stewart
A. Wieder (arrived 5:11)

Absent

L. Hofstein
D. Jobson
M. Kohut
A. Paul
I. Schoenberger
C. St. Lawrence

Staff

K. Braunfotel
J. Burnet
N. Gelok
E. Goldman
S. Haggerty
A. Karger
D. Louis
D. O'Donnell
A. Roppolo
D. Samuels
K. Scales
J. Sheridan
L. Stevenson

Others

D. Consolo
N. DeSantis
T. Pytlar
J. Shaver
T. West

1. The Chairman called to order the Rockland County Solid Waste Management Authority Board of Director's meeting for Wednesday, April 20, 2016 at 5:08 p.m.

2. Roll call by Clerk. There is a quorum.

3. Pledge of Allegiance – Led by Supervisor Monaghan

4. Introduced by: Moroney/Hoehmann Unan. April 20, 2016

**Resolution No. 8 of 2016
ADOPTION OF MINUTES, MEETING OF
February 25, 2016**

RESOLVED, that the transcribed Minutes of the Rockland County Solid Waste Management Authority are approved for the meeting February 25, 2016, as recorded by the Clerk and are hereby adopted.

5. 2015 Financial Statements

Consolo: Operating revenues, solid waste disposal charges had an increase of \$3M. Operating expenses increased by about \$2M and the biggest portion is from contractual services. There was a non-operating revenue, insurance recovery of \$1.3M for the collapse of the roof at the Authority. The change in net position which is the amount of money generated for the year is \$4.5M. The Authority had a very positive year. Included in that generated amount is \$429,000 of OPEB charges which is calculated by actuaries to put aside for current retirees and the current employees who will one day retire. The total net position is \$28.9M which is made up of two amounts; the net investment in capital assets which is your machinery and infrastructure is \$9.3M and the unrestricted is \$19.5M.

Shaver: There was a positive budget variance of \$772,000 for the Material Recovery Facility because of commodity pricing in 2015. There was a negative variance of \$252,000 for the Cocomposting Facility user charges for out-of-county users as a result of the Cocomposting Facility being out of service. The largest positive variance is the transfer station tipping fees of \$3M because of the increased tonnage of waste the Authority took in for 2015. Budget variance in expenditures for engineering and professional fees as a result of the Cocomposting Facility being out-of-service is \$175,000. Transfer station fees were over budget by \$212,000; however, you have to offset that against the \$3M positive budget variance on revenues.

Stewart: What was the reason for the surplus?

Shaver: There was an increase in tonnage received at the transfer stations.

Roppolo: Some of the increase was due to on-going projects in Ramapo, there is the Tappan Zee bridge project and some of that waste is going to Haverstraw. Clarkstown gets waste from out-of-County like Westchester and New Jersey.

Hoehmann: There were no issues with related party transactions; is that correct?

Consolo: There was one issue when we started that has been resolved and the Authority will have a clean opinion.

Stewart: Is the fund balance trending upward or downward?

Consolo: It has to trend upward because the bond covenants say there must be a profit.

Stewart: That's something that seems odd in it's design. Is there some greater logic to that?

Phillip: That's a very good question, but I don't want to confuse the issue. Even though we have to grow, we don't have to grow in surplus or reserve. We can take the money and reduce our

debt or we can put it towards a capital project or purchase equipment. Even though we have to grow in our revenue, we do not have to allow the unrestricted fund balance to grow.

DeSantis: The unrestricted net assets can be used for certain items per the bond covenants. Right now the funds are being used appropriately. The net assets the Authority has helps with the evaluation of the bonds.

Consolo: There are seven bonds outstanding maturing through 2033.

Hoehmann: The State Comptroller has given guidelines in regard to the fund balance and what it shouldn't go over. The comptroller's opinion for authority's and local municipalities states they should be careful on how much accrual they make and I certainly agree. We should really try to pay down what we can instead of continuing to accrue the way we are.

Phillips: Commissioner Hoehmann raises a good point. As a reminder to everyone the comptroller's office during the past decade had made certain requirements of municipalities to not exceed a level of unrestricted fund balance. But they themselves, when the market went south in 2008, came back and hit all of us with enormous increases in our retirement funds that of course nobody had the unrestricted fund balances that could really help the system. I know exactly what your're saying Commissioner Hoehmann it's such a delicate balance. One question on the debt, is it because we didn't make the bonds callable or is it because the Authority can not pay off its debt service earlier that we can't use this format?

West: Certain bonds are callable and certain methods can be used to retire debt early. If there are bond proceeds we are not currently using we could use those to phase debt. The covenants in the bond resolution require certain uses of these fund balances. It is really a tight system for approval. It is tied to using that money for capital improvements.

Phillips: Why don't we take a look at that and have our staff review what we can use and what we can't use the money for.

West: I can make a presentation at the next Board meeting.

Wieder: What is the timeframe to vote on the financials and accept the report?

West: There are continued disclosure requirements as part of the bonds the Authority has issued. Each of the bonds have disclosure agreements. The agreements pre 2010 states the audit should be approved and sent out with the continuing disclosure annual information by April 30th. If the audit was not approved by then, an unaudited report could be sent but it is somewhat frowned upon. Post 2010 the continued disclosure agreements require the audit be sent in by June 15th. The prudent thing would be to have it approved so you can send it in with the annual financial information by the end of April.

Moroney: Where do we stand on the retirement balance?

Consolo: The retirement system sends out a bill every year and it is paid in the month of December in whole by the Authority. So as far as a billing aspect, the Authority is 100% paid up to date. There was a new accounting statement that came out this year from the governmental accounting standards board which said that the state had to provide each municipality with their share of any shortfall in the retirement system. The New York State Retirement System is funded as well as any retirement system in the state, but it's funded at 98% which is probably in the top ten of the Country. But, because it is not 100%, you have a potential liability of about \$236,000 at a state discount rate which is not billed or due.

Moroney: Who determines that percentage going forward?

Consolo: The actuaries from the state.

Moroney: How often do they change the percentage?

Consolo: The change in percentage does not happen often.

Nota: Some of the bonds that are older at higher interest rates could effectively refinance and retire. With the issuance of new bonds getting interest expense commendable with today's rates, could the Authority then move forward to retire debt with that capital? Could you explain if that is possible?

West: Typically, the Authority's financial advisor will periodically look at the existing bonds and their interest rates to see if whether a refunding would make sense based on what the existing interest rates are. There has to be a significant savings that would have to be realized for the comptroller's office to approve it. It can't be done for just a nominal savings.

6. **Introduced by: Lynn/Soskin Unan. April 20, 2016**

**RESOLUTION No. 9 of 2016
ADOPTING RECOMMENDATION OF AUDIT COMMITTEE AND APPROVING
2015 FINANCIAL STATEMENT**

WHEREAS, Section 2800(3) of the New York Public Authorities Law requires that the annual financial statement be approved by the Authority Board; and

WHEREAS, the attached audited financial statement was prepared by O'Connor Davies LLP, for the period ended December 31, 2015; and

WHEREAS, the Authority's Audit Committee has met on March 16, 2016, reviewed and accepted the attached 2015 Financial Statement, and has recommended to the Authority Board that it be approved; now therefore be it

RESOLVED, that the Authority Board hereby adopts the recommendation of the Audit Committee and approves the attached audited financial statement prepared by O’Connor Davies LLP, for the period ended December 31, 2015.

7. MS-4 Annual Stormwater Meeting

Roppolo: All municipalities are to complete this stormwater report. The Authority is considered separate entities so there are general guidelines that have to be followed. Mr. Damiani is our stormwater person on staff that goes out and samples and then submits the samples. There are numerous items that need to be done like catch basins are cleaned and the roads, etc. The report gets submitted to the DEC.

Phillips: The report was presented and there are no questions or comments.

8. Introduced by: Moroney/Stewart Unan. April 20, 2016

**Resolution No. 10 of 2016
AWARD OF DEMOLITION SERVICES OF THE MAINTENANCE GARAGE BUILDING AT THE
CLARKSTOWN SOLID WASTE MANAGEMENT FACILITY**

WHEREAS, on January 25, 2016, the Authority issued a Request for Proposal, RFP 2016-04 for the demolition of the Maintenance Garage Building at the Clarkstown Transfer Station; and

WHEREAS, on February 19, 2016 the Authority received proposals from four contractors; and

WHEREAS, the Authority staff, outside counsel PLDW and the Authority’s consulting engineer, Sterling Environmental Engineering, P.C. have reviewed the proposals and has determined that the proposal submitted by Yannuzzi Group, Inc is in all respects responsive to the Request for Proposals and is the lowest responsive and responsible proposer, and therefore recommends acceptance of the proposal submitted by Yannuzzi Group, Inc; now therefore be it

RESOLVED, that the proposal is hereby awarded to Yannuzzi Group, Inc for demolition of the Maintenance Garage Building at the Clarks Transfer Station, in an amount not to exceed \$36,900; and be it further

9. Introduced by: Hoehmann/Sherwood Unan. April 20, 2016

**RESOLUTION NO. 11 OF 2016
RECOMMENDING THE SELECTION OF CLEAN HARBORS ENVIRONMENTAL SERVICES, INC.
FOR OPERATION AND MAINTENANCE OF THE HOUSEHOLD HAZARDOUS WASTE FACILITY**

WHEREAS, the Rockland County Solid Waste Management Authority (the "Authority") is a public benefit corporation, duly organized and existing under the Rockland County Solid Waste Management Authority Act, (the "Act") as set forth under Title 13-M of the Public Authorities Law of the State of New York; and

WHEREAS, the Authority requires operation and maintenance services for the household hazardous waste facility in Pomona, New York (the "Facility"); and

WHEREAS, the Authority issued a Request for Proposals for operation and maintenance of the Facility on November 25, 2015 (the "RFP") that was subsequently supplemented by two addenda issued on January 4, 2016 and January 6, 2016, respectively; and

WHEREAS, the RFP, as interpreted by the Authority, allows the Authority to select and enter into a contract in response to the RFP with the proposer that best satisfies the interests of the Authority and is most responsive to the RFP, and not necessarily on the basis of price or any other single factor; and

WHEREAS, on January 29, 2016 three proposals were received from the following firms: Clean Harbors Environmental Services, Inc. (Clean Harbors); Clean Venture, Inc. (Clean Venture); and MXI Environmental Services, LLC (MXI); and

WHEREAS, the Authority's Evaluation Committee evaluated each of the proposals, and based on that evaluation, members of the Evaluation Committee found that the proposal submitted by Clean Harbors was the most advantageous for the Authority, taking into consideration the evaluation factors set forth in the RFP; and

WHEREAS, none of the proposers formally objected to any terms of the RFP; now therefore be it

RESOLVED, that the proposal of Clean Harbors was found to be the most advantageous for the Authority, taking into consideration the evaluation factors set forth in the RFP; and be it further

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

RESOLVED, that the Authority hereby authorizes the Executive Director of the Authority to negotiate with Clean Harbors, and if negotiations prove successful, execute a service agreement for the operation and maintenance services at the Facility as such services are described in the specifications set forth in the RFP, as further negotiated, subject to review by Authority Counsel; and be it further

RESOLVED, that the Authority, in its sole discretion, has the right to discontinue negotiations with Clean Harbors at any time prior to the execution of a service agreement and such agreement shall not be binding and valid until executed by the parties.

Roppolo: There were three responses to this bid. As per our RFP there was a ranking system and within the ranking system the proposer that was the best value for the Authority was Clean Harbors. Clean Harbors is the current contractor that runs our facility.

Phillips: I'm satisfied with the recommendation and this was thoroughly vetted and it is our current contractor.

10. Introduced By: Hoehmann/Noto

Unan.

April 20, 2016

**RESOLUTION NO. 12 of 2016
AUTHORIZING A REFUND TO THE TOWN OF CLARKSTOWN'S
MASSACHUSETTS AVENUE PROJECT
AT THE CLARKSTOWN TRANSFER STATION**

WHEREAS, the Rockland County Solid Waste Management Authority (the "Authority") is a Public Authority pursuant to Title 13-m of the New York State Public Authorities Law; and

WHEREAS, in November 2008, the Authority acquired a fee interest in the real property known as the "Clarkstown Transfer Station Real Property" located in the Town of Clarkstown, New York (the "Town"); and

WHEREAS, the Authority owns and maintains the Clarkstown Transfer Station, Concrete & Asphalt Crushing Operation, and Yardwaste Facility (the "Clarkstown Solid Waste Facilities") located on the Clarkstown Transfer Station Real Property for the purpose of solid waste management in the County; and

WHEREAS, pursuant to Section 5.1(B) of the Host Community Agreement between the Authority and the Town (the "Host Community Agreement"), as amended, the Authority pays Host Fees to the Town for each ton of Municipal Solid Waste disposed of at the Clarkstown Solid Waste Facilities; and

WHEREAS, pursuant to Section 5.1 of the Intermunicipal Agreement Related to the Purchase of the Clarkstown Solid Waste Facilities between the Authority and the Town (the "Intermunicipal Agreement"), the Authority is obligated to accept Municipal Waste at the Clarkstown Transfer Station delivered by authorized **Town Vehicles** at no charge to the Town, and that such quantities of Municipal Waste delivered to the Clarkstown Transfer Station shall not be included in the Host Fee calculation; and

WHEREAS, the Authority also owns and maintains the Hillburn Transfer Station, located in Hillburn, New York; and

WHEREAS, in connection with the Town's Massachusetts Avenue Project, the Town had generated materials for disposal at the Clarkstown Transfer Station and the Hillburn Transfer Station in contractor vehicles ; and

WHEREAS, the Town paid the total cost of tip fee as the material generated was not delivered in Town vehicles; and

WHEREAS, the Town was paid a host fee on such material delivered; and

WHEREAS, the Town has requested a refund to reflect Authority disposal cost; now therefore be it

RESOLVED, that the Authority Board hereby authorizes a one-time refund of \$27,732 to the Town of Clarkstown to reflect Authority cost of disposal; and be it further

RESOLVED, that the Authority hereby authorizes the Executive Director of the Authority to effect the intent of this resolution.

Roppolo: This was an item from last year and basically it authorizes a one-time refund to the Town of Clarkstown which represents the difference between in the tip fee and the actual cost of what went over the scale.

11. **Introduced by: Grant/Moroney** **Unan.** **April 20, 2016**

Resolution No. 13 of 2016
AWARD SOLID WASTE COLLECTION, TRANSPORTATION AND DISPOSAL FOR
THE VILLAGE OF HAVERSTRAW

WHEREAS, pursuant to its Intermunicipal Garbage and Recyclables Collection Agreement with the Authority, the Village of Haverstraw made a request of the Authority to advertise for requests for proposals for the collection, transportation and disposal of its solid waste, bulky items and recyclable material; and

RESOLVED, that the proposal submitted by Minuto. for Contract SV-5 is hereby accepted and the contract for the collection of garbage and recyclables for the Village of Spring Valley is hereby awarded to Carlo Minuto Carting Company Inc.

Roppolo: As you may recall last year the contractor walked out on these contracts.

13. **Introduced:** Soskin/Stewart **Unan.** **April 20, 2016**

**RESOLUTION NO. 15 OF 2016
CANCELATION OF JULY 28, 2016 MEETING**

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

RESOLVED, that the regular monthly meeting, originally scheduled for July 28, 2016 shall be canceled.

14. **New Business**

Phillips: Is there any new business to bring forward? Is there anyone in public that would like to comment during public participation?

No public comment was offered.

Braunfotel: We were recently informed that Mr. Larry Stevenson will be retiring.

Phillips: Let's acknowledge his work and service with a round of applause.

Do we have a motion to adjourn?

Hoehmann: Moved

Sherwood: Seconded

The meeting was adjourned at 5:40 p.m.

Respectfully submitted,
Suzanne Haggerty