



**ROCKLAND COUNTY
SOLID WASTE MANAGEMENT AUTHORITY**

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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. Hofstein
M. Kohut
L. Lynn
J. Monaghan
P. Moroney
J. Noto
A. Paul (left 6:17)
I. Schoenberger
W. Sherwood
A. Stewart
A. Wieder

Absent

D. Jobson
P. Soskin
C. St. Lawrence

Staff

K. Braunfotel
S. Haggerty
A. Karger
A. Roppolo
D. Samuels
K. Scales
L. Stevenson

Others

T. Pytlar
T. West

The Chairman called to order the Rockland County Solid Waste Management Authority Board of Directors meeting for Wednesday, June 2, 2016 at 5:07 p.m.

Roll call by Clerk. There is a quorum.

Pledge of Allegiance – Led by Supervisor Monaghan

Introduced by: Hoehmann/Sherwood

Unan.

June 2, 2016

**Resolution No. 16 of 2016
ADOPTION OF MINUTES, MEETING OF
April 20, 2016**

RESOLVED, that the transcribed Minutes of the Rockland County Solid Waste Management Authority are approved for the meeting April 20, 2016, as recorded by the Clerk and are hereby adopted.

Hoehmann: I am happy to nominate Commissioner Phillips for Chairman.

Introduced by: Hoehmann/Schoenberger, Sherwood, Stewart **Unan. June 2, 2016**

**RESOLUTION No. 17 of 2016
APPOINTING THE CHAIRMAN OF THE AUTHORITY FOR THE YEAR 2016**

WHEREAS, Officers of the Authority Board are chosen each year at the Authority's annual January meeting; and

WHEREAS, the following Authority Board Member served as Chairman in the year 2016:

Chairman: Christopher P. St. Lawrence

WHEREAS, the Authority Board now has a vacancy and has held a meeting and selected a new Chairman to serve in the year 2016; now therefore be it

RESOLVED, that the Chairman of the Authority for the year 2016 shall be as follows:

Chairman: Howard T. Phillips

Motion to go into Executive Session to discuss contracts.

Kohut: Moved

Hoehmann: Seconded

Motion to come out of Executive Session

Sherwood: Moved

Monaghan: Seconded

Executive Directors Report

Roppolo: The Authority received confirmation of the receipt of the Food Pantry/Food Rescue grant application previously submitted and the submission has been added to the NYSDEC funding list. Historically funding for projects may take several years but in the proposed DEC Part 360 regulations priority projects funding may be a possibility. Since this project funds the best and highest use of

excess food based on the EPA food hierarchy, and includes a current initiative of the New York State DEC, the Authority is hopeful it can be considered a priority project.

The Authority has been reviewing the proposed Part 360 regulations and will be making comments. The regulations have not been revised in twenty years and the revisions are comprehensive. These revisions, as they now stand, will impact all facilities of the Authority; some significantly. New York State DEC had initially distributed the proposed regulations to all parties in April 2016. Since April the Authority has been reviewing the regulations internally and have had consultants reviewing certain sections and have asked all our facility contractors to indicate any concerns with regard to their obligations as they are currently contractually required to perform. Many industry organizations have requested an extension of the comment period which ends July 15, 2016. Assemblyman Zebrowski has also requested that the comment period be extended for sixty days in order to perform a thorough review and provide meaningful feedback to the department. We will continue to attend workshops, stakeholder meetings and review the regulations in order to submit comprehensive comments.

I would like to thank Debbie Samuels and Kerri Scales for working on few of our outreach initiatives. We have a very active twitter handle @GreenUpRockland which gives followers information specific to Rockland, historical facts, general information regarding recycling, composting, and household hazardous waste among other facts. In addition, the Recycle Coach app is available on-line at the app store. The app is free and has been populated with our events and applicable garbage pick-up information for each town or village. If you load the app you will see highlighted Stony Point's shredding event this Saturday as well as the scheduled Sunday HHW drop-off event. Kerri is also working on increasing the outreach to the schools and the resolution for your consideration on tonight's agenda will allow us to pilot our efforts in three schools. Our summer intern, Tom, will be reaching out to all municipalities to train and explain the recycling app to their municipal green teams.

In April, we had a second municipal green team meeting to discuss different ways to inform residents on Authority initiatives and reminders of proper recycling. In addition, we had our first haulers meeting to discuss how they can best communicate with residents. In September we will be having a joint meeting with both the municipal green teams and the haulers to encourage communication and exchange ideas for best practices and in order to communicate a consistent message to residents.

I'd like to thank Denis O'Donnell, Dee Louis and Jerry Damiani in coordinating the demolition of the old blue maintenance building at the Clarkstown site. The building has been demolished and the footings of the old building are being excavated. The demolition was in anticipation of a selection of a proposer for a new building. As outlined in my memo to the Board, based on the review of the engineers and lack of multiple responses, the recommendation is to reject the one proposal that we received and discuss options as we move forward taking into account the feedback we have received and I will keep the Authority Board apprised of that.

At the last meeting there was a discussion regarding use of unrestricted funds and tonight bond counsel will explain how the funds could lawfully be used. My memo to the Board dated March 15, 2016 was updated to a memo submitted to the Board dated April 13, 2015 and outlines the intended use for capital funds. As outlined the potential list capital expenditures related to equipment is in excess of \$4,000,000. In addition, there are certain capital projects that could potentially be

funded utilizing unrestricted funds that total in excess of approximately \$8,000,000 should the Board opt to use funds rather than bond. Counsel will explain the mechanics shortly.

According to the Public Authorities Act, each board member is required to complete a “confidential evaluation of board performance” form annually. Debbie passed out form this evening, so please complete it and return it in the self-addressed stamped envelope provided.

On May 13th the Authority received the EPA Region 2 Environmental Champion Award for our Household Hazardous Waste facility. It was an inspirational day, not only because the Authority was able to be recognized for their efforts, but we were able to learn about all the other initiatives in Region 2 that make a difference in the environment.

Motion to accept the Executive Director’s Report

Moroney: Moved

Hoehmann: Seconded

D&B Engineer’s Report

Pytlar: For May and part of June our work at the Authority’s related to the Material Recovery Facility The operator Casella tested a different procedure for sorting recyclables which was aimed at trying to get a better recovery of PET plastics. But, it didn’t go so well so they went back to normal procedures and we reported on our observations of that test to Authority staff and Ms. Roppolo. Currently, we are involved in coordinating with Casella to do the next quarterly residue test where we will be testing to make sure Casella is meeting their guarantees of keeping residues at a certain level based on the contract they have with the Authority. In addition, we have been conducting a preliminary structural analysis of potentially building an enclosed maintenance garage structure at the Hillburn Materials Recovery Facility. Ms. Roppolo has committed to Casella to look into the garage so that maintenance can be done on the rolling stock in an interior maintenance shop.

Motion to accept the Engineer’s Report

Schoenberger: Moved

Stewart: Seconded

Roppolo: Part of the initiative of the Education Department is to reach out to the school districts to include recycling in the school and onsite composting. Ms. Scales recommended that we use Hospitality Green to help the Authority with that initiative. There will be three different school districts and hopefully we’ll be able to replicate that initiative in the other schools as well.

Phillips: The three school districts are North Rockland, Nyack and Ramapo Central School Districts?

Roppolo: Yes, those are the three we have right now.

Introduced by: Kohut/Sherwood

Unan.

June 2, 2016

**RESOLUTION NO. 18 of 2016
AGREEMENT BETWEEN THE AUTHORITY
AND HOSPITALITY GREEN LLC**

WHEREAS, resolution 3 of 2015 adopted the Rockland County Solid Waste Management Plan;
and

WHEREAS, section 3.5.2.3 of the adopted plan describes the goal of the Authority to assist the public and private K-12 schools and colleges to develop successful and sustainable recycling and waste reduction programs; and

WHEREAS, the Authority requires the services of a consultant/liaison to assist in the implementation of section 3.5.2.3 for three schools to pilot a self-sustaining solid waste reduction system; and

WHEREAS, the Authority wishes to enter into an agreement with Hospitality Green LLC for professional services to be completed within 12 months; and

WHEREAS, the Authority has negotiated a fee not to exceed \$15,000; now therefore be it

RESOLVED, that the Executive Director is hereby authorized to execute a consulting agreement with Hospitality Green LLC, a copy of which is attached hereto, at a not-to-exceed amount of \$15,000.

Funding: Operation Fund

Account Number: 6512-00 Community Partnerships

New Business

Braunfotel: Cancellation of request for proposals for the design-build in the Town of Clarkstown.

Introduced by: Lynn/Moroney

Unan.

June 2, 2016

**RESOLUTION No. 19 OF 2016
REJECT REQUEST FOR PROPOSALS FOR (RFP 2015-22)
FOR A DESIGN-BUILD SERVICE PROPOSAL FOR AN ADMINISTRATION & MAINTENANCE BUILDING
AT THE CLARKSTOWN FACILITY**

WHEREAS, the Authority solicited proposals (RFP #2015-22) for a Design-Build Service Proposal for an Administration & Maintenance Building in Clarkstown; and

WHEREAS, the Authority issued a Request for Proposals for such services on November 13, 2015 with Addendum 1 on December 7, 2015, Addendum 2 on December 11, 2015 and Addendum 3 on January 25, 2016 (collectively the "RFP"); and

WHEREAS, on February 26, 2016 one proposal was received in response to the RFP from Helmer-Cronin Construction Inc. ("HCC"); and

WHEREAS, the proposed conceptual design and Plan of Service fail to achieve key project objectives;

WHEREAS, based upon reviews by the engineers and the lack of multiple responses it is recommended that the proposal be rejected; and now therefore be it

RESOLVED, that the Authority hereby rejects RFP #2015-22 in accordance with its terms in order to allow the Authority to assess the scope of services.

Schoenberger: Is this a rejection of the proposal? We went out to RFP we got a proposal in and the Executive Director recommends that we reject that proposal?

Braunfotel: Yes.

Braunfotel: The Authority wants to be involved as part of the municipal consortium in support of reasonable water rates against Suez water company and the proposal is for Dichter Law, LLC not to exceed \$40,000.

Stewart: My proposal would be that we should stay with the Dan Duthie. Dan Duthie is part of the team that succeeded in the help to beat down Suez on their rate increases. The advocates and activists of our community were largely responsible for the amazing turnouts and appearances. I think we should continue to support that work and that teamwork. I don't have a personal relationship with Dan Duthie but to be effective and thorough and respectful of the people who are deeply involved in this fight we should continue with him. This proposal is for \$10,000 and the total municipal consortium paying the entirety of this process the point being that it's about a quarter of what Dichter has proposed. I think the Solid Waste Authority's interest in terms of trying to keep the rates from going up too much, why not use Dan Duthie for \$10,000 to support the team effort and Joel Dichter for \$10,000 as well. That will get us to the \$20,000 the Solid Waste Authority dedicated to this matter in the past and create a synergy between the various parties by keeping the existing successful team intact.

Phillips: I can understand Mr. Stewart's concern. I just believe that sometimes it is good to change things up. My personal feeling is that we are going in a new direction and Mr. Dichter who is coming in with extensive experience. It is amazing how Mr. Duthie has now reduced his cost since the last time we hired him it was \$95,000 to fight the rate case for the municipalities. In either case I think that it is wise that we move ahead with somebody that is new and has extensive experience. Mr. Dichter has worked with the Cities of Yonkers and White Plains, Villages of Scarsdale and Rye Brook; so he can jump right into this without a problem. Last year we authorized \$20,000 and it was money well spent. The one good thing is that we are all in agreement that we do not think this should be passed onto the rate payers and that is the critical part. The other irony in all of this is that the company that services the water to the Rockland rate payers was mandated by the state to go ahead and do this. I really think the state should have stepped in and bore the cost of this \$54M. Let's face it, how do we get \$54M down the road and then the state says to shelve it; that is a disgrace and that is the real tragedy in all of this.

Sherwood: The entire legal fee is \$40,000 and it is a shared expense?

Phillips: It is going to be a shared expense.

Sherwood: So our maximum would be?

Phillips: Our maximum would be \$20,000.

Stewart: I motion for an amendment to the resolution and add Dan Duthie on for \$10,000.

Phillips: Is there a second on the motion? Since there is no second I move on the first resolution.

Introduced By: Grant/Hofstein Yea
 Stewart Nay

June 2, 2016

RESOLUTION NO. 20 OF 2016

AUTHORIZING THE AUTHORITY TO SHARE THE COST OF LEGAL SERVICES PERFORMED BY DANIEL P. DUTHIE AS PART OF THE MUNICIPAL CONSORTIUM IN SUPPORT OF REASONABLE WATER RATES

WHEREAS, the Authority considers it in its best interests to join the Municipal Consortium in Support of Reasonable Water Rates in connection with United Water's 2013 Rate Case 13-W-0295 before the Public Service Commission; and

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

WHEREAS, the Town of Clarkstown and other members of the Municipal Consortium have requested the Authority's participation in the cost sharing for legal fees Dichter Law LLC, to represent the Group in the pending case; and now, therefore be it

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

RESOLVED, that the Authority's share for this legal work shall not exceed the amount of \$20,000.00

Braunfotel: The Authority issued a Request for Proposal for solid waste collection, transportation and disposal for the Village of Sloatsburg, New York on December 18, 2015 which was supplemented by one addendum issued on January 22, 2016. On February 5, 2016, the Authority received two proposals in response to the RFP, one from AAA Carting and Rubbish Removal, Inc. and the other from Carlo Minuto Carting Company, Inc.

The Authority's Evaluation Committee evaluated both proposals based on the selection criteria in the RFP and found that Carlo Minuto had a better overall record of compliance with applicable law and better references. AAA's overall history of non-compliance with applicable law, including its past history of non-compliance with flow control, coupled with permitting issues, and its failure to pay prevailing wages under the New York Labor Law, raised serious issues of concern for the Evaluation Committee.

Although AAA submitted a lower overall price than Minuto, the Evaluation Committee has recommended Carlo Minuto's proposal as the most advantageous proposal.

Introduced by: Monaghan/Sherwood

Unan.

June 2, 2016

RESOLUTION NO. 21 of 2016
AWARD OF SOLID WASTE COLLECTION, TRANSPORTATION AND DISPOSAL AGREEMENT FOR THE
VILLAGE OF SLOATSBURG

WHEREAS, the Rockland County Solid Waste Management Authority (the “Authority”) is a Public Authority Corporation, duly organized and existing under the Rockland County Solid Waste Management Authority Act, (the “Act”) and set forth under Title 13-M of the Public Authority Law of the State of New York; and

WHEREAS, the Village of Sloatsburg (hereinafter “the Village”) previously entered into an intermunicipal agreement with the Authority to take responsibility for residential solid waste collection, transportation and disposal services in the Village; and

WHEREAS, pursuant to its powers granted under the Act, the Authority has the power to perform such collection and to levy a fee for such service against the real property owners of the Village; and

WHEREAS, the Authority previously obtained solid waste collection transportation and disposal services for the Village; and

WHEREAS, the Authority issued a Request for Proposals for Solid Waste Collection, Transportation, and Disposal for the Village (RFP 2015-23) on December 18, 2015, and Addendum 1 thereto on January 22, 2016 (collectively the Request for Proposals issued on December 18, 2015 and Addendum 1 issued thereafter shall constitute the “RFP”); and

WHEREAS, on February 5, 2016, two proposals were received in response to the RFP from the following firms: (i) AAA Carting & Rubbish Removal, Inc. (“AAA”), and (ii) Carlo Minuto Carting Company, Inc. (“Minuto”); and

WHEREAS, as part of its review of the AAA proposal, the Authority submitted clarification questions to AAA on February 10, March 1, May 6, and May 10 of 2016, and responses were timely received; and

WHEREAS, as part of its review of the Minuto proposal, the Authority submitted clarification questions to Minuto on February 10, March 1, and May 6 of 2016, and responses were timely received; and

WHEREAS, the Authority’s Evaluation Committee evaluated each of the proposals, including the information obtained during the clarification process, and taking into consideration the evaluation factors set forth in the RFP, including qualifications and relevant experience, viability of proposed services, project organization, ability to comply with applicable law (including the flow control law and the prevailing wage law), the proposer’s financial capabilities, the proposed risk posture and business deal as set forth in the service contract, references and price, and determined that Carlo Minuto

Carting Company, Inc. provided the most advantageous proposal for the solid waste collection, transportation and disposal services being sought for the Village; and

WHEREAS, the Village of Sloatsburg concurs with the above recommendation; and

WHEREAS, the Authority expressly reserved the right in the RFP to select a proposer that best satisfies the interests of the Authority and not necessarily on the basis of price or any other single factor; and

WHEREAS, neither proposer formally objected to any terms of the RFP; now therefore be it

RESOLVED, that the proposal of Minuto was found to be the most advantageous for the services being sought, taking into consideration the evaluation factors set forth in the RFP; and be it further

RESOLVED, that the proposal of Minuto 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 Carlo Minuto Carting Company Inc., and, if negotiations prove successful, and subject to the affirmation of the Village of Sloatsburg, execute a Service Contract for Solid Waste Collection, Transportation and Disposal for the Village of Sloatsburg, 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 Service Contract for Solid Waste Collection, Transportation and Disposal for the Village of Sloatsburg shall be substantially in the form presented at this meeting, with such amendments, modifications, changes and omissions thereto as the Executive Director of the Authority may negotiate and approve as in the best interests of the Authority and not inconsistent with the terms of this resolution, and the Service Contract for Solid Waste Collection, Transportation and Disposal for the Village of Sloatsburg shall constitute conclusive evidence of the valid authorization hereunder of any such amendment, modification, change or omission; and be it further

RESOLVED, that the Authority in its sole discretion, has the right to discontinue negotiations with Carlo Minuto Carting Company, Inc. at any time prior to the execution of the Service Contract for Solid Waste Collection Transportation and Disposal for the Village of Sloatsburg and such agreement shall not be binding and valid until executed by the parties.

Phillips: On June 13, 2016 at 10 a.m. the Executive Committee is going to meet with the Authority's contractors at the offices in Torne Valley. It is open to any of the Board members that would like to attend. I think this is an opportunity for us to sit down with the contractors and see face to face who they all are.

Roppolo: I prepared a list of the equipment that is needed to use with our funds.

Phillips: There are two pieces of equipment at the Clarkstown Transfer Station that will cost how much?

Roppolo: The cost for the loader is going to be \$460,500 and an excavator of approximately \$460,000.

Phillips: The cost will be financed how?

Roppolo: Through the unrestricted funds that we have about \$19M. As we have reviewed our financial statements at our April meeting. I was asked to take a look to see if those funds could be used to reduce our user fees. There is a memo from Mr. West explaining in essence that the money could be used to purchase capital equipment or capital projects or retirement of debt. So the recommendation is at this point in time to use those funds to purchase these two pieces of equipment that needs to be replaced at the Clarkstown Transfer Station.

Schoenberger: I want to clarify, is it your recommendation as the Executive Director of the Authority to be purchase in this fashion and not to bond?

Roppolo: Yes.

Introduced by: Stewart/Noto

Unan.

June 2, 2016

**RESOLUTION NO. 22 of 2016
TRANSFER BUDGET FUNDS FOR PURCHASE OF EQUIPMENT**

WHEREAS, the Authority Board adopted a budget for the current fiscal year on October 22, 2015 by Resolution 34 of 2015; and

WHEREAS, it is the desire of the Authority Board to transfer funds for the purchase of equipment; now therefore be it

RESOLVED, the Authority Board authorizes the Finance Department to transfer funds as follows: \$920,500 from the Surplus Revenue Fund to the System Improvements Fund.

Phillips: Our consulting attorney has given us a memo for one of the questions at the last meeting was, is there a way we could use the unrestricted fund balance to lower costs. I think it would be helpful at the next meeting since this meeting took probably longer than any meeting in the history of the Authority so we will have that discussion at our next meeting.

Do we have a motion to adjourn?

Weider: Moved

Moroney: Seconded

The meeting was adjourned at 6:41 p.m.

Respectfully submitted,
Suzanne Haggerty