



**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.
Chairman

Anna Roppolo
Executive Director



Present

Chairman Phillips
Commissioner Grant
Commissioner Hoehmann (5:12)
Commissioner Hofstein
Commissioner Jobson (5:15)
Commissioner Kohut
Commissioner Lynn
Commissioner Moroney
Commissioner Schoenberger
Commissioner Sherwood
Commissioner Soskin
Commissioner Wieder

Absent

Commissioner Monaghan
Commissioner Noto
Commissioner Paul
Commissioner Stewart
Commissioner St. Lawrence

Staff

K. Braunfotel
G. Damiani
S. Haggerty
A. Roppolo
D. Samuels

Others

T. West

The Chairman called to order the Rockland County Solid Waste Management Authority Board of Directors meeting for Thursday, May 11, 2017 at 5:10 p.m.

Pledge of Allegiance – Led by Commissioner Moroney

Roll call by Clerk. There is a quorum.

Phillips: I'd like to make a motion to go into executive session.

Braunfotel: For the record, we are going into executive session to discuss pending litigation as well as personnel matters.

Sherwood: Moved

Grant: Seconded

Phillips: Motion to come out of executive session.

Sherwood: Moved

Grant: Seconded

Braunfotel: Call for a motion to accept the terms of the settlement agreement between the Authority and insurance company for the Cocomposting facility.

Introduced By: Hoehmann/Jobson

Unan.

May 11, 2017

RESOLUTION NO. 30 of 2017

APPROVING THE SETTLEMENT OF THE DISPUTE BETWEEN THE AUTHORITY AND U.S. SPECIALTY INSURANCE COMPANY IN CONNECTION WITH THE COCOMPOSTING FACILITY ROOF COLLAPSE CLAIM

WHEREAS, the Rockland County Solid Waste Management Authority (the "Authority") owns a Cocomposting facility located in Hillburn, New York (the "Facility"); and

WHEREAS, on February 14, 2014, a major snow, ice and rain storm occurred at the Facility, resulting in an extraordinary amount of heavy snow and ice accumulation on the roof of the Cocomposting building; and

WHEREAS, this extreme weight load resulted in a catastrophic failure of a portion of the roof in the "composting area" of the building resulting in a temporary shutdown of normal composting operations (the "Incident"); and

WHEREAS, as a result of the Incident, the Authority incurred costs to repair, replace and rebuild the Facility and suffered additional economic losses; and

WHEREAS, the Facility was covered by a Policy of Insurance (the "Policy") issued by U.S. Specialty Insurance ("U.S. Specialty"); and

WHEREAS, U.S. Specialty paid a portion of the claim amounts submitted by the Authority and denied certain other amounts claimed under the Policy; and

WHEREAS, as a result of the denial of portions of the claim, a dispute arose between the Authority and U.S. Specialty; and

WHEREAS, on May 1, 2017, a mediation was conducted between the parties and as a result of the mediation, the parties have agreed to settle their dispute; and

WHEREAS, as part of a settlement, U.S. Specialty has agreed to pay the Authority as compensation for the disputed amount the sum one million dollars \$1,000,000.00; and

WHEREAS, the parties wish to enter into a settlement agreement ("Settlement Agreement") to effectuate the proposed settlement; now therefore be it

RESOLVED, that the Authority hereby authorizes the settlement of the dispute between the Authority and U.S. Specialty and approves the Settlement Agreement; and be it further

RESOLVED, that the Settlement Agreement 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 approves as in the best interests of the Authority and not inconsistent with the terms of this resolution; and be it further

RESOLVED, that the Executive Director of the Authority is hereby authorized to execute the Settlement Agreement and General Release as in the best interests of the Authority and not inconsistent with the terms of this resolution; and be it further

RESOLVED, that the Executive Director of the Authority 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, including preparing and executing such additional documents as may be necessary to carry out the intent of this resolution; and be it further

RESOLVED, that the Authority in its sole discretion, has the right to discontinue settlement with U.S. Specialty at any time prior to the execution of the Settlement Agreement and such agreement shall not be binding and valid until executed by the parties.

Braunfotel: Call for a motion to begin the process of offering the position for Director of Finance under the terms and conditions we discussed in executive session.

Introduced by: Hofstein/Moroney

Unan.

May 11, 2017

**RESOLUTION NO. 31 OF 2017
APPOINTMENT OF DIRECTOR OF FINANCE TO THE
ROCKLAND COUNTY SOLID WASTE MANAGEMENT AUTHORITY**

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"), Title 13-M of the New York State Public Authorities Law and,

WHEREAS, the position of Director of Finance of the Authority will be vacated; and

WHEREAS, the responsibilities of this position include administrative work of a complex nature involving the ability to assist the Executive Director and the Authority Board in the performance of the fiscal duties for which she/they are responsible; and

WHEREAS, the Authority conducted a search for candidates to interview for this position; and

WHEREAS, the Authority received numerous resumes and conducted interviews with several qualified candidates; and

WHEREAS, John Tuey has demonstrated that he is the best candidate for this position and has the requisite qualifications, skills and experience to fulfill the responsibilities involved therein; and,

WHEREAS, it is hereby recommended that John Tuey be appointed as the Director of Finance of the Authority, and, therefore it is hereby,

RESOLVED, that John Tuey is hereby appointed as the full-time Director of Finance of the Authority effective as of June 2017 at a salary of \$120,000 per year to serve in such capacity at the pleasure of the Authority Board, and be it further

RESOLVED, that the salary of this position shall be paid from operating funds-personnel budget line 5110-00.

Moroney: Is there a report from the Executive Director.

Roppolo: I wanted to let everyone know as far as the Rockland County Department of Health flow control enforcement we have had discussions.

Phillips: If we can in any way come up with a position where we can get a greater enforcement I think everybody would be in favor of this position. We have been talking about this for years about how we are not satisfied with the inspections and with someone really looking at the carters. I guarantee you, we are not getting all the waste stream that we should be receiving. I would be in favor if we could find a way to create a position and put someone in the position with a background in enforcement and experience. Anyone with that type of background would be extremely helpful.

Roppolo: We will continue to have those discussions with the Department of Health and hopefully bring something to the board at the next meeting.

New Business

Phillips: Since there is no other new business and no public comment being offered, do we have a motion to adjourn?

Moroney: Moved

Wieder: Seconded

The meeting was adjourned at 5:55p.m.

Respectfully submitted,
Suzanne Haggerty

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