



**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
Legislator Grant
Supervisor Hoehmann
Legislator Hofstein
Legislator Jobson (arrived 5:15)
Mayor Kohut
Supervisor Monaghan
Legislator Moroney
Councilman Noto
Legislator Paul
Legislator Schoenberger
Legislator Soskin
Supervisor Stewart
Legislator Wieder (arrived 5:30)

Absent

Mayor Lynn
Judge Sherwood
Supervisor St. Lawrence

The Chairman called to order the Rockland County Solid Waste Management Authority Board of Directors meeting for Thursday, September 22, 2016 at 5:00 p.m.

Roll call by Clerk. There is a quorum.

Pledge of Allegiance – Led by Mayor Kohut

Introduced by: Schoenberger/Moroney Unan. September 22, 2016

**Resolution No. 26 of 2016
ADOPTION OF MINUTES, MEETING OF
June 23, 2016**

RESOLVED, that the transcribed Minutes of the Rockland County Solid Waste Management Authority are approved for the meeting June 23, 2016, as recorded by the Clerk and are hereby adopted.

Executive Directors Report

Roppolo: The Authority has submitted comprehensive comments to the NYSDEC regarding the proposed Part 360 regulations. The letter was included in the Board packet. The comment period was closed on September 13th and it is my understanding the DEC has received many comments and it will take some time to review all comments. I will keep you apprised of NYSDEC next steps and impact to the Authority, if any, in the coming months.

A major fire occurred on June 24, 2016 at the Con-Ed electrical transmission substation on Torne Valley Road in Hillburn opposite the entrance road to the Rockland County Solid Waste Management Authority Co-composting and Materials Recovery facilities. The fire began at approximately 7:27 pm and had the fire occurred during working hours, it may have prevented persons at the site from leaving due to the unsafe conditions on Torne Valley Road at the substation. In addition, had prevailing winds been blowing in the direction of the Authority facilities during work hours, the heavy smoke from the fire could have caused unsafe air quality and diminished visibility. As a result of this occurrence, the Authority has requested that NYSDEC consider and allow an emergency egress road to be constructed from the Materials Recovery Facility site to the Transfer Station. This would allow persons to leave our facilities and safely travel to Torne Valley Road to Route 59 in event of another fire at the substation or some other catastrophic event. We are aware that this emergency egress road would be constructed through a sensitive environmental area, including a crossing of the Candle Brook, rattlesnake habitat and potentially wetlands. However, we believe the safety concerns necessitate this action. It is our understanding that the construction of the road could be accomplished without permanent disruption or degradation of these features. The Authority wrote a letter to Jim Lansing, NYSDEC Materials Management Engineer, on July 25th and requested a meeting to discuss the access road. As of yet, we have not received a response.

Subsequently, representatives from the Rockland County Office of Fire and Emergency Services, Orange and Rockland Utilities, the Chairman and I met to discuss concerns pertaining to incidents at the Electrical Substation on Torne Valley Road. Several requests were made by the Authority including a copy of correspondence regarding regulatory questions/responses, and best management practices to be implemented, copies of correspondence from regulatory agencies such as NYS DEC Spill Prevention & Remediation, Public Service Commission, Town of Ramapo, County of Rockland, etc.

The outbound scale at the Clarkstown transfer station site is approximately 13 years old. The scale is well past it's useful life and has been determined to be beyond economical repair.

On July 29, 2016 the Authority issued RFB # 2016-23 for the purchase of a standard truck scale. Bids were returned on August 17, 2016. In addition, on August 15, 2016 the Authority issued RFB # 2016-29 for the new foundation associated site work for the proposed new outbound scale. One late sole response was received on September 9, 2016 with a total bid that well exceeded budget.

The Authority intends to reject both bids and utilize an alternative approach to replacing the outbound scale using the existing foundation structure with a custom scale. Scale manufacturers have indicated a custom scale will be 10-15% greater than a stock scale. An approximate increase of about \$10,000.

The existing scale foundation has been in service for approximately 25 years. An inspection of the foundation structure will take place on September 30th and October 1st to determine that the foundation structure is in acceptable condition.

After a determination is made, a custom scale bid and any updated foundation work bid will be issued. This alternative approach should provide savings to the Authority and provide the necessary replacement of the scale.

The Authority met several times with NYSDEC regarding the replacement of the tip floor at the Haverstraw transfer station. Our last meeting with the DEC was on September 15th and all questions and concerns were discussed and resolved. For your consideration on tonight's agenda, there is a bid for the tip floor construction at the Haverstraw transfer station for your consideration.

Kerri Scales has been working on a new initiative with three schools. I'd like to ask Kerri to update the Board.

Scales: In order to increase waste reduction and recycling at the schools in Rockland County we have reached out and contracted with Hospitality Green LLC. The intent is to bring them in with a level of expertise in this field that has proven to be extremely valuable in creating individually tailored self-sustaining waste reduction systems within the schools. Three schools were selected for the program Sloatsburg, Stony Point and Farley Elementary schools. Models will be created to replicate around the County. We will evaluate together existing practices of the schools and determine what is needed in order to grow their program. This program will continue until the end of the school year.

Roppolo: As requested, the Authority issued a request for proposals for auditing services and the resolution will be introduced under new business for your consideration. As a reminder, there is a Budget Committee meeting on September 27th at 3:00pm at the Conference Center.

D&B Engineer's Report

Pytlar: Work on behalf of the Authority related to the Materials Recovery Facility second quarter residue test and the quantity of residue and recyclables being lost. A residue test report was prepared which indicated that the contractor had exceeded the allowable quantity that is in the contract.

Phillips: When you say residue, what are we talking about exactly?

Pytlar: There are deliveries of commingled containers and commingled papers. When the recycling comes into the Materials Recovery facility they are dumped in two different locations of the facility and then go through separate processing systems. The residue is primarily composed in what is lost in the processing of the comingled containers. So residue means mainly the recyclables that come in and don't get recovered because no system is 100% efficient; there are always loses. The contract established the maximum of 10% of the incoming tonnage that can go out as residue. Therefore,

requiring the contractor to do a test every quarter to check the residue and look at the amounts specifically of the aluminum and plastics.

Phillips: So tonnage in versus tonnage out and the difference is considered residue?

Pytlar: Yes. Other work for the Authority includes reviewing invoices from Casella for the baler repair work and work they had done on screening devices at the Materials Recovery facility. We also prepared an analysis for the approval of an emergency egress road at the Materials Recovery facility. We also looked at the potential of an enclosed maintenance garage near the Materials Recovery facility that the operator could utilize. We prepared a structural and architectural analyses of alternate locations for the maintenance garage and repair shop to Authority staff for their review.

Braunfotel: Currently the notice for provisions in our by-laws notice for a regular meeting can be done by written letter, facsimile or teletype but it did not include e-mail. Therefore, we are updating our by-laws to include e-mail notification.

Introduced by: Moroney/Monaghan

Unan.

September 22, 2016

**RESOLUTION NO. 27 OF 2016
RATIFICATION OF AMENDMENTS TO THE BY-LAWS OF THE AUTHORITY**

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

WHEREAS, by Resolution No. 1 of 1994 the Authority did adopt by-laws of the Authority, and

WHEREAS, by subsequent resolutions of the Authority and from time to time the Authority has determined that amendment of the by-laws is necessary and incident to the proper and efficient operation of affairs and business of the Authority, and

WHEREAS, the by-laws have been amended by board resolution 31 of 1994, resolution 39 of 1995, resolution 59 of 1995 and resolution 36 of 1999, and

WHEREAS, the Authority has determined that an additional amendment to Section 4.4 of the by-laws is necessary in order to reflect the changes of "Notice" to include email as an additional method of notification regarding meeting dates, and

WHEREAS, a copy of this resolution and the proposed changes to the by-laws have been served upon all members of the Authority as required by the by-laws, now therefore be it

RESOLVED, that Section 4.4 of the by-laws is amended to provide as follows:

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"Section 4.4 Notice - Notice of the time and place of each regular meeting of the Authority shall be given to each Member at their last known address (a) via the United States Postal Service at least four (4) calendar days before such meeting, or (b) via the Rockland County inter-office mail system at least four (4) calendar days before such meeting provided that the recipient is an employee or elected official of the County of Rockland, or (c) by personal delivery at least twenty-four (24) hours before such meeting, or (d) by facsimile transmission at least twenty-four (24) hours before such meeting, or (e) by overnight courier service, or **(f) by electronic mail (email) at least twenty-four hours before such meeting.** Notice by United States Postal Service shall be deemed to have been given when deposited in a post-office or official depository of the United States Postal Service, and addressed to such Member at the Members' address appearing on the records of the Authority. Notice by Rockland County Inter-Office Mail System shall be deemed to have been given when deposited with the employees of the County of Rockland employed for such purpose and addressed to the Member by name and title of office. Notice by personal delivery shall be deemed to have been given when personally delivered to the Member or delivered to a person of suitable age and discretion accepting delivery at the home or business address of such Member as appears on the records of the Authority. Notice by telegram shall be deemed to have been given when presented for transmission to the telegram company overnight courier shall be deemed to have been given when delivered to or picked-up by overnight courier, as in the case of notices by United States Postal Service. Notices by facsimile shall be deemed to have been given when transmitted to the business or residence facsimile number appearing on the records of the Authority. **Notice by email shall be deemed to have been given when emailed by an employee of the Authority to an email address provided by the member to the Confidential Secretary.** Each member of the Authority may designate the manner, method and location where the Notice of Meeting shall be sent, by filing a written declaration thereof with the Secretary of the Authority. Except as otherwise provided in Article VII relating to the amendment of these Bylaws, Article III, Section 3.5 relating to the removal of Officers, and in Article IV, Section 4.3 relating to special meetings, such notice need not specify the matters to be considered at the meeting."

Roppolo: The New York State DEC came down to the Haverstraw transfer station over a year ago and informed us that we needed to replace the tip floor.

Introduced by: Grant/Jobson

Unan.

September 22, 2016

**Resolution No. 28 of 2016
AWARD OF BID FOR FLOOR REPLACEMENT
AT THE BOWLINE TRANSFER STATION**

WHEREAS, on August 5, 2016, the Authority issued a Request for Bids for the floor replacement at the Bowline Transfer Station; and

WHEREAS, A-Tech Concrete, Hudson Valley Bridge, Moretti Industries, and Pinebrook Contracting submitted bids in response to the Request for Bids; and

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WHEREAS, the Authority engineers reviewed the bids and determined that the bid submitted by Moretti Industries conformed to the specifications in the Request for Bids and is the lowest bid; now therefore be it

RESOLVED, that the Authority Board hereby awards the bid for the floor replacement at the Bowline Transfer Station, RFB 2016-09, in the amount of \$477,125.00, to Moretti Industries, and authorizes the Executive Director to execute an agreement for the performance of the work specified in the bid.

Roppolo: We recently had a laborer resign and we need to fill that vacant position.

Introduced by: Hoehmann/Schoenberger Unan. September 22, 2016

**Resolution No. 29 of 2016
APPOINTMENT OF A LABORER TO THE ROCKLAND COUNTY
SOLID WASTE MANAGEMENT AUTHORITY**

WHEREAS, the Authority has determined that it needs to fill the position of Laborer; and

WHEREAS, Francis R. Frizalone has sought the position, and appears to be qualified; now therefore be it

RESOLVED, Francis R. Frizalone is hereby selected for the position of Laborer to serve in such capacity at the pleasure of the Authority, subject to approval of his application by the Rockland County Personnel Department, effective immediately upon such approval, and be it further

RESOLVED, that the compensation for such services for the year 2016 shall be the sum of \$35,000.00 annually, based upon an understanding that he will obtain a commercial driver’s license class A and completion of training as a weigh master; and be it further

RESOLVED, that the Laborer shall perform 40 hours of services per week, and be it further

RESOLVED, that the Executive Director is hereby authorized and directed to provide a compensation package comparable to that offered to other similarly employed Authority employees and to take all such steps necessary to implement same.

Roppolo: We have security guard services at the Clarkstown transfer station from 4 p.m. to 6 a.m. The reason we have the security is because we have a lot of drop and hooks being picked up at night and we can’t leave the gate open. We have always had the security guards at the site and the security contract is up and we went out to bid.

Introduced by: Hofstein/Soskin

Unan.

September 22, 2016

**Resolution No. 30 of 2016
AWARD OF CONTRACT FOR SECURITY GUARD SERVICES**

WHEREAS, the Authority is in need of security guard services at the Clarkstown Facility; and

WHEREAS, on July 25, 2016, the Authority issued a Request for Bids, RFB 2016-26 for security guard services at the Clarkstown Facility at night and on weekends; and

WHEREAS, on August 10, 2016 the Authority received bids from Apollo Security International Inc., Elite Investigations, Explorer Security and Wisdom Protective Services; and

WHEREAS, the Authority staff have reviewed the bids and have determined that the bid submitted by Explorer Security is in all respects responsive to the Request for Bids and is the lowest responsive and responsible bid, and therefore recommends acceptance of the bid submitted by Explorer Security; now therefore be it

RESOLVED, that the bid is hereby awarded to Explorer Security for security guard services at the Clarkstown Facility; and be it further

RESOLVED, that the Executive Director is authorized to enter into a one (1) year agreement with Explorer Security, with three (3) one-year renewals at the Authority's sole option.

Soskin: A few years back I proposed doing away with the security guards upon completion of the gate and having an automatic access. Where do we stand on this?

Roppolo: We were going to reconfigure the gate when the administration building is built. So, the building has to be built first so we can figure out where the gate needs to be.

Roppolo: This resolution should state ratify because this was awarded at a previous meeting with the exception that we had to work with the purchasing department at the County to make sure the proposer was the most appropriate proposer.

Introduced by: Paul/Noto

Unan.

September 22, 2016

**RESOLUTION NO. 31 of 2016
RATIFY AWARD OF BID FOR THE PURCHASE OF AN EXCAVATOR FOR
CLARKSTOWN SOLID WASTE FACILITY**

WHEREAS, the Authority is under contractual obligation to purchase equipment for use at the Clarkstown Solid Waste Facility located in West Nyack, NY; and

WHEREAS, on June 6, 2016, the Authority issued a Request for Bid, RFB 2016-18 for the purchase of an Excavator; and

WHEREAS, on June 22, 2016 the Authority received a bids from Westchester Tractor, Pine Bush Equipment Co. and Jesco in response to the Request for Bid; and

WHEREAS, the Authority staff has reviewed the bids and determined that the bid submitted by Pine Bush Equipment Co., Inc. is in all respects responsive to the Request for Bid and was the lowest responsive and responsible bid, and therefore recommends acceptance of the bid submitted by Pine Bush Equipment Co., Inc.; now therefore be it

RESOLVED, that the bid is hereby awarded to Pine Bush Equipment Co., Inc. for a Komatsu PC390 Excavator for the amount of \$407,900.00.

Source of Funds: System Improvement Fund

Motion to go into Executive Session to discuss legal matters.

Jobson: Moved

Grant: Seconded

Motion to come out of Executive Session.

Jobson: Moved

Grant: Seconded

New Business

Karger: BST & Co. CPAs has the most experience because they have the most authorities as clients than the other firms.

Hofstein: Looking at the matrix I'm a bit concerned O'Connor Davies how they did and they've been here for how many years. I know it's the past but it's really sad when you look at the matrix and just looking at the experience they ranked three.

Phillips: I hear what you are saying. We are moving on and entering into a new beginning.

Hofstein: BST is the most expensive of the responders.

Phillips: I'm glad you bring up that point. I said to the Executive Board members that I feel very strongly because everyone is in the same ballpark. It's not a tremendous amount of money between proposals. When you talk about auditors, you want to get the best, most qualified and most extensive experience you could possibly get your hands on because I think we owe that to the taxpayers of Rockland County. If we get someone that has a reputation and can prove to us they will continue to provide the auditing services that we really should be receiving. I think we are going to be very happy. This isn't something we want to just consider the lowest cost.

Hofstein: I'm not eluding to that but I looked at Bonadio and found a significant difference in the rating but their fee is lower.

Braunfotel: This is a proposal, so we can always go back to them and say we want to go lower.

Grant: On the analysis of the prices that were given by the different firms is five years. Is the intent here to issue a five-year contract or one-year contract with options to renew?

Roppolo: The auditor is a one-year contract with four one-year options to renew.

Grant: I was curious about the matrix. It's hard to conceive that someone who has done the audit for about ten years would wind up in the middle of the pack in terms of experience.

Roppolo: Most of the proposers came in for example said they use a two partner approach to the audit so that if a partner is needed elsewhere there would be another partner familiar with our audit so they can answer any questions and we wouldn't have to wait for the partner that is on the job. Also there would be a five-year rotation that is required under GASB if you have two partners on the job then one is a lead partner and one is a back-up partner and that hasn't been the case. A couple of questions we asked during the interviews were when would you be coming in and another question was that we wanted to make sure in their scheduling there was enough time since the Authority has a quick turn around with our audit. There is the audit, year end and then we have to close. Then we have to present it to the Finance Committee and then present the financial statements to the Board and everything has to be uploaded to the Public Authority's Office by April 1st.

**Introduced by: Jobson/Weider
Moroney - Nay**

September 22, 2016

**Resolution No. 32 of 2016
AWARD OF AUDITING SERVICE AGREEMENT**

WHEREAS, the Authority is in need of Auditing services; and

WHEREAS, on July 11, 2016, the Authority issued a Request for Proposal, RFP 2016-27 for Auditing Services; and

WHEREAS, on August 15, 2016 the Authority received five proposal; BST & Co CPAs, LLP, Bonadio & Co, LLP, PFK O'connor Davies Accountants and Advisors, Vanacore DeBenedictus DiGiovanni & Weddell, LLP and Albrecht, Viggiano, Zureck & Company, P.C.; and

WHEREAS, the Authority staff have reviewed the proposals, interviewed the proposers, and have determined that the firm of BST & Co CPAs to be well qualified for auditing services and therefore recommends acceptance of the proposal submitted by ; now therefore be it

RESOLVED, that the Board hereby authorizes and directs the Executive Director to execute a audit services agreement with BST & Co CPAs to perform the services specified in the proposal.

Moroney: I'm not completely happy with the process. I'm just trying to send a message more than anything else to everyone that in the past things weren't done in the best interest of the tax payers of the County. I want to bring transparency to this process. This process wasn't transparent enough for my liking. I had complete faith in the company that was there and they got wrapped up in something else and there getting taken down for it and I don't think that is fair.

Phillips: Since there is no other new business or questions, do we have a motion to adjourn?

Wieder: Moved

Jobson: Seconded

The meeting was adjourned at 6:00 p.m.

Respectfully submitted,
Suzanne Haggerty