



**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 Day
Commissioner Grant
Commissioner Hoehmann
Commissioner Hofstein
Commissioner Jobson
Commissioner Kohut
Commissioner Lynn
Commissioner McGowen
Commissioner Moroney
Commissioner Paul
Commissioner Powers
Commissioner Soskin
Commissioner Specht**

Absent

**Commissioner Monaghan
Commissioner Wieder**

Staff

**H. Benado
K. Braunfotel
J. Burnet
G. Damiani
J. Goldstein
S. Haggerty
A. Roppolo
D. Samuels
K. Scales
J. Sheridan**

Others

**B. Cappadona
D. Cassanelli
J. Heath
R. McCarthy
K. Roche
A. Simon
A. Tortora
T. West**

The Chairman called to order the Rockland County Solid Waste Management Authority Board of Directors meeting for Thursday, June 28, 2018 at 5:30 p.m.

Pledge of Allegiance led by Commissioner Specht

Roll call by Clerk. There is a quorum.

Phillips: I ask everyone to join me and stand to observe a moment of silence for one of our employees, a wonderful man Stanley Simon who passed away unexpectedly after working at the Authority for thirteen years.

Moment of silence

Phillips: On behalf of all the members, he is going to be missed. Stanley loved his job and loved where he worked. It was part of him and he gave his all. Stanley considered it a privilege to be able to do something for the people of Rockland County and that will be sorely missed and very difficult to replace. We express to his family, especially to his brother Mayor Simon, our heartfelt condolences and sympathy on your loss.

If I may at the same time, we do have some very good news, I would like to applaud and congratulate Kerri Scales-Ritchie because today is her twentieth anniversary working with the Authority. Thank you very much.

Introduced by: Grant/Kohut

Unan.

June 28, 2018

**RESOLUTION NO. 35 OF 2018
ADOPTION OF MINUTES, MEETING OF
MAY 24, 2018**

RESOLVED, that the transcribed Minutes of the Rockland County Solid Waste Management Authority are approved for the meeting May 24, 2018 as recorded by the Clerk and are hereby adopted.

Executive Director's Report

Roppolo: Phase II of the tip floor work at Hillburn is progressing. Phase I of the concrete floor and steel work is essentially completed with the exception of a few punch list items. The second phase of the work began on June 14th. It appears that all work will be completed within the specified time line.

The Bowline facility work should begin at some point next week. The selected contractor and engineers have been discussing submittals on the various phases of the project.

Although the evaluation team is progressing through our Yardwaste RFP evaluation and had intended to have a recommendation to the Board at this meeting, there were many follow up questions to proposers, as well as on-going discussions with our current operator. Therefore, the evaluation team anticipates a recommendation to the Board at the August or September meeting.

The Board had previously resolved for GHD to develop a plan, research possible locations and evaluate potential properties for an administration and education center. As discussed by Jeff Heath at the last meeting, GHD has begun that process based on our Acquisition of Real Property Policy. Currently, GHD is assessing space needs based on discussions with staff. They will have a better assessment evaluation document later this summer.

Phillips: Just to explain a little bit more, we are looking at every available site that is appropriate within Rockland County including existing government owned sites as well as private sites. We would like to explore something that is not on the tax roll at this time so we don't take away from any town or school district taxes. It would be a good idea if we could find something suitable that would not affect any municipality.

Roppolo: Kerri Scales and I met with Legislator Santulli and Legislator Low-Hogan with regard to a draft Rockland County Plastic Bag Ban legislation. The legislators asked for a meeting to understand the impact of plastic bags at our facility and discuss any comments on the current Governor's Executive

Order and Assembly and State Senate bills. We appreciate the Legislators asking for the Authority's input and assessing impacts when researching and evaluating potential legislation.

Phillips: I was in Suffolk County recently and they have done something similar and voted to have no plastic bags with one stipulation. If you want a plastic bag, it will cost you five cents more. I want to state for the record that I would be completely opposed to charging any residents and taxpayers in Rockland County any type of money for a plastic bag. Everyone is paying enough now for what they are purchasing in stores in Rockland County and one of the highest sales tax also to that purchase. I would be completely opposed and if anyone else at this time would like to mention his or her opposition, please feel free to do so.

Soskin: I am also opposed. This came up at the legislature several years ago. Besides the cost, who would keep the money the County, Towns or the State. There are many senior citizens and an aging population in the County and they don't always carry bags with them and if they do, they need more than one bag and it would be unfair to our senior citizens. That is why I was against it.

Jobson: I agree with you Chairman, but my question is under no circumstance no one could get a plastic bag? Are we outlawing them totally?

Phillips: We don't know what the proposed legislation is. It is important to state in advance our concerns about adding any costs to Rockland residents as Commissioner Soskin stated exactly that there are many people on fixed incomes and the fact that we are charging one of the highest sales tax in the State we don't need to add any additional money or cost.

Jobson: I am with you.

Hoehmann: I would agree, Chairman, that I have concerns about this and would not want to see additional cost added for residents to bare. I also have questions on how this would be administered and if there would be additional burden on the local municipalities for this to be effective.

Day: I will echo that. Whether it is a qualified request for the Authority Board or is it just something that is unreasonable or should another department decide on this.

Moroney: I follow in Commissioner Soskin's footsteps, this did come before the Legislature years ago. I think we should address the issue with the education programs we have in the County and the Solid Waste Authority and maybe we could reduce that 50% Anna, to 10% and follow up with the education side and see where we go from there. I don't think it will pass the Legislature at this time; it didn't three or four years ago.

Roppolo: Commissioner Moroney is eluding to the sticker program we have out for the curbside recycling for those residents that don't know that plastic bags should not be in the curbside bin they should be brought back to the retailer. We saw about a 50% reduction in plastic bags going to the recycling facility. We will continue that education and add some other education.

On June 12, we recognized the participants of this year's Green schools of Rockland for their efforts. This is the second year of this program and the schools that participated are Elmwood, Hempstead,

Haverstraw and West Haverstraw. We have a short video to show the participation of the students in the program.

Scales: This is an awesome program. The help we are getting through Hospitality Green is ensuring that it is interwoven into the fabric of the school. You go in and work with the school a few times throughout the year and it gets engraved in no matter who the teacher and administration is, therefore, the program is not going away. We worked with the elementary school level and last year we went to three schools and this year we went to four schools.

Kohut: Will this program be sustained beyond when we are not dealing with Hospitality Green anymore.

Scales: The idea is to work with Hospitality Green for three years but substantially less each year and we can move on beyond that. I would like to see us get the elementary schools established and go to some middle schools and then we have some modules for success that can be mimicked in other school districts.

Paul: I think this is amazing and it give the students an opportunity to learn at an early age. I appreciate your work, good job.

Roppolo: Yesterday Kerri and her staff hosted our Green teams of Rockland meeting. We invited municipalities and discussed China's National Sword, recycling contamination, current initiatives of the Authority such as the repair café, medication disposal, green schools and the Authority's 20th recycling anniversary. We also discussed some potential new initiatives including consolidated collection among smaller villages and door hanger information for local code enforcers.

I would like to welcome Madeline and Andrew, our RC Service Corp members who are here to help us for the summer. If your municipality is going to participate in the door hanger program, you will likely see Madeline and Andrew.

As discussed last month, Bob Cappadona, Vice President of Casella Recycling, our MRF Operator is here to discuss the impact of China's National Sword initiative at the Authority's Materials Recovery Facility.

Cappadona: In 2017, China set an initiative of cleaning up their environment called National Sword. One is a ban on mixed paper coming out of recycling facilities and they set an initiative on specifications of any material coming into China has to be one half of one-percent which is nearly impossible for any recycling processing facility. In essence, a diversion of about thirteen million tons from China has gone to secondary markets in India, Korea and Indonesia that domestically has caused supply and demand value of mixed paper to go down 100% and that has happened over the last three or four months. From a seller's standpoint, we have processed over 800,000 tons and we have not landfilled or incinerated any material, but it has caused us an impact on the value of commodities. With regard to Rockland County, because of those specifications on the fiber grade being one-half of one percent, there is a rippling effect on the secondary markets specifications are also very strict. Because Rockland County is a dual stream facility, there is a better chance to find many more markets for fiber grade because it is dual stream and it is clean fiber and has a higher value. There is no end in sight in regard to what China's impact is going to be. There is going to be more capacity that comes into the market that means developing more

infrastructure domestically from paper mills and further investment. There are many municipalities that have gone single stream that have asked us if they should go back to dual stream. Rockland County is in a very beneficial spot right now being dual stream.

Phillips: Any idea of other recyclables in danger in seeing a fluctuation in cost or of what we receive?

Cappadona: Not really. All plastics like milk containers and soda bottles are sold domestically and the domestic market is very strong. There is plenty of cardboard being produced domestically and overseas because of the *Amazon* effect.

Phillips: Does anyone else have any other questions?

Goldstein: Before the Board for authorization tonight is the next step in a series of resolutions approving the Official Statement and other documents.

Roche: I am Kevin Roche from Orrick, Herrington & Sutcliffe, bond counsel to the Authority. As Jeremy said, the resolution before you asks you to approve the form of documents. There are four documents, Preliminary Official Statement which is the offering document that is distributed to the market and is used to sell the bonds at the appropriate time. The Bond Purchase Agreement is the agreement between the Authority and the underwriter of the bonds. The Continuing Disclosure Agreement that is to the Official Statement draft and that is obligation of the Authority to provide information about the Authority and its bonds after the issuance of the bonds.

Phillips: One of the things that is important is the expiration or the maturity does not change.

Roche: That is right. So these bonds are being issued to refinance bonds issued in 2008. The existing bonds issued in 2008 mature in 2023 and the new bonds are being issued to refund the existing bonds will not exceed that maturity date.

Phillips: Rick, do you have anything to add.

McCarthy: Just that the interest rate market is ambiguous. The market went up a little and then came back down again but we are still close to what we were forecasting.

Phillips: What was the interest rate of the current bond and what are the markets offering today.

McCarthy: The old bonds were at 5 1/8% and now it is 2 1/2%.

Phillips: We will be saving how much money?

McCarthy: If we executed today, conservatively about \$1.5 million over the next 5 years.

Phillips: What is the original purpose of these bonds?

Roche: The Clarkstown Transfer Station.

Introduced By: RCSWMA Board/ RCSWMA Board

Unan.

June 28, 2018

RESOLUTION No. 36 OF 2018

APPROVING THE FORM OF AND ADOPTING THE TWELFTH SUPPLEMENTAL RESOLUTION AUTHORIZING THE ISSUANCE OF UP TO \$20,000,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2018A, APPROVING THE FORM OF AND AUTHORIZING THE DISTRIBUTION OF THE PRELIMINARY OFFICIAL STATEMENT, APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DISTRIBUTION OF THE OFFICIAL STATEMENT, APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF THE BOND PURCHASE AGREEMENT FOR THE SERIES 2018A BONDS, AUTHORIZING THE APPROVAL AND EXECUTION OF RELATED DOCUMENTS FOR THE SALE AND ISSUANCE OF SUCH BONDS, CONFIRMING THE SELECTION OF THE UNDERWRITER, AND APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF THE CONTINUING DISCLOSURE AGREEMENT.

WHEREAS, the Rockland County Solid Waste Management Authority (the “Authority”) was formed in accordance with section 2053c et seq. of the Public Authority Law of the State of New York (the “Act”) and Resolution No. 301 of 1994 of the County Legislature to implement certain provisions of the Rockland County Final Integrated Solid Waste Management Plan and Generic Environmental Impact Statement and to construct solid waste management facilities; and

WHEREAS, on December 19, 2008, the Authority issued its General Obligation Bonds, Series 2008A in the aggregate principal amount of \$27,535,000 (the “Series 2008A Bonds”) to (i) pay acquisition costs of the Clarkstown Transfer Station, (ii) refinance a subordinate note for the acquisition of the Bowline Transfer Station, (iii) acquire land for the future expansion of the Solid Waste Management System, (iv) fund a deposit to the Debt Service Reserve Fund and (v) pay Costs of Issuance; and

WHEREAS, the Authority desires to issue General Obligation Refunding Bonds, Series 2018A (the “Series 2018A Bonds”) pursuant to the Act in an amount not to exceed \$20,000,000 to (i) refund and defease all or a portion of the Series 2008A Bonds (the “Refunded Bonds”) and (ii) pay Costs of Issuance for the Series 2018A Bonds, including a premium for a financial guaranty insurance policy for the Series 2018A Bonds, if any.

Capitalized terms used herein and not otherwise defined shall have the meanings ascribed thereto in the Bond Resolution.

NOW THEREFORE BE IT:

RESOLVED, by virtue of the Act the Authority has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and be it further

RESOLVED, it is desirable and in the public interest for the Authority to issue and sell the Series 2018A Bonds, pursuant to a certain Solid Waste Management System Bond Resolution adopted November 30, 1995, as amended and supplemented (as so amended and supplemented, the "Bond Resolution"); and be it further

RESOLVED, in consequence of the foregoing, that the Authority hereby determines to: (i) issue and sell, pursuant to the Bond Resolution and the Twelfth Supplemental Resolution (as defined below), the form of which has been set before the Authority Board, its Series 2018A Bonds to Piper Jaffray & Co. ("Piper Jaffray"), as Underwriter, pursuant to a Bond Purchase Agreement between the Authority and Piper Jaffray (the "Bond Purchase Agreement"), the form of which Bond Purchase Agreement has been set before the Authority Board; (ii) use the proceeds of the Series 2018A Bonds as previously described; (iii) enter into each agreement hereafter identified in this Resolution; (iv) execute a Tax Certificate and Agreement in connection with the issuance of the Series 2018A Bonds; (v) file the IRS Form 8038-G Information Return in connection with the issuance of the Series 2018A Bonds, if necessary; and (vi) execute such other documents (including but not limited to an Escrow Agreement in connection with the defeasance of the Refunded Bonds) and take such other action as may be necessary to effectuate the purposes of this Resolution; and be it further

RESOLVED, that the Authority Board approves the form of the Twelfth Supplemental Resolution Authorizing the Issue of up to \$20,000,000 Aggregate Principal Amount of General Obligation Refunding Bonds, Series 2018A (the "Twelfth Supplemental Resolution"), as submitted to this meeting and made a part of this resolution as though set forth in full herein; and be it further

RESOLVED, that in connection with the sale of the Series 2018A Bonds, the Authority Board approves the form of and authorizes the distribution of the Preliminary Official Statement in substantially the form as submitted to this meeting and made a part of this resolution as though set forth in full herein with such changes, omissions, and insertions as may be approved by an Authorized Officer and authorizes the certification by the Chairman or an Authorized Officer that such Preliminary Official Statement, with such changes, omissions, and insertions as may be approved by an Authorized Officer, is "deemed final" for purposes of Rule 15c2-12 of the Securities and Exchange Commission (the "Rule"), except for certain omissions relating to information not required under said Rule to be included therein, and be it further

RESOLVED, that the Authority Board authorizes the Chairman or an Authorized Officer to execute and deliver, on behalf of the Authority, a final Official Statement relating to the Series 2018A Bonds with such changes, insertions and omissions to the Preliminary Official Statement as may be approved by the Chairman or by such Authorized Officer, said execution being conclusive evidence of such approval, and any amendments or supplements thereto which may be necessary or desirable. The Chairman, or such Authorized Officer, is hereby authorized to authorize the use and distribution of the Official Statement, and any such amendments or supplements thereto, by Piper Jaffray in connection with the public offering and sale of the Series 2018A Bonds; and be it further

RESOLVED, that the Authority Board approves the forms of the Bond Purchase Agreement and Continuing Disclosure Agreement submitted to this meeting and made a part of this resolution as though set forth in full herein, in the manner set forth in Section 301 of the Twelfth Supplemental Resolution, and authorizes the Chairman or an Authorized Officer to execute upon such terms and conditions as are determined to be in the best interest of the Authority and are consistent with the provisions of the Twelfth

Supplemental Resolution the Bond Purchase Agreement and Continuing Disclosure Agreement with such changes, insertions and omissions thereto as may be approved by the Chairman or by such Authorized Officer, said execution being conclusive evidence of such approval; and be it further

RESOLVED, the Authority Board authorizes the Chairman or an Authorized Officer to determine all matters which are delegated to an Authorized Officer of the Authority in the Twelfth Supplemental Resolution with respect to the Series 2018A Bonds, including determining and approving the terms of the Series 2018A Bonds as set forth in and pursuant to the Twelfth Supplemental Resolution; and be it further

RESOLVED, that the Chairman or an Authorized Officer are hereby authorized to execute upon such terms and conditions as they may approve any additional agreements, certificates or other documents necessary to facilitate the sale and issuance of the Series 2018A Bonds and the refunding of the Series 2008A Bonds, including but not limited to an Escrow Agreement, the Tax Certificate and Agreement and the IRS Form 8038-G Information Return, and to do and cause to be done any and all acts and things necessary or, in the opinion of the Chairman or an Authorized Officer, desirable, and proper for carrying out the transactions contemplated by this resolution, and be it further

RESOLVED, the Chairman or an Authorized Officer are further hereby authorized, on behalf of the Authority, to designate any additional Authorized Representatives of the Authority (as used or defined in and pursuant to the Bond Resolution) to execute on behalf of the Authority any agreement or other document in connection with the Series 2018A Bonds; and be it further

RESOLVED, that the Authority Board confirms and ratifies the selection of Piper Jaffray as Underwriter for the Series 2018A Bonds; and be it further

RESOLVED, this Resolution shall take effect immediately.

Braunfotel: Before the Board, we have lease and installation of a mobile office which is larger than the trailer we currently have in the Town of Clarkstown.

Introduced by: McGowan/Powers

Unan.

June 28, 2018

**RESOLUTION No. 37 of 2018
AWARD BID FOR LEASE AND INSTALLATION OF A MOBILE OFFICE TRAILER FOR
CLARKSTOWN SOLID WASTE FACILITY**

WHEREAS, on June 6, 2018, the Authority issued a Request for Proposal, RFP 2018-20 for the lease and installation of a mobile office trailer; and

WHEREAS, on June 18, 2018 the Authority received a proposal from The Modular Space Corporation (“ModSpace”) in response to the Request for Proposal; and

Introduced: Jobson/Paul

Unan.

June 28, 2018

**RESOLUTION No. 39 OF 2018
CANCELATION OF JULY 26, 2018 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 26, 2018 shall be canceled.

New Business

Braunfotel: At the request of the Chairman, we have a resolution to be members of County-wide shared services panel as invited by the County Executive.

Introduced by:

Powers/Jobson

Unan.

June 28, 2018

**RESOLUTION No. 40 OF 2018
ACCEPT MEMBERSHIP ON A COUNTY-WIDE SHARED SERVICES PANEL AS
INVITED BY THE COUNTY EXECUTIVE**

WHEREAS, New York State General Municipal Law Section 239-bb determined there shall be a county-wide shared services panel in each county consisting of the County Executive, and one representative from each city, town and village in the county; and

WHEREAS, the County Executive may invite any school district, board of cooperative educational services, fire district, fire protection district, or special improvement district in the county to join a panel; and

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 "Authority Act"), and set forth under Title 13-M of the Public Authority Law of the State of New York; and

WHEREAS, the County Executive has invited the Authority to join a panel; and

WHEREAS, as a participant of the shared services contemplated hereunder, the panels may request advice and recommendations from the Authority concerning matters related to the operations and shared services initiatives, including, but not limited to, making recommendations regarding grant proposals, incorporating elements of shared services, service consolidations and other grants where the panel deems the input of the Authority to be in the best interest of the public; and

WHEREAS, pursuant to the Authority Act, the Authority has the power to enter into agreements with other municipalities, state agencies, public corporations or persons within or without the County regarding solid waste and any other purpose authorized under the Authority Act; and

WHEREAS, the Authority has participated in shared services with other municipal entities and districts in the past; and now therefore it be it

RESOLVED, that the Authority Board hereby directs the Executive Director of the Rockland County Solid Waste Management Authority to accept the invitation of the County Executive of Rockland County to sit on the county-wide shared services panel; and be it further

RESOLVED, that the Authority may participate in such panel in compliance with the Authority Act.

Braunfotel: As a result of the last two storms, there was additional cost related to the grinding debris from each of the five towns. The original estimate was \$45,000 and at the conclusion of all the storms and grinding it turned out to be \$59,050. All the Towns and Villages benefited from this grinding of debris.

Introduced By: Hofstein/Lynn Unan.

June 28, 2018

**RESOLUTION No. 41 OF 2018
GRINDING, TRANSPORTATION AND DISPOSAL OF STORM DEBRIS AT VARIOUS
MUNICIPAL LOCATIONS IN ROCKLAND COUNTY**

WHEREAS, pursuant to its powers under Article 8, Title 13-M, Section 2053 *et seq.* of the New York State Public Authorities Law, the Rockland County Solid Waste Management Authority receives and processes yardwaste, including brush and leaves, from several municipalities in the County; and

WHEREAS, major winter storms caused extraordinarily large accumulated volumes of brush and storm debris throughout Rockland County; and

WHEREAS, on March 30, 2018 the Authority issued a Request for Quotes, RFQ-2018-11, 12 & 13, for the grinding and disposal of brush and leaves at various locations for the Towns of Ramapo, Haverstraw and Clarkstown; and

WHEREAS, on April 9, 2018 the Authority received quotes from Materials Processors Inc.; O'Sullivan Equipment, Inc. and Holmgren Enterprises Inc., d/b/a Viking Land Clearing; the quotes were reviewed and evaluated by Authority staff; and

WHEREAS, Holmgren Enterprises Inc., d/b/a Viking Land Clearing was awarded the contract for grinding services at various municipal locations at a cost of \$45,000.00; and

WHEREAS, each site accumulated additional debris after a walkthrough was performed; and

WHEREAS, the additional debris increased the grinding cost to \$59,050.00; now therefore, be it

RESOLVED, the Authority Board hereby authorizes payment to Holmgren Enterprises Inc., d/b/a Viking Land Clearing in the amount of \$59,050.00.

Phillips: As an Authority, we just passed a resolution of shared services, the Authority has been doing shared services in this County since its inception. This is just a perfect snapshot on how we have savings for the Towns. We hired someone to chip the debris and get rid of all the debris that came down in these storms. This is excellent for the Authority and we should also make sure that all our Commissioners are aware that we do this.

Phillips: Motion to go into Executive Session to discuss personnel.

Hoehmann: Moved

Soskin: Seconded

Phillips: Motion to come out of Executive Session:

Soskin: Moved

Hoehmann: Seconded

Phillips: Since there is no other new business, I would like to adjourn the meeting in memory of Stanley Simon by the Full Board of Commissioner and seconded by the Full Board of Commissions and express our deepest sympathy to the family.

Full Board of Commissioners: Moved

Full Board of Commissioners: Seconded

The meeting was adjourned at 6:30 p.m.

Respectfully submitted,
Suzanne Haggerty