



**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 Kohut
Commissioner Lynn
Commissioner Monaghan
Commissioner Paul
Commissioner Powers
Commissioner Soskin
Commissioner Specht
Commissioner Yeger

Absent

Commissioner Jobson
Commissioner McGowan
Commissioner Moroney
Commissioner Wieder

Staff

K. Braunfotel
J. Burnet
J. Dodrill
J. Goldstein
S. Haggerty
D. Louis
A. Roppolo
D. Samuels
K. Scales

Others

L. Apotheker
C. Francabandera
J. Heath
J. Jagling
A. Tortora
T. West

The Chairman called to order the Rockland County Solid Waste Management Authority Board of Directors meeting for Thursday, September 27, 2018 at 5:10 p.m.

Pledge of Allegiance led by Commissioner Specht

Roll call by Clerk. There is a quorum.

Introduced by: Hoehmann/Paul

Unan.

September 27, 2018

**RESOLUTION No. 42 OF 2018
ADOPTION OF MINUTES, MEETING OF
JUNE 28, 2018**

RESOLVED, that the transcribed Minutes of the Rockland County Solid Waste Management Authority are approved for the meeting June 28, 2018 as recorded by the Clerk and are hereby adopted.

Executive Director's Report

Roppolo: The tip floor work at Hillburn is essentially completed. For your consideration on tonight's agenda is a change order for changes in the scope of work that were reviewed and approved by our consulting engineers. The \$31,000 change order represents less than 3% of the total project cost.

The Bowline facility work is progressing. A notice to proceed on the work was issued on July 9. For your consideration on tonight's agenda are two change orders. The first change order is related to additional work required for supporting the current workspace while construction and demolition continues. The second change order is related to relocating a compressor unit from the front of the building to the roof of the building as originally intentioned by the Authority but which was not included in the final specifications sent to proposers. The two change orders represent approximately 4% of the total project cost.

Also for your consideration on this evening's agenda is authorization for a replacement of an agitator at the Authority's bio-solids compost facility. Outside engineers reviewed a recommendation for replacement made by our contractors, WeCare-Denali had concurred the agitator would likely have to be replaced during 2019. The resolution is included in tonight's' packet to address the lead-time for the delivery of the agitator which is a minimum of 36 weeks.

On August 29, the Authority was invited to attend the NYSDEC stakeholders meeting to discuss impact on the recycling markets and strategies to address the situation going forward. The meeting was intended for the DEC to gain insights, work to develop cooperative solutions while maintaining the State's commitment to reduction, reuse and recycling. As I have previously informed the Board, China's National Sword initiative has essentially created a problem worldwide. The supply and demand shift has changed and with that, we are seeing lower commodity prices. Many towns and cities across the country are re-evaluating their recycling programs. That said many of the cities and towns that are re-evaluating the programs have a single-stream recycling program. As I have previously stated, Rockland remained with a dual stream system and because of that, the streams are relatively clean. Because of the relatively clean streams, the Authority is selling bales of commodities while many other communities are struggling to sell their single stream bales. All parties, MRF operators, mills, etc., have stressed that the commodities need to be clean in order to continue selling to the commodity market. Bob Cappadonna, Vice President of Casella Recycling, our MRF operator, attended and presented at the NYSDEC stakeholders meeting as well. He reiterated the fact that Rockland's dual stream commodities have fared much better than single stream MRFs in selling to other markets both domestically and internationally. Rockland's bales of commodities are able to be sold although year over year revenue has decreased 30-35%.

We are continuing our efforts on preparation of the Concrete Crushing RFP and should have it advertised within the next couple of weeks. We intend to have a new Yard waste RFP out by next month.

The Authority hosted the Hudson Valley Regional Council on September 20. The HVRC is the group of recycling coordinators from NYSDEC Region 3 (Westchester, Rockland, Ulster, Orange, Sullivan, Dutchess and Putnam) who exchange ideas and concerns related to waste reduction efforts. The NYSDEC also attends these meetings. It is a collaboration that has been in place for many years and

offers newly hired recycling coordinators and solid waste professionals within the region a place to obtain information in an informal setting.

The Authority's outside engineers, D&B Engineers and Architects, have completed their anaerobic digester study related to the economic viability of anaerobic digestion for the Authority. The Authority met with D&B this past Monday and asked for a few updates to the model. We will ask Ted Pytlar to update the Board at our next meeting.

The Authority frequently receives information regarding new technology in the management of solid waste. In 2012, the Board adopted an unsolicited proposals policy that both encourages the submission of new and innovative ideas and clarifies how submissions are submitted and responded to. The policy is located on our website under the Public Authorities tab under policies. I would encourage board members to review and familiarize themselves with the policy and if you have any questions please let me know.

I will ask Jeremy Goldstein, the Director of Finance, to update the Board on the Moody's upgrade, the refunding of the 2008 bonds, and the status of the 2019 budget.

Goldstein: Thank you, Anna. The Authority hosted representatives of Moody's investor's service for a tour of our facilities and a presentation on July 30. In early August, the Authority received an Aa3 rating from Moody's representing an upgrade from the previous A1 rating. In their update, Moody's cited the Authority is in a solid financial position with strong and improving liquidity and solid debt service coverage while also praising the Authority's strong leadership and management. Following the upgrade on August 21 the Authority priced and sold \$14,950,000 of its 2018 refunding bonds, which refunded its remaining 2008 bonds. This resulted in a total saving in debt service principal interest payable of approximately \$2.2 million. The annual debt service savings in each of the years 2019 through 2023 is approximately \$500,000 a year. The Authority's budget committee will hold a meeting on October 10 to review the preliminary 2019 budget with regard to having the full board vote on the final budget at the next board meeting on October 25. Thank you.

Phillips: Thank you Jeremy. Just to go back for a second, I had asked Anna because there was an article that appeared in the *L.A. Times* about recycling being a sham. That was because the recyclables didn't make any money for them and why they are putting them in landfills. Anna and I were talking and she was explaining that they were still using single stream and not dual stream. That is the big difference of our recycling because we separate the paper and cardboard from the glass, plastics and cans. I think we all have to know in case we are approached by any people of the media that our recyclables are still making money and we are recycling and not putting them in a landfill.

Roppolo: We are still able to sell our commodities. I was speaking to a person who runs a recycling facility out on Staten Island and asked him about the single stream and he said no one even looks at single stream paper or cardboard.

Phillips: Ratify award of contract for paving and site work at the Clarkstown Transfer Station. The amount is \$1,644,350.66. Is that the bottom line, Anna?

Roppolo: Yes and it is being paid out of capital 2010 bonds because this was a project that was initially under our bonding. We received two proposals and we are awarding to Sentrale Construction.

Introduced by: Hoehmann/Kohut

Unan.

September 27, 2018

**Resolution No. 43 of 2018
RATIFY AWARD OF CONTRACT FOR PAVING AND SITE WORK
AT THE CLARKSTOWN TRANSFER STATION
RFP NO. 2018-18**

WHEREAS, on July 13, 2018, the Authority issued a Request for Proposals No. 2018-18 for paving and site work at the Clarkstown Transfer Station (the “RFP”); and

WHEREAS, on August 8, 2018 the Authority publicly received two responses to the RFP; and

WHEREAS, the proposals received in response to the RFP were from Consorti Bros. Paving & Seal Coating, Inc. for \$1,742,000.00 and Sentrale Construction for \$1,664,350.66; and

WHEREAS, the Authority’s engineers reviewed the proposals received and determined that the proposal submitted by Sentrale Construction, which was the lowest priced proposal, conformed to the specifications in the RFP; and

WHEREAS, the Authority’s Executive committee approved the award of the proposal due to time constraints; now therefore be it

RESOLVED, that the Authority Board hereby ratifies the award for paving and site work at the Clarkstown Transfer Station, RFP No. 2018-18, in the amount of \$1,664,350.66, to Sentrale Construction.

Funding Source: Capital - 2010 Bonds – Construction Funds

Phillips: Rescinding Resolution No. 32 of 2018 authorizing award of bid for beautification of the Clarkstown Facility.

Introduced by: Grant/Powers

Unan.

September 27, 2018

**Resolution No. 44 of 2018
RESCINDING RESOLUTION NO. 32 OF 2018
AUTHORIZING AWARD OF BID FOR BEAUTIFICATION OF THE CLARKSTOWN
SOLID WASTE FACILITY LOCATED IN WEST NYACK, NY**

WHEREAS, on May 7, 2018, the Authority issued a Request for Bid RFB-2018-17 for beautification of the Clarkstown Solid Waste Facility located in West Nyack, NY; and

WHEREAS, that the bid of Majestic Lawn Care & Landscape, Inc. for beautification of the Clarkstown Solid Waste Facility located In West Nyack, NY was awarded for a not to exceed amount of \$42,650.00; and

WHEREAS, Majestic Lawn Care & Landscape, Inc. has determined they cannot perform the work requirements as proposed; and

WHEREAS, Majestic Lawn Care & Landscape, Inc. has compensated the Authority for the difference between their bid and that of the next lowest bidder, in the amount of \$2,350; now therefore be it

RESOLVED, Resolution No. 32 of 2018 is hereby rescinded.

Phillips: Authorizing the award of bid for beautification of the Clarkstown Facility. Majestic Lawn Care determined they couldn't perform the requirements so the next lowest bidder is Helmke Industries for \$45,000.

Introduced by: Paul/Monaghan

Unan.

September 27, 2018

**Resolution No. 45 of 2018
AUTHORIZING AWARD OF BID FOR BEAUTIFICATION OF THE CLARKSTOWN
SOLID WASTE FACILITY LOCATED IN WEST NYACK, NY**

WHEREAS, on May 7, 2018, the Authority issued a Request for Bid RFB-2018-17 for beautification of the Clarkstown Solid Waste Facility located in West Nyack, NY; and

WHEREAS, On May 21, 2018 bids were received from several bidders in response to RFB-2018-17; and

WHEREAS, on May 24, 2018 by Resolution No. 32 of 2018 the Authority Board awarded Majestic Lawn Care & Landscape, Inc. the bid for a not to exceed amount of \$42,650.00; and

WHEREAS, Majestic Lawn Care & Landscape, Inc. has determined they cannot perform the requirements as proposed and has agreed to compensate the Authority for the difference between their bid and that of the next lowest bidder in the amount of \$2,350; and

WHEREAS, the next lowest bidder is Helmke Industries in the amount of \$45,000.00; now therefore be it

RESOLVED, that bid 2018-17 for the beautification of the Clarkstown facilities, be awarded to Helmke Industries for a not to exceed amount of \$45,000.00.

Source of Funds: From: Contingency – 6703-00
 To: Maintenance Agreements – 6354-80

Phillips: Authorizing approval of Change Order No. 1 for the Bowline transfer station major repairs.

Introduced by: **Hofstein/Day** **Unan.** **September 27, 2018**

**RESOLUTION No. 46 OF 2018
AUTHORIZING APPROVAL OF CHANGE ORDER No. 1 FOR
BOWLINE TRANSFER STATION MAJOR REPAIRS**

WHEREAS, by Resolution No. 19 of 2018, the Authority Board authorized award of contract pursuant to Request for Bid 2018-03 to Verticon Ltd. for the Bowline Transfer Station major repairs; and

WHEREAS, the Authority and Verticon Ltd. entered into a contract dated March 28, 2018 for those services in an amount not to exceed \$668,878.00; and

WHEREAS, Verticon Ltd. has requested Change Order No. 1, in the amount of \$14,464.39, to perform necessary preliminary work not included in the original scope of work as determined by Authority’s Engineer, Brooker Engineering PLLC (“Brooker”); and

WHEREAS, by letter dated August 2, 2018, Brooker reviewed and documented the proposed Change Order, and noted that it is a requirement to temporary support the CMU block walls from the mezzanine level to the roof prior to the lower portion of the same walls being demolished; and

WHEREAS, Brooker agrees that the change order accurately describes the required scope of necessary additional work and that it provides appropriate pricing; now therefore be it

RESOLVED, that the Authority hereby approves Verticon Ltd., Change Order No. 1 for the Bowline Transfer Station major repairs in the amount of \$14,464.39.

Source of Funds: 2008 Bonds – Construction Fund

Roppolo: There was some settlement in the offices at the transfer station in Haverstraw. The scale house in Haverstraw is on the second floor so we decided to move the scale house downstairs to be flush with the trucks when they drive onto the scale. One of the things that needed to be done was to support the second floor while the first floor was being demolished and renovated. That wasn't in the scope of work so the first change order deals with adding that back into the scope of work.

Introduced by: Grant/Kohut

Unan.

September 27, 2018

**RESOLUTION No. 47 OF 2018
AUTHORIZING APPROVAL OF CHANGE ORDER No. 2 FOR
BOWLINE TRANSFER STATION MAJOR REPAIRS**

WHEREAS, by Resolution No. 19 of 2018, the Authority Board authorized award of contract pursuant to Request for Bid 2018-03 to Verticon Ltd. for the Bowline Transfer Station major repairs; and

WHEREAS, the Authority and Verticon Ltd. entered into a contract dated March 28, 2018 for those services in an amount not to exceed \$668,878.00; and

WHEREAS, by Resolution No. 46 of 2018 the Authority Board approved Change Order No. 1 in the amount of \$14,464.39; and

WHEREAS, Verticon Ltd. has requested Change Order No. 2, in the amount of \$11,531.17, to relocate compressor unit from the front of the building to the roof of existing building; and

WHEREAS, the Authority's Engineer, Brooker Engineering PLLC ("Brooker") has reviewed the proposed Change Order, and agrees that it accurately describes the required scope of additional work and that it provides appropriate pricing; now therefore be it

RESOLVED, that the Authority hereby approves Verticon Ltd., Change Order No. 2 for the Bowline Transfer Station major repairs in the amount of \$11,531.17.

Source of Funds: 2008 Bonds – Construction Fund

Please visit our web site at www.rocklandrecycles.com

Phillips: Why would we have the air conditioner compressor in the front of the building?

Roppolo: We wouldn't. It was originally intended to be on the roof and the RFP went out and the specs went out and the condenser was put in the front of the building and subsequent to the award of the RFP to this contractor we said it was supposed to be on the roof.

Introduced by: Soskin/Specht

Unan.

September 27, 2018

**RESOLUTION No. 48 OF 2018
AUTHORIZING APPROVAL OF A-TECH
CHANGE ORDER No. 1 AND CHANGE ORDER No. 2
FOR HILLBURN TRANSFER STATION CONCRETE FLOOR**

WHEREAS, by Resolution No. 16 of 2018, the Authority Board authorized award of contract pursuant to Request for Bid 2018-01 to A-Tech Ltd. for the Hillburn Transfer Station concrete floor replacement; and

WHEREAS, the Authority and A-Tech Ltd. entered into a contract dated March 28, 2018 for those services in an amount not to exceed \$1,151,300.00; and

WHEREAS, A-Tech Ltd. has requested Change Order No. 1, and Change Order No. 2, in the amount of \$31,588.59, to perform additional and necessary work; and

WHEREAS, the Authority's Engineer, GHD, documented the proposed Change Orders, and noted that it conforms to the additional work requested and credit applied; now therefor be it

RESOLVED, that the Authority hereby approves A-Tech Ltd., Change Order No. 1 for the Hillburn Transfer Station concrete floor in the amount of \$31,588.59.

Source of Funds: Unrestricted Funds

Heath: There are two change orders. Essentially as the floor was removed, there were some additional issues that we wanted to take care of that make sense to do after taking down the partition wall. It made sense to take care of the issues when we had the wall down, so we added this to the scope of work. There is also a lump sum item that wasn't done so we negotiated and got a credit on that. Change Order

No. 2 is the final adjustments to price categories that weren't used. Change Order No. 2 is a credit against the contract. All the paperwork was done and the schedules were met right on track. It was a very successful job.

Introduced by: Powers/Specht

Unan.

September 27, 2018

**RESOLUTION No. 49 of 2018
AUTHORIZING APPROVAL FOR PURCHASE OF
NEW COMPOST AGITATOR FOR THE AUTHORITY'S
COCOMPOSTING FACILITY**

WHEREAS, WeCare Denali, LLC ("WeCare") is the operator of the Authority's CoComposting Facility located at 400 Torne Valley Road, Hillburn, NY; and

WHEREAS, WeCare has provided a letter regarding replacing the Facility's existing Compost Agitator #1, purchased in 2009; and

WHEREAS, GHD, consulting engineers, reviewed the request and determined a replacement will be required in 2019; and

WHEREAS, lead time to delivery of a Wide Bay Compost Agitator and Dolly from BDP Industries, is thirty-six (36) weeks or longer; now therefore be it

RESOLVED, that the Authority approves the purchase of a Wide Bay Compost Agitator and Dolly from BDP Industries, BDP Quote # 062018-1431, and be it further

RESOLVED, that the Executive Director is authorized and directed to approve the purchase and to execute all contracts and other documents necessary for its purchase, in an amount not to exceed \$512,500.

SOURCE OF FUNDS: Unrestricted Funds

Introduced By: Moroney/Hoehmann
Grant - Abstain

September 27, 2018

RESOLUTION No. 50 OF 2018
AUTHORIZING THE AUTHORITY TO SHARE THE ADDITIONAL COST OF LEGAL
SERVICES PERFORMED BY DICHTER LAW LLC AS PART OF THE MUNICIPAL
CONSORTIUM IN SUPPORT OF REASONABLE
ORANGE & ROCKLAND RATES

WHEREAS, the Authority considers it in its best interests to join the Municipal Consortium in Support of Reasonable Orange and Rockland rates in connection with O&R 2018 Rate Case 18-E-0067 before the Public Service Commission; and

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

WHEREAS, the Municipal Consortium has requested the Authority's participation in the cost sharing for legal fees Dichter Law LLC, to represent the Group in the pending case; and

WHEREAS, by Resolution No. 14 of 2018 that the Authority Board authorized the Executive Director to enter into an agreement with Dichter Law LLC to represent it as part of the Municipal Consortium at an amount of \$15,000.00; and

WHEREAS, the Authority received an email request from Dichter Law LLC dated July 19, 2018, requesting additional compensation from the Municipal Consortium, due to the prolonged settlement talks and the need to retain an expert witness, in the amount of \$25,000.00; now therefore be it

RESOLVED, that the Authority Board hereby authorizes the Executive Director to approve the Authority's share for this legal work in the amount of \$8,500.00.

Funding: Legal Expenses Account # 6500-00

Phillips: I think he did a good job getting a number of municipalities to join in on this consortium along with the Authority. They were able to get the gas rate lowered and there was a one percent increase on the electric. Mr. Dichter did a very good job and I'm glad all the municipalities teamed up.

Introduced by: RCSWMA Board/RCSWMA Board Unan. September 27, 2018

**RESOLUTION No. 51 OF 2018
PERMANENT APPOINTMENT OF CONNIE FRANCBANDERA
AS ACCOUNTANT II TO
THE ROCKLAND COUNTY SOLID WASTE MANAGEMENT AUTHORITY**

WHEREAS, currently there is a vacancy in the Accountant II position and the Authority desires to fill the position; and

WHEREAS, Connie Francabandera is on Civil Service List #16027 (OC) and it is the Authority's desire to permanently appointment this employee to the position of Accountant II; now therefore be it

RESOLVED, that the Authority Board of the Rockland County Solid Waste Management Authority hereby appoints Connie Francabandera as Accountant II to the Rockland County Solid Waste Management Authority as a permanent employee effective October 1, 2018; and be it further

RESOLVED, that Connie Francabandera, appointed to the position of Accountant II is subject to a term of probation of twenty-six (26) weeks and at the satisfactory completion of the probationary period this resolution be sent to the Rockland County Department of Personnel in order to effectuate the appointment.

RESOLVED, that the compensation for such services for the year 2018 shall be the sum of \$85,000.00 annually; and be it further

RESOLVED, that the Accountant II shall perform a minimum of 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 as defined by the Employee Handbook and amendments including but not limited to Resolutions No. 62 of 2017, 68 of 2017, 70 of 2017 and 28 of 2018.

Francabandera: I currently live in Blauvelt with my husband and three boys. I went to Hofstra University and went on to be an accountant and a CPA. I started my career at KPMG and was there for about three years and then moved to Credit Suisse and I was there for about twenty-four years doing financial reporting, consolidations and then benefit compensation. From there I went to Morgan Stanley and basically did the same thing for about three years compensation reporting and stock analysis. I am starting Monday and I am very excited and look to learn a lot and add to the group.

New Business

Braunfotel: The Authority currently has a sexual harassment policy and it needs to be updated by October 6. The policy, with your consent is going to be updated to include not only sexual harassment between employees, but between contractors and we also are going to change the contact person to Ms. Jagling from West Group Law. Moreover, we already have a no retaliation policy but one thing that is missing in our policy are the phone numbers for the United States Equal Employment Opportunity Commission as well as the New York Division of Human Rights. A complaint form is also attached to the new policy.

Introduced by: RCSWMA Board/RCSWMA Board Unan. September 27, 2018

**RESOLUTION No. 52 of 2018
ADOPT ANTI HARASSMENT POLICY**

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

WHEREAS, the Authority has adopted policies and procedures for the benefit and safety of the Authority and its employees; and

WHEREAS, the Authority wishes to adopt rules governing instances of harassment of employees while in the course of their employment; now therefore be it

RESOLVED, that the Authority hereby adopts the attached policy entitled “Rockland County Solid Waste Management Authority Anti-Harassment Policy” effective immediately, and be it further

RESOLVED, that the Authority hereby directs that a copy of this Policy be given to all present and future Authority employees, and that it is included in the Authority’s Employee Handbook.

Phillips: I would like to introduce Ms. Jagling to the Commissioners and the employees here tonight.

Jagling: Thank you. I am Jillian Jagling and I am from West Group Law and in addition to the sexual harassment policy which I helped Keith draft, we are interviewing HR consulting firms to serve as an outsource HR firm for the Authority. Primarily for a few different services, for example State and Federal compliance, drafting employment policies, updating the employee handbook and making sure it is compliant with the law, conducting training, personnel issue management, conducting investigations if necessary and also in the event that unionization transitions assistance is necessary, the HR firm will do that as well. We have narrowed it down to seven consulting firms that we have interviewed and evaluated to three that will meet with the Executive Committee.

Phillips: In the interim, if there is any employee that has a need to speak to someone, Jillian you will be available for him or her?

Jagling: Yes.

Phillips: And you are going to make your contact information available to all our employees?

Jagling: Yes, it is in the new policy.

Phillips: Does anyone have any questions? Thank you Ms. Jagling.

Phillips: Do we have a motion to go into Executive Session to discuss personnel.

Hochmann: Moved

Hofstein: Seconded

Phillips: Motion to come out of Executive Session.

Hofstein: Moved

Hochmann: Seconded

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

Specht: Moved

Yeger: Seconded

The meeting was adjourned at 5:30 p.m.

Respectfully submitted,

Suzanne Haggerty

