



**ROCKLAND COUNTY
SOLID WASTE MANAGEMENT AUTHORITY**

420 Torne Valley Road, P.O. Box 1217
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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 McGowan
Commissioner Monaghan
Commissioner Paul
Commissioner Powers
Commissioner Soskin
Commissioner Specht**

Absent

**Commissioner Jobson
Commissioner Moroney
Commissioner Wieder
Commissioner Yeger**

Staff

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

Others

**L. Apotheker
S. Kosmos
S. Torres
A. Tortora
T. West**

The Chairman called to order the Rockland County Solid Waste Management Authority Board of Directors meeting for Thursday, October 25, 2018 at 5:10 p.m.

Pledge of Allegiance led by Commissioner Specht

Roll call by Clerk. There is a quorum.

Introduced by: Monaghan/Hoehmann Unan. October 25, 2018

**RESOLUTION NO. 53 OF 2018
ADOPTION OF MINUTES, MEETING OF
SEPTEMBER 27, 2018**

RESOLVED, that the transcribed Minutes of the Rockland County Solid Waste Management Authority are approved for the meeting September 27, 2018 as recorded by the Clerk and are hereby adopted.

Executive Director's Report

Roppolo: The Bowline facility work is almost complete. Final transition concrete work is to be performed tomorrow and a couple of finish items. We had the overhead beam that was hit twice by the same hauler repaired this past weekend. I would like to thank Jerry Damiani for overseeing the work this weekend and Dee Louis who has been cleaning up the construction at the Bowline Facility.

The paving work has begun at the Clarkstown facility. I would like to thank both Denis O'Donnell and Jerry Damiani for overseeing the weekend concrete pours and weekend grading work. It is a challenging site when construction work is being performed, as it is the busiest Authority site and the scope of paving work is extensive. Both Jerry and Denis as well as the transfer station clerical and scalehouse staff have done a great job in transitioning daily activities to fit within the footprint area of the day. We are scheduled to complete the project by mid-November.

For the November 15th meeting, I have been asked to invite Covanta to present a broad overview of their energy from waste facilities. Covanta has many facilities worldwide and the Executive Committee thought it might be useful to have a presentation made to the board and discuss the current technology.

Tonight's meeting includes the adoption of the 2019 budget and for efficiencies; I would like Jeremy to review the budget with you now.

Goldstein: The proposed 2019 budget on tonight's agenda for your consideration includes a \$7.25 increase per household over the 2018 budget and we are still below the 2017 budget by \$6.46. The ad valorem portion is decreasing by \$5.49 and the user fee portion is increasing by \$12.75. The ad valorem that decreased by \$5.49 reflects the impact on the refunding of the 2008 bond series with the 2018 refunding bonds that I have been talking about for the past two months saves approximately \$550,000 in principal and interest. The greenwaste unit charge increased by \$4.95 and this increase is driven by the mulching composting market collecting decreased revenues and additionally the pricing quantities of the leaf bags requested by municipalities has increased by approximately 50%. The household hazardous waste unit charge increased 0.54¢ and this is driven by the New York State reimbursing us and it is less extensive than it has been in previous years. The transfer station unit charges increased \$7.83, this increase is based on market and industry conditions, and the Authority is discussing alternative technologies. The Materials Recovery Facility increased by 0.21¢ this is due to revenue continuing to decline as a result of current market trends specifically national sword initiative in China and commodity pricing is down 31.3% from last year. The Cocomposting unit charge has decreased by 0.77¢ and this is due to higher sludge removal. If anyone has any questions, I will be happy to address them.

Phillips: I think we are in volatile times and we are doing everything we possibly can. The dollar amount of \$7.25 does not seem like a lot. I think we have always tried to maintain as little as possible of an increase. I think that residents of Rockland County taxpayers are constantly watching everything that government does and all of our expenditures. We are doing an excellent job and we are probably considered one of the cutting-edge solid waste authorities; soon to change that leading to something else I hope. The bottom line is this is a slight increase that I think we can live with because you are providing such unique services and such varied services. I had an opportunity to speak with Leadership Rockland this morning at the Solid Waste Authority and I asked everybody who has been at the Household

Hazardous Waste Facility. I think every single person in the room raised their hand and that demonstrates the message is out there about every stream we recycle. I think we are doing a good job and I believe the people of Rockland County are seeing this. Are there any questions regarding the proposed budget for 2019?

Public Hearing: To fix and determine the rates, rentals, fees or other charges for the use or availability of facilities and services of the Authority for the year 2019

Phillips: Was the public notice published?

Haggerty: Yes in the *Journal News* on October 9, 2018.

Phillips: Anna do you want to add anything to Jeremy's presentation?

Roppolo: No.

Phillips: Jeremy is there anything else?

Goldstein: No.

Phillips: Is there anyone in the public that would like to bring anything before the Board regarding the proposed 2019 budget. Let the record note that no public comment was offered. Are there any comments from the commissioners? Motion to close the public hearing.

Hoehmann: Moved

Soskin: Seconded

Phillips: Was the notice of public hearing was posted for the rates, rentals, fees and other charges?

Haggerty: Yes.

Phillips: Would anyone in the public like to make any comments? Let the record note that no public comment was offered. Motion to close the public hearing on the rates, rentals, fees and other charges.

Specht: Moved

Powers: Seconded

Introduced by: Grant/Kohut

Unan.

October 25, 2018

**RESOLUTION NO. 54 OF 2018
SETTING THE RATE FOR MUNICIPAL RECYCLABLES REVENUE PAYMENTS FOR
THE YEAR 2019**

WHEREAS, the Authority owns and operates a Materials Recovery Facility (“MRF”) for processing the commingled paper and commingled fiber collected from throughout Rockland County; and

WHEREAS, the Authority receives revenue from the sale of the recyclables processed at the MRF; and

WHEREAS, in order to encourage Rockland municipalities to maximize their recycling rates and to defray their collection and transportation costs for these recyclables, the Authority wishes to share the revenue it receives from the sale of the recyclables; now therefore be it

RESOLVED, that the Authority will pay to each Rockland municipality which has entered into an Intermunicipal Recyclables Management Agreement with the Authority the sum of \$35.00 per ton for each ton of recyclable materials that such municipality delivers to the Authority during the Year 2019.

Introduced by: Hofstein/Day

Unan.

October 25, 2018

**RESOLUTION NO. 55 OF 2018
ADOPTION OF RATES, RENTALS, FEES OR OTHER CHARGES FOR THE USE OR
AVAILABILITY OF THE FACILITIES AND SERVICES OF
THE AUTHORITY FOR THE YEAR 2019**

WHEREAS, 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, as amended (“Public Authorities Law”); and

WHEREAS, the Authority is authorized under Section 2053-g of the Public Authorities Law to fix and collect rates, rentals, fees and other charges for the use or availability of the Authority’s facilities and services; and

WHEREAS, it is necessary for the Authority to set its rates, rentals, fees or other charges for the use or availability of the Authority’s facilities and services for the year 2018; and

WHEREAS, pursuant to Section 2053-g of the Public Authorities Law, the Authority is required to hold a public hearing at which interested persons have had an opportunity to be heard concerning its rates, rentals, fees or other charges; and

WHEREAS, a duly noticed public hearing was held on October 25, 2018, for the purpose of setting the Authority’s rates, rentals, fees or other charges for the use or availability of its facilities and services for the year 2019; now therefore be it

RESOLVED, that the Authority Board hereby adopts the rates, rentals, fees or other charges for the use or availability of the Authority’s facilities and services for the year 2019, attached hereto and made a part of this Resolution; and be it further

RESOLVED, that the Executive Director is authorized to take all appropriate actions to effectuate the levying and collection of such rates, rentals, fees or other charges for the use or availability of the Rockland County Solid Waste Management Authority’s facilities and services for the year 2019.

Braunfotel: Mr. Chairman, there is a new resolution. There was a typographical error October 25 is the correct date for the public hearing.

Introduced by: Hoehmann/Powers Unan. October 25, 2018

**RESOLUTION NO. 56 OF 2018
ADOPTION OF THE AUTHORITY BUDGET
FOR THE FISCAL YEAR 2019**

WHEREAS, 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, as amended (“Public Authorities Law”); and

WHEREAS, the Authority is authorized and empowered to plan, study, develop, construct, operate and finance solid waste management facilities pursuant to Section 2053-e of the Public Authorities Law as set forth in the Rockland County Solid Waste Management Plan; and

WHEREAS, the Authority is authorized and empowered to fix and collect rates, rentals, fees and other charges for the use or availability of the facilities or services, and commodities provided by the Authority pursuant to Section 2053-g of the Public Authorities Law; and

WHEREAS, the Authority, after due deliberation and duly noticed public hearing held on October 25, 2018, did review and discuss a budget setting forth the projected revenues and expenditures of the Authority for the fiscal year 2019; now therefore be it

RESOLVED, that the Rockland County Solid Waste Management Authority hereby adopts the budget of the Authority for the fiscal year 2019, attached hereto and made a part of this resolution.

Introduced by: Kohut/Grant

Unan.

October 25, 2018

**RESOLUTION NO. 57 OF 2018
APPOINTING A NOMINATING COMMITTEE TO RENDER A REPORT
AND RECOMMEND OFFICERS FOR 2019**

WHEREAS, the authority is a public benefit corporation, duly organized and existing under title 13-M at the Public Authorities Law of the State of New York, as amended (“Public Authorities Law”); and

WHEREAS, pursuant to Section 2053-e of the Public Authorities Law, the Authority enacted the Organizational By-Laws of the Rockland County Solid Waste Management Authority (“By-Laws”); and

WHEREAS, Section 3.3 of the By-Laws, as amended, requires the Authority to select a nominating committee at its annual October meeting and render a report. The report shall propose nominees for the slate of officers to be elected at the December meeting for said terms to begin January 2019; and

WHEREAS, the Authority has duly considered the matter; now therefore be it

RESOLVED, that the Authority hereby appointed the following members as members of the Nominating Committee;

Comm. Hoehmann
Comm. Hofstein
Comm. Grant
Comm. Specht
Comm. Phillips; and be it further

RESOLVED, the Nominating Committee render its report and make its recommendations to the Board at the December 2018 meeting, proposing members to be appointed as officers at the January 2019 annual meeting. These officers include:

Chairman
Vice Chairman
Vice Chairman
Treasurer
Deputy Treasurer
Secretary

Introduced by: Paul/Monaghan

Unan.

October 25, 2018

**RESOLUTION NO. 58 OF 2018
ADOPTION OF THE STATE OF NEW YORK
DEFERRED COMPENSATION PLAN**

WHEREAS, the Rockland County Solid Waste Management Authority (“Authority”) wishes to adopt the Deferred Compensation Plan for Employees of the State of New York and Other Participating Public Jurisdictions (the “Plan”) for voluntary participation of all eligible employees; and

WHEREAS, the Authority is a local public employer eligible to adopt the Plan pursuant to Section 5 of the State Finance Law*; and

WHEREAS, the Authority has reviewed the Plan established in accordance with Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law of the State of New York; and

WHEREAS, the purpose of the Plan is to encourage employees to make and continue careers with the Authority by providing eligible employees with a convenient and tax-favored method of saving on a regular and long-term basis and thereby provide for their retirement; now therefore be it

RESOLVED, that the Authority hereby adopts the Plan for the voluntary participation of all eligible employees; and it is further

RESOLVED, that the appropriate officials of the Authority are hereby authorized to take such actions and enter such agreements as are required or necessary for the adoption, implementation, and maintenance of the Plan; and it is further

RESOLVED, that the Administrative Services Agency is hereby authorized to file copies of these resolutions and other required documents with the President of the State of New York Civil Service Commission.

** A local public employer eligible to adopt the Plan pursuant to Section 5 of the State Finance Law includes: a county, city, town, village or other political subdivision as defined in Section 131 of the retirement and Social Security law or civil division of the State; a school district or other governmental entity operating a public school, college, or university; a public improvement or special district, a public authority, commission, or public benefit corporation; or any other public corporation, agency or instrumentality or unit of government which exercises governmental powers under the laws of the State*

Phillips: A number of the Commissioners met with MY HR and I was impressed by their experience and knowledge. I think they can more than handle the size of this Authority will do a good job. They are extremely familiar with government entities and they are up-to-date on the most recent policies that have been put in place by municipalities. Are there any questions?

Introduced by: Lynn/Kohut

Unan.

October 25, 2018

**RESOLUTION NO. 59 OF 2018
RETAINING THE FIRM OF MY HR DEPARTMENT,
TO REVIEW AND UPDATE THE EMPLOYEE HANDBOOK FOR THE AUTHORITY**

WHEREAS, The Authority desires to have a comprehensive human resource plan; and

WHEREAS, My HR Department submitted a response to a request for proposal; and

WHEREAS, My HR Department represents companies, organizations and government entities with regard to human resources services including compliance, policies & procedures, training, compensation, performance management, employee relations and more; and

WHEREAS, My HR Department will study all personnel matters at the Authority and work in conjunction with the Board, Management and Counsel; now therefore be it;

RESOLVED, that the Board authorizes the engagement of My HR Department to provide human resource services for a fee not to exceed \$25,000.00.

New Business

Braunfotel: Authorizing the execution of an amendment to the solid waste collection, transportation and disposal agreement for the Village of Spring Valley. The Village of Spring Valley passed a resolution requesting 175 properties be included in the tax rolls. In order to do this they passed their resolution and now by the Authority passing the budget and passing the user fees asking for those properties to be included in the municipal agreement. At some point in time these document will be forwarded to the Town of Ramapo and the Town of Clarkstown to include these properties even though they are not identified at this time we will straighten that out as well. Essentially, there are 175 units and they are to be charged unit fees for garbage pickup for which they would not have had without this resolution.

Phillips: I think this is one of those things that we always try to accommodate the municipalities within Rockland County. We worked diligently over the last few weeks to bring this to fruition. I am glad to see the Mayor from Spring Valley is here tonight. He has asked us if we could get this passed tonight so we can get this on the bills for January. Are there any questions?

Day: Since I am one of the new Commissioners, is this the standard process for adding units or is there a different process involved?

Braunfotel: This is a different process.

Day: Can you explain why?

Phillips: Some of the properties in Spring Valley were subdivided into more units which were not being billed. The Mayor and the staff of the Village of Spring Valley were trying to track down with the Town of Ramapo those that were not on the roles to be billed. In order to do that we are moving them out of the accessing classification into another classification so they can be filled directly. That is the easiest way to describe it. We picked up 175 more units, so this way the Authority will get the money it is supposed to get and the carter will be paid for the units he is picking up. Mayor do you want to state your approval and you are in favor of this and that you were hoping the Authority would pass this tonight.

Simon: Yes, I am very excited that we were able to do this. It is going to be very significant in terms of maintaining the cleanliness of our streets and cleaning up excess garbage around and dealing with the sort of explosion of growth we have had in the village. I welcome doing it and I think it is very appropriate for those people who potentially should be charged for cleaning up will be based upon this. I think it is really good government.

Phillips: Thank you Mr. Mayor.

Introduced by: Powers/Specht

Unan.

October 25, 2018

**RESOLUTION NO. 60 OF 2018
AUTHORIZING THE EXECUTION OF AN
AMENDMENT TO THE INTERMUNICIPAL COLLECTION AGREEMENT WITH THE
VILLAGE OF SPRING VALLEY**

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

WHEREAS, the Authority and the Village of Spring Valley (hereinafter the “Village”) are parties to an Intermunicipal Garbage, Bulky Items and Recyclable Materials Collection, Transportation and Disposal Agreement dated January 1, 2012, under which the Authority is responsible for residential collection, transportation and disposal services in the Village (the “Agreement”); and,

WHEREAS, the Agreement designates which classes of properties will receive collection, transportation and disposal services thereunder; and

WHEREAS, the Village has requested that the Authority extend such collection, transportation and disposal services to certain residential condominium property units located in the Village; and

WHEREAS, the Village has requested that the assessor for the Town of Ramapo (i) affirmatively acknowledge that such condominium property units are residential properties, (ii) modify the 2019 tax rolls, as required, and (iii) amend the tax code designation of each such unit, if required, so that the Authority may provide collection, transportation and disposal services to the condominium property units and be duly compensated therefor; and

WHEREAS, provided the assessor to the Town of Ramapo takes such actions and makes the necessary adjustments to the tax rolls for such properties, pursuant to the powers granted to the Authority under the Act, the Authority has the power to perform such collection services and assess a unit fee against each such residential condominium property unit; and

WHEREAS, subject to the necessary actions of the assessor of the Town of Ramapo, the Village and the Authority wish to amend the Agreement to include collection, transportation and disposal services of garbage, bulky items and recyclable materials for such residential condominium properties located in the Village (the "Amendment"); now therefore be it

RESOLVED, that the Authority hereby deems and acknowledges that the Agreement with the Village has been duly renewed through December 31, 2019, and is in full force and effect; and be it further

RESOLVED, that, subject to the necessary actions of the assessor of the Town of Ramapo, the Authority Board hereby authorizes (i) the execution of an Amendment to the Agreement to extend collection, transportation and disposal services to each such residential condominium property unit in the Village, and (ii) the assessment of a user charge against each such condominium property unit in the Village for the provision of such services; and be it further

RESOLVED, that the Chairman of the Authority is hereby authorized to take all action required to execute an Amendment with the Village as in the best interests of the Authority and on terms and conditions not inconsistent with the terms of this resolution; and be it further

RESOLVED, that the Chairman 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.

Braunfotel: Another resolution for your consideration is authorizing the Authority to update the contract with the carter of the Village of Spring Valley. The carter is Carlo Minuto Carting Company and this further helps us to reach our goal.

Phillips: So we are amending the contract to pick up the additional units and they can get paid for them.

Introduced by: Hoehmann/Specht

Unan.

October 25, 2018

**RESOLUTION NO. 61 OF 2018
AUTHORIZING THE EXECUTION OF AN
AMENDMENT TO THE SOLID WASTE COLLECTION, TRANSPORTATION AND
DISPOSAL AGREEMENT FOR THE VILLAGE OF SPRING VALLEY BETWEEN
THE AUTHORITY AND CARLO MINUTO CARTING COMPANY, INC.**

WHEREAS, the Authority and Carlo Minuto Carting Company, Inc. (“Minuto”) are parties to a Solid Waste Collection, Transportation and Disposal Agreement dated April 25, 2016 (the “Collection Agreement”), under which Minuto provides residential collection, transportation and disposal services in the Village of Spring Valley (the “Village”); and,

WHEREAS, the Village has requested that the Authority provide collection, transportation and disposal services to certain residential condominium property units located in the Village that do not currently receive such services under the Collection Agreement; and

WHEREAS, the Authority and Minuto wish to amend the Collection Agreement to include collection, transportation and disposal services in the Village for such residential condominium property units currently not receiving collection services under the Collection Agreement (the “Amendment”); now, therefore it is hereby,

RESOLVED, that the Authority hereby authorizes the execution of an Amendment to the Collection Agreement for disposal services to such residential condominium property units located in the Village; and be it further

RESOLVED, that the Executive Director of the Authority is hereby authorized to execute the Amendment with Minuto on terms and conditions 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.

Phillips: Is there anything else.

Braunfotel: I have a resolution to be discussed about litigation.

Phillips: Before we go into Executive Session, is there anyone from the public that would like to bring anything before the Authority. Let the record note we did offer public comment and no public comment was offered at the end of the meeting.

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

Lynn: Moved

Hoehmann: Seconded

Phillips: Motion to come out of Executive Session.

Kohut: Moved

Lynn: Seconded

Braunfotel: This resolution for your approval is for the settlement for any possible litigation with ORI regarding the use of the equipment as well as any repairs to our equipment. The agreed upon settlement is \$4 per ton to be paid additionally to ORI and it comes to \$96,000 for equipment costs and additional work and I believe this is a good settlement.

Introduced by: McGowan/Day

Unan.

October 25, 2018

RESOLUTION NO. 62 OF 2018

AUTHORIZING THE EXECUTION OF THE SETTLEMENT AGREEMENT WITH ORGANIC RECYCLAING INC. RELATING TO DISPUTES ARISING UNDER THE AMENDED AND RESTATED CLARKSTOWN YARD WASTE COMPOSTING FACILITY SERVICE AGREEMENT

WHEREAS, the Rockland County Solid Waste Management Authority (the "Authority") is party to a yard waste composting facility service agreement dated as of May 6, 2009, and amended and restated as of February 1, 2013 (the "Amended and Restated Agreement") with Organic Recycling, Inc. (hereinafter "ORI"); and

WHEREAS, under the Amended and Restated Agreement, ORI is required to operate and maintain the Clarkstown Yard Waste Composting Facility and the French Farms Facility; and

WHEREAS, certain disputes have arisen between the Authority and ORI relating to ORI's obligations under the Amended and Restated Agreement; and

WHEREAS, the Authority and ORI have agreed to settle such disputes for a stated dollar amount of \$96,871.77 to be paid by the Authority, and have agreed to pay ORI an additional \$4.00 per ton charge to be paid by the Authority to ORI for the provision of additional equipment provided by the ORI; and now therefore be it

RESOLVED, that the Authority hereby authorizes the Executive Director of the Authority to execute a settlement agreement in connection with the disputes; and be it further

RESOLVED, that the settlement agreement between the Authority and ORI 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 Settlement Agreement 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 has the right to discontinue settlement discussions with ORI and not enter into the Settlement Agreement at any time prior to the execution of the Settlement Agreement and that the Settlement Agreement shall not be binding and valid until executed by both parties.

Phillips: We are going to set a special meeting for November 5, 2018 at 5 p.m..

Hochmann: Moved

Monaghan: Seconded

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

Soskin: Moved

Lynn: Seconded

The meeting was adjourned at 6:20 p.m.

Respectfully submitted,
Suzanne Haggerty