



**ROCKLAND COUNTY
SOLID WASTE MANAGEMENT AUTHORITY**
420 Torne Valley Road, P.O. Box 1217, Hillburn, NY 10931
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Christopher P. St. Lawrence
Chairman

Anna Roppolo
Executive Director

<u>Present</u>	<u>Present</u>	<u>Absent</u>	<u>Staff</u>	<u>Others</u>
C. St. Lawrence	J. Monaghan	M. Grant	H. Benado	T. Pytlar
L. Hofstein	P. Moroney	P. Soskin	K. Braunfotel	S. Rulli
G. Hoehmann	J. Noto	A. Wieder	J. Burnet	D. Stoll
D. Jobson	A. Paul		S. Haggerty	J. Way
M. Kohut	I. Schoenberger		D. Louis	T. West
L. Lynn	W. Sherwood		D. O'Donnell	
H. Phillips	A. Stewart		A. Roppolo	
			L. Stevenson	

- The Chairman called to order the Rockland County Solid Waste Management Authority Board of Director's meeting for Thursday, January 28, 2016 at 5:05 p.m.

- Roll call by Clerk. There is a quorum.

- Pledge of Allegiance – Led by Supervisor Hoehmann

Oath of office administered by Joseph Alongi

- Introduced by: Jobson/Sherwood Unan. January 28, 2016

**Resolution No. 1 of 2016
ADOPTION OF MINUTES, MEETING OF
DECEMBER 10, 2015**

RESOLVED, that the transcribed Minutes of the Rockland County Solid Waste Management Authority are approved for the meeting December 10, 2015, as recorded by the Clerk and are hereby adopted.

5.a. Executive Director's Report

Roppolo: The residue test for the Materials Recovery Facility, as contractually required, was performed on January 15th and 16th. The test was included in the agreement to ensure the operator is meeting their contractual obligations with regard to processing and residue limits. Processing limits were obtained but residue limits were not. D&B Engineering, Ted Pytlar, was on site for both days and will elaborate on the test during his report.

I would like to update the Board on the recycling commodities market. We all have seen the drop in oil prices over the last several months and as I previously mentioned, this decrease in oil prices negatively impacts the plastics recycling markets since virgin material is able to be obtained at a low cost resulting in less of a demand for recycled material. In addition, a strong US dollar and a weakened economy in China have sent prices for American recyclables plummeting worldwide. Although there has been an increase in cardboard tonnage due primarily to more people buying items through on-line merchants, paper and cardboard demand remain at a near-decade low. With less demand Chinese companies have become pickier about the quality. Most experts have said they don't anticipate 2016 to get better and that commodity prices will probably get worse. I will keep the Board apprised of the market going forward.

On January 7th the Authority hosted its first municipal green team meeting. Thirty representatives from Rockland's 24 municipalities attended and discussed the importance of increasing environmental conservation education to the over 300,000 residents. We presented an overview of the Authority's programs and services available to the residents and discussed the need to reduce recycling contamination, with particular attention paid to plastic bags and other non-recyclable items finding their way into residential recycling bins. We will be having the next meeting in April with topics that representatives had indicated they wanted to further discuss such as e-waste disposal, pay-as-you-throw options for municipalities and alternative containers that can be used for curbside recycling.

On January 6, 2016 we met with NYSDEC regarding the renewal permit for the Co-composting Facility. Our meeting included a discussion about including food waste as an additional feedstock in our permit renewal. The permit renewal was submitted last week and does include a request to accept up to 20 tons per day on a pilot basis. The IPS technology that is used in our facility has processed food waste on a very limited basis – such as the Clearwater Festival and the Knickerbocker Ice Festival and this request is a natural progression.

As mentioned at the last meeting, the Authority is sponsoring two shredding events at each town in 2016. A save the date flyer will be going out at the same time as the HHW mailer which goes out to each resident at the beginning of February each year. Each event will be open to Rockland County residents on a first come first serve basis from 8 a.m. to 12 noon with a maximum of three bankers' boxes per resident. The dates are as follows:

Clarkstown on Saturday April 23 and Saturday October 8

Ramapo on Saturday March 12 and Sunday April 10

Haverstraw on Saturday April 30 and Saturday October 1

Orangetown on Saturday April 16 and Tuesday October 4

Stony Point on Saturday June 4 and Saturday October 15

I was unable to receive the US Composting Council award in person on behalf of the Authority due to the snow storm and asked Brian Fleury from WeCare Organics to accept on the Authority's behalf.

I'd like to welcome Supervisor Hoehmann, Supervisor Monaghan, Legislator Hofstein, Mayor Kohut and Councilman Noto to the Board. You should have all received a copy of the Authority's policies and procedures hand book. Please make sure you attend the Board member training session as required by the Public Authorities Office in compliance with the Public Authorities Act. I understand that space is limited to 15 participants and that the February training session is currently filled. There is another session scheduled for March. If you have any questions regarding the training or scheduling please call Suzanne Haggerty.

Thank you.

5.b. D&B Engineer's Report

Pytlar: The primary activity we conducted for the Authority this month was monitoring and recording the residue test at the Material Recovery Facility. The Material Recovery Facility is the facility where all the bottles, cans, paper and cardboard from the residents of Rockland put out for recycling. According to the agreement between the Authority and your operator Casella to make sure they don't lose too many of the valuable recyclables in the process. As with any mechanized process some recyclables could get lost, but we want to make sure there are not too many. This test's total percentage of residues that go out the facility can't be marketed and has to be disposed of. The processing rate the facility is supposed to be running is referred to tons per hour. Two of the tests I witnessed, the throughput ran at 14 tons per hour versus the 12 tons that is guaranteed. The aluminum content was 0.8% as opposed to ½% which is guaranteed. Those tests passed, however they failed the overall residue rate here they had 14.2% residue versus 10%. That means on an overall basis all materials coming into the facility over the test period how much went out as residue. For all the material that came in 14.2% went out as residue should have only been 10%. They also failed on the discarded recoverable material which is the total of the #1 and #2 plastics and tin cans; and that total was significant 24.8% of material

in the residue versus 10%. Primarily due to the excessive amount of PET plastics which is primarily water bottles and salad boxes. After reviewing the test results with the Authority staff we instructed Casella to come back and report to the Authority on how they were going to fix the problem by the point of view of looking at the whole operation and what improvements they were going to make to get back into the guarantee levels. About a year ago a test was conducted to see if they could operate at a lower staff level and they passed that test. So we asked why they passed last year's test and they failed this current test and only a year has gone by and nothing much has changed in regard to incoming material. The Authority paid a substantial amount earlier in 2015 to install a water system to separate plastic bags to get them out of the way of other material and part of that system was down when the test was being performed.

St. Lawrence: Has the baler been fixed?

Pytlar: The baler has further deterioration on the top and the compression chamber and Casella is getting proposals to repair the baler.

St. Lawrence: What happens to the residuals?

Pytlar: The residuals are taken to the transfer station now and ordinarily they would be disposed of, but Ms. Roppolo has entered into an agreement to have the residuals taken to a recyclables facility and have them recycled.

Noto: What are the ramifications of the failed tests?

Pytlar: There are liquidated damage provisions in the agreement that they could be penalized by the Authority due to the failure of the test and any additional disposal costs the Authority would incur.

St. Lawrence: Casella came in and took over when the previous operator's contract was complete. Casella has done a lot of work fixing what was wrong at the facility.

5.c. Flow Control Report

Rulli: The County Health Department enforces the Flow Control Law and we make sure the haulers are taking materials to the proper facilities. We've made some changes to the program this year. We have added the Sheriff's Department on some enforcement efforts, we've had some changes to the legal advice that we were getting so we've changed how we find violators in the County. We used to follow the trucks to make sure they went to the proper facility; but now we use scale house data to determine if those trucks came in within a three-day window. It's more efficient use of the time of our staff out in the field. We've seen more violations this year and our fines are up.

Phillips: Can you tell us what a typical day is? What time are you out in the field, who are you looking for, who are you tracking and how do you determine who to track?

Rulli: The strategies vary on what we're able to watch. There are some charts in your packets so you can see some of the different categories and the violators. There are less violators on household garbage because those haulers are more in compliance. The three surveillance people are out all day in the field.

Phillips: The morning is started with three inspectors?

Rulli: Yes

Phillips: What time do you start?

Rulli: They are out in the field by 9:30.

Phillips: You realize many of the carters start at 5:00 a.m. in the morning. I know most of the municipalities have codes that state haulers can't pick up until 7:00 a.m., but a lot of times that doesn't apply to commercial. There could be a lot going on by the time the inspectors get out there at 9:00 – 9:30 in the morning. How are you inspecting all of the five Towns?

Rulli: They spread out in all the Towns. It varies, we try to spread out by the different types of waste, geographically, and by different types of haulers to see who is complying.

Phillips: I believe all the five Towns and most of the Villages have sanitation codes. Do you also check with the municipalities to make sure they are complying with the licensing of the municipalities or just with your licenses?

Rulli: We are just looking at the permitting by the Health Department. I believe there has been some information that was shared periodically so that we have everyone the municipalities have.

Phillips: In January, do you have any idea how many fines have been issued or how many violations will be issued this month?

Rulli: I don't have a tally of this month yet I just have year-to-date for 2015. Some of the fines have carried over to this year. There are hearings coming up that will bring money into February.

Phillips: When do you actually know a hauler is in violation, when they leave Rockland County with the trucks?

Rulli: This is going to be done differently now. Our personnel staff and the Sheriff's Department as well have to observe the pick-up of material in Rockland and then we have to confirm that it wasn't brought to the Solid Waste Authority. We are getting daily data from the Solid Waste Authority and we are looking to see if a specific truck went to the Authority within three days.

Phillips: So you do not follow them now, you are seeing if they're coming back to the Authority.

Rulli: This is how we are issuing more violations now. We used to have to wait and follow the trucks around all day. Now we just confirm a pick up and track them by the data.

Phillips: I am just curious is there one entity or two entities that carters are taking the material to instead of coming to the Authority. I think we should also focus on that as well and not just the carters, but who is accepting the material.

Rulli: I don't think there are any laws about the facilities that are accepting the materials.

Phillips: Do you think they are private? Do you have any idea where the violators are going?

Rulli: I don't have that information with me here now. I believe some material is going to New Jersey and some material is going to facilities in Rockland County.

Phillips: The largest amount of material that is going out of County is it garbage, or is it C&D, or is it recyclables?

Rulli: Cardboard is 34% and C&D is 28% of the violations.

Phillips: C&D is probably being taken to someone that is recycling it?

Rulli: There are issues with some carters and right now we don't have permits on container boxes.

Phillips: You have these violations by percentages, I'm just wondering what the tonnages would be.

Rulli: We don't have the amounts in tonnages.

Schoenberger: Could you please clarify how many people are enforcing flow control for the Solid Waste Authority?

Rulli: There are three technicians in the field.

Schoenberger: Anna, how much does the Authority pay the Health Department a year?

Roppolo: Approximately \$340,000.

Rulli: There is also a partial clerical worker.

Schoenberger: The three technicians and partial clerical, do they only perform Authority work or do they also do Health Department work?

Rulli: The partial clerical does work on other programs and then there is the oversight staff.

Schoenberger: Where do the fines that are collected go?

Roppolo: The fines stay at the County.

Schoenberger: We are paying the Health Department to enforce the Flow Control Law and when they fine someone the money doesn't come back to us even though we are paying for the employees that do the job, the fines stay at the County. Is that the answer?

Roppolo: That is correct.

Moroney: You say the fines are up this year. Is that because the fines were increased or is it because there were a greater number of fines?

Rulli: There have been more violations given out.

Moroney: Who is responsible for the sum of the fines? Is it the Department of Health?

Rulli: The County law limits it; there is a fine nature to our enforcement process.

Moroney: My understanding is the haulers themselves they do not really care about the fines. Because the fines are not big enough for them to care about.

Rulli: We are limited by with the County Law. The people that are repeat violators are getting the maximum fine of \$1,000.

Moroney: Can we put the subject of fines on our next Executive Board agenda?

St. Lawrence: Yes.

Phillips: We should be recouping the fines back to the Authority.

St. Lawrence: We should look at the whole structure of the fines to see how they determined. The Health Department should be notifying the Towns of the repeat violators because the Towns are the one who are licensing the contractors. We should look at the breakdown of the fines. We want to enforce flow control but we also want to focus on the people who are taking in materials knowingly that they are violating flow control.

Schoenberger: I think we should be concerned about the fact the Authority and the County tax separately. The County tax bill is in January but you also get the Rockland County Solid Waste Authority ad valorem. We are taxing the County tax payers to pay the Health Department to enforce flow control law but the revenue that tax payers are paying for that purpose and the fines are not coming back to ease their tax burden to the Solid Waste Authority. Instead, it is

going to the Rockland County taxpayers; and maybe I shouldn't complain because I am a County Legislator, but it just doesn't seem fair.

St. Lawrence: The initial flow control law through the public hearings by the Legislature, it was requested that the Health Department under Article 17 County Law the Health Department would be responsible for enforcing flow control.

Schoenberger: My recollection is that the then County Executive threatened to veto flow control unless the Solid Waste Authority hired inspectors at a stipulated amount to enforce flow control. I don't recall and correct me if I am wrong, is there something in the flow control law that says the County keeps the revenue for enforcing it?

Braunfotel: The idea was when this law came into effect was that compliance would mean more money for the Authority. The way the law was set up, it would have been easier for the Authority to enforce and/or permit. At that time, this was a negotiated piece of legislation. Your question is, does it say in the law that all the fines, no.

Schoenberger: How do you get to the operational part if it is not in the law that the County keeps the fines and the fines are not returned to the Authority?

Braunfotel: The concept was, not only were the inspectors out there on the street, but there is a board that meets to exactify and there is a hearing and they felt that the fines were going to pay for the hearings. This has been the first year we have had so many violations.

Schoenberger: This is the first year in many that there really was an effort to enforce. Can the Executive Committee discuss this issue and make a recommendation to the full Board as to what can be done, if anything? What should be done, what changes might be suggested with regard to this. Maybe the fines should be split. Let's not let this issue drop. There may be very good explanations to the questions that were raised and I would like to hear them.

Phillips: We appreciate the fact that the Health Department and Sheriff's Department is going out and aggressively enforcing flow control. I think every Town Supervisor and Legislator probably believes there has been a lot of manipulation in the pickups instead of coming to the Authority. One of the things the Authority is trying to do and what we have accomplished is hold costs down. The more the people are out there and going to other places, and we know they are, the more Rockland tax payers are paying. Thank you for the enforcement.

St. Lawrence: Mr. Rulli, for future reports please provide a matrix that shows the types of fines and the total fines by towns and how the inspectors are disbursing, etc. that could be looked at for our monthly meetings.

Stewart: Thank you for the enforcement you do. As your inspectors are out there following the trucks, for instance along Rt. 303 some of the trucks on their way to the West Nyack transfer

station have material flying out the back and littering do the inspectors give violations to those trucks.

Rulli: That is under our Sanitary Code so if we saw that happening, we could issue a violation.

Phillips: Besides the garbage that comes off the trucks, we have noticed trucks leaving the transfer station have a liquid just pouring out making a trail up the road that creates a horrible odor. I imagine that comes under your auspices as well.

Rulli: Yes it does.

6. Introduced by: Phillips/Lynn

Unan.

January 28, 2016

**RESOLUTION No. 2 of 2016
APPOINTING THE OFFICERS OF THE AUTHORITY FOR THE YEAR 2016**

WHEREAS, Officers of the Authority Board are chosen each year at the Authority’s annual January meeting; and

WHEREAS, the following Authority Board Members served as Officers in the year 2015:

Chairman:	Christopher P. St. Lawrence
Vice-Chairman:	Howard Phillips
Vice-Chairman:	Alex Gromack
Vice-Chairman:	Patrick Moroney
Secretary:	Vincent Altieri
Treasurer:	Philip Soskin
Deputy Treasurer:	Ilan Schoenberger

WHEREAS, the Authority Board has held its Annual Meeting and selected the Officers to serve in the year 2016; now therefore be it

RESOLVED, that the Officers of the Authority for the year 2016 shall be as follows:

Chairman:	Christopher P. St. Lawrence
Vice-Chairman:	Howard Phillips
Vice-Chairman:	George Hoehmann
Vice-Chairman:	Patrick Moroney
Secretary:	John Noto
Treasurer:	Philip Soskin
Deputy Treasurer:	Ilan Schoenberger

Such Officers shall serve until their successors are appointed and qualified at the next Annual Meeting in January 2017.

St. Lawrence: Every member of the Authority is welcome to every Executive Committee meeting.

7. Introduced by: **Phillips/Hoehmann** Unan. **January 28, 2011**

**RESOLUTION No. 3 OF 2016
AWARD BID TO SPECTRASERV, INC.
FOR WASTE WATER SIDE STREAM
HAULING AND DISPOSAL**

WHEREAS, the Authority issued RFB-2016-01 for Waste Water Side Stream Hauling and Disposal dated January 8, 2016 and sent out six (6) bid packets to interested vendors, including the current vendor, Spectraserv, Inc. The bid requested pricing for a two (2) year term with three (3) options for one (1) year renewals at the sole discretion of the Authority and on mutually agreeable terms and conditions; and

WHEREAS, Bid responses were due on January 19, 2016, and a single bid was received from Spectraserv; and

WHEREAS, the Authority's contract with Spectraserv, Inc. for waste water side stream hauling and disposal expired on December 31, 2015 and waste water side stream material had to be removed from the wastewater treatment plants and disposed prior to the scheduled January Board meeting in order to avoid odor conditions at the waste water treatment plants, thereby creating an operational emergency; and

WHEREAS, in order to address this emergency condition, resolution 51 of 2015 authorized the extension of the Authority's contract with Spectraserv until January 31, 2016; and

WHEREAS, Authority staff have reviewed the bid and determined that the bid submitted by Spectraserv is in all respects responsive to the Request for Bids and is a responsible bid and therefore recommends acceptance of the bid submitted by Spectraserv based upon that determination and based upon the quality of the service that Spectraserv has provided to the Authority for the past five years; now therefore be it

RESOLVED, that the extension of the contract with Spectraserv is hereby ratified; and be it further

RESOLVED, that the bid submitted by Spectraserv is accepted and the Executive Director is authorized to enter into an agreement with Spectraserv, Inc. for waste water side stream hauling and disposal in the following rates for the years 2016 and 2017: Hauling Cost: \$980.00

per pick up; Disposal Cost: \$130.00 per ton; Demurrage Rate: \$145.00 per hour, with three options for one-year renewals at the sole discretion of the Authority and on mutually agreeable terms and conditions:

Phillips: One of the things we have experienced at our wastewater treatment plant is the trucks staying there on Fridays sometimes for whatever reason odors occur and they stay there the whole weekend. Is there any way we can in the future ensure that these trucks do not stay over the weekend. Most of the time they do pick them up on Friday's but there are some weekends where the trucks remain there over the weekend.

St. Lawrence: Are the truck remaining there over the weekend filled?

Phillips: Either partially or sometimes even the containers when they are empty have a terrible odor in them.

Roppolo: Let me look into it.

8. New Business

Moroney: Anna if you remember going back at the end of last year there was a situation in Clarkstown when some contaminated landfill was delivered to the Authority and the Town of Clarkstown wanted to be reimbursed.

Roppolo: That was paid by the Town of Clarkstown out of their host fee.

Moroney: When did that happen?

Roppolo: In the fourth quarter about November or December.

Moroney: Can you give us the details of what happened. How much was the amount?

Roppolo: The tip fee was in excess of \$500,000. It was discussed during the Executive Committee meeting and my understanding was that I was instructed to have that tip fee paid. There was discussion I believe in Executive Session and that was the directive I received.

Moroney: I don't recall that meeting.

Roppolo: I'm not sure if you were there or not.

Moroney: I don't recall that issue coming up at any of the meetings that I attended.

St. Lawrence: I believe you were at the meeting, Mr. Phillips and the Executive Director. Mr. Gromack had requested that the Authority pay this tip fee. It was unanimous at the Executive Board that we would not pay the tip fee.

Schoenberger: Didn't the Supervisor of Clarkstown request a multi-year payout?

Phillips: He may want a multi-year payout; I do not think he said he definitely did. I thought we left that meeting saying we couldn't do this, because if we do this for one Town then we have to do it for all the Towns.

Moroney: That is exactly right, Mr. Chairman.

St. Lawrence: That is how we left it.

Schoenberger: If I understand Mr. Moroney correctly, if there was going to be a debit against the host fee in essence a common law set off, a set off meaning that the Solid Waste Authority owed a host fee to the Town of Clarkstown and the Town of Clarkstown owed a fee to the Solid Waste Authority for the tipping fee and instead of exchanging checks, to have a set off against the amount and deduct the amount. If I understand, Mr. Moroney is really asking how did that come about.

Phillips: I thought in the agreement that was what was going to happen because if you remember I was quite vehement that if one municipality gets \$500,000 discount that every single town if they have anything in the future should also receive a \$500,000 discount.

Schoenberger: I think the question being asked is was there authorization to deduct it. Was there an authorization given to the Executive Director to do a common law set-off or was that just an operational decision?

St. Lawrence: I thought the Executive Board agreed that we would not pay that fee and it would be taken out of their host fees for the fourth quarter which is operationally what happened.

Phillips: Mr. Moroney, I think you were quite adamant, and you agreed, because I was saying there was no backbone to do this. I want to know in the future that my Town is going to have the same opportunity if I ever have an environmental clean up. At that point, you jumped in and said this was going to get so convoluted we should end it here.

Moroney: That's not the question I'm asking. My point is, you will want to bring Letchworth Village in after that.

Phillips: You are the one who brought up Letchworth Village.

Moroney: My point is we had agreed that it would be put off until after the election. From November to January it has been settled. I want to know how it was settled and when it was approved.

Phillips: I left that meeting believing we were not paying anything.

Hoehmann: I found out about this issue about the second week in my tenure of Supervisor. Our controller's office indicated that the Town of Clarkstown had been debited about a half a million dollars. There were rumors made by my predecessor that this was under agreement with the Solid Waste Authority and it is reflected in the Town's minutes. Had the members of the Board that are currently still on the Board, which had this discussion some time ago with Supervisor Gromack known that it was going to cost the Town what it actually cost, then we probably would have approached this issue differently. It currently created a half a million-dollar hole in the budget and I did have a discussion with our Town Attorney to see if we have any other options. We reached out to my predecessor and was able to receive some information that is inconsistent with what I have heard from members of the Authority. I don't like having a hole in the budget. This is from 2015 and I will be inheriting this. Our Town attorney is going to see if there are some options for us. I want to thank Anna for the finance information we have received from the Authority. Perhaps maybe we can have a follow-up discussion in the future.

St. Lawrence: We absolutely will. Clarkstown had a contract with a private hauler and they were doing this cleanup and going across our scales and saying they didn't have to pay and Clarkstown was getting a deal when there was never such a deal. We then made a decision that we would except that material coming across and say they were Clarkstown's trucks and they would have to pay the tipping fees. At the Executive Board meeting, it was almost unanimous that no we weren't going to be paying the tipping fees for Clarkstown. Those tipping fees were still on our books and somebody had to pay us. It was decided that it would be taken off their host fees and that is what happened. Unfortunately, to Mr. Hoehmann's point, Mr. Gromack did not represent it that way in the budgetary process and put it in that they would get all their host fees plus we would pay for the tipping fees.

Braunfotel: This is possibly pending litigation between the Authority and the Town of Clarkstown. Every time we have discussed this, we have discussed it in Executive Session. All I have to say is that my recollection is the same as Mr. Phillips' recollection that we were to resolve it on the books. Anna and I met with Supervisor Gromack and Ms. Miele to discuss this issue to come up with a number of suitable alternatives. The Board authorized me to go and negotiate a number of resolutions. One of them was to charge the base fee of exactly what it cost and we made that representation to the Town of Clarkstown. It wasn't considered, so if the Board wishes for me and Anna to go back to the Town of Clarkstown to work out a resolution I'd be more than glad to do so. But, I will tell you that when we went with a number of resolutions, they were not considered by the Town of Clarkstown. One last thing, in terms of everyone gets a little, that conversation multiplied to even where Chairman St. Lawrence said we have to base it on population among the five Towns.

Moroney: With all due respect, that is not the questions I am asking. How did it get resolved without coming back to the Board?

Braunfotel: It was my understanding the Board had authorized the set-off.

Phillips: Mr. Moroney, that was my understanding that when we left there that we were not going to pay and it was going to be taken off the host fee and there was a question of whether or not you wanted to divide it over a couple of years. In all fairness to Supervisor Hoehmann, and I'm going to heed the advice of our council, I'm going to give an analogy and it applies to all Supervisors, we bought Letchworth Village and if I have all these buildings with environmental problems and one municipality can get a \$500,000 discount by taking it to the Authority. All the Towns are going to want the same thing since they all have buildings that we would like removed and we would like it disposed of at no cost to our local taxpayers. This issue could just blossom out of control and the Authority could be stuck with a few million dollars going into the future.

Moroney: There is no question the amount had to be paid back. But, Mr. Gromack was adamant that he felt he didn't have to pay it back. Now all of a sudden it has been resolved. What I'm saying is I don't think it's fair to the incoming Supervisor. The fact of the matter is if it is going to be decided it should have been over a period of time to make it easier on the budget.

Schoenberger: I attended some of the Executive Board meetings, if I am not mistaken Suzanne was also taking notes and recording, am I right?

Haggerty: Yes.

Schoenberger: Whatever discussions happened in the Executive Board meeting there would be presumably some notes or a tape of what transpired.

Haggerty: Yes.

Braunfotel: We were in executive session because of litigation not in the regular meeting.

Schoenberger: I know I missed a meeting. I want to make sure that I am clear that what I asked and what Mr. Moroney asked was not meant to be against you Anna. I think you are the Executive Director there is a debt owed the Authority you have an obligation to collect that debt.

Roppolo: I did what I was directed to do.

Schoenberger: I am not saying you did anything wrong. I think questions are being raised on the process. What I have gathered from this discussion now it is a little cloudy how the process pans out.

Phillips: The process could still be open.

Schoenberger: Yes, I think you did your job. If we were coming to the end of 2015 and there's a debt owed to the Authority and you have an obligation to collect that debt and close the books, I think you should be doing what you did which was get the money.

St. Lawrence: We will put this on the agenda for the next Executive Board meeting and we can revisit this issue.

Schoenberger: I think what is done is done.

Jobson: Mr. Chairman maybe you can have the attorney's look at this. You cannot keep everybody on this Board happy. I can't understand people sometimes. We came out ahead of the game for a change and people are squawking about it. Anna, God bless, you did the right thing as far as I am concerned. I don't like to see the Town of Clarkstown new administration come in and be behind the eight-ball with something like this either and why the previous administration all of sudden didn't pay them so quickly, who knows. I am not going to complain about that. I don't know if the new administration can turn around undo something the previous administration did either. Let the attorneys find the legal ease and see if they can help the Town of Clarkstown to ease the burden a little bit. We have a well-paid staff here that is supposed to do their jobs, let them do it.

Schoenberger: Our County attorney is sitting in the first row that very quickly pointed out to us about a recent court of appeals decision regarding a set-off of the charges for charge backs. The Court of Appeals said common law might be settled. Just bearing that in mind as we go forward in our discussions. Thank you.

Braunfotel: The agreement that the Board has discussed, no matter how the resolution was, and that was whether or not it would affect our bond covenants to pay that \$500,000. I don't believe Mr. West's firm produced an opinion how it would affect our bond covenants because he wasn't directed to do that because there was no payment being made. We didn't have to get to that level. Had we agreed to accept the \$500,000 it would have been required to let us know how it would affect the bond covenants. Generally, I was under the same impression the \$500,000 was going to be taken out of the tip fee. I would like for someone to go back and meet with the Town attorney and to meet with the new Supervisor to see if we could come to some resolution.

Phillips: Agreed, I want to make sure that our bond counsel agrees.

Braunfotel: Absolutely.

Introduced by: Hoehmann/Moroney

Unan.

January 28, 2016

**Resolution No. 4 of 2016
ESTABLISH AND APPOINT A LABORER TO THE ROCKLAND COUNTY
SOLID WASTE MANAGEMENT AUTHORITY**

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

WHEREAS, Hermelindo Flores has sought the position, and appears to be qualified; now therefore be it

RESOLVED, Hermelindo Flores is hereby selected for the position of Laborer with Class B CDL, to serve in such capacity at the pleasure of the Authority, subject to approval of his application by the Rockland County Personnel Department, effective February 16, 2016, and be it further

RESOLVED, that the compensation for such services for the year 2016 shall be the sum of \$39,998.00 annually; and be it further

RESOLVED, that the Laborer shall perform a minimum of 40 hours of services per week and , 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: The salary is in the budget.

Phillips: Did we advertise this position?

Roppolo: The laborer position does not have to be advertised.

St. Lawrence: Since there is no other new business, do we have a motion to adjourn?

Jobson: Moved

Noto: Seconded

The meeting was adjourned at 6:10 p.m.

Respectfully submitted,
Suzanne Haggerty