



**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



1. The Chairman called to order the Rockland County Solid Waste Management Authority Board Special Meeting for Thursday, June 6, 2019 at 5:10 p.m.

2. Pledge of Allegiance led by Commissioner Specht

3. Roll call by Clerk. There is a quorum.

Present

Chairman Phillips
Commissioner Grant (arrived 5:15)
Commissioner Hoehmann
Commissioner Hofstein (arrived 5:09)
Commissioner Jobson
Commissioner Kohut
Commissioner Lynn
Commissioner McGowan
Commissioner Monaghan
Commissioner Powers
Commissioner Soskin
Commissioner Specht

Absent

Commissioner Day
Commissioner Moroney
Commissioner Paul
Commissioner Wieder
Commissioner Yeger

Phillips: Let the record note that although Commissioner Moroney is not here present he is on the phone listening in.

Staff

Keith Braunfotel, Jerry Damiani, Jeremy Goldstein, Suzanne Haggerty, Anna Roppolo, Debra Samuels

Others

Stephanie Kosmos, James O'Sullivan, Teno West

www.rocklandrecycles.com



4. Introduced by: Hoehmann/Jobson

Unan.

June 6, 2019

**RESOLUTION No. 30 OF 2019
ADOPTION OF MINUTES, MEETING OF
MAY 16, 2019**

RESOLVED, that the transcribed Minutes of the Rockland County Solid Waste Management Authority are approved for the meeting May 16, 2019 as recorded by the Clerk and are hereby adopted.

Phillips: Motion to go into Executive Session to discuss contractual negotiations.

Kohut: Moved

Lynn: Seconded

Phillips: Motion to come out of Executive Session.

Powers: Moved

Hofstein: Seconded

5. **Phillips:** Authorizing the interim operation of the Yard Waste Composting Facility and interim bulk purchase of compost product and mulch product. WeCare Denali, LLC has agreed to operate the facility on an interim basis.

Introduced By: Jobson/Hoehmann

Unan.

June 6, 2019

**RESOLUTION NO. 31 OF 2019
AUTHORIZING INTERIM OPERATIONS OF THE YARD WASTE COMPOSTING FACILITIES
AND
THE INTERIM BULK PURCHASE OF COMPOST PRODUCT AND MULCH PRODUCT**

WHEREAS, the Authority owns and operates the Clarkstown Yard Waste Composting Facility (including a mulch processing facility) located in West Nyack and operates the New City Yard

Waste Composting Facility (also known as the French Farms Facility) located in New City (collectively the “Facilities”); and

WHEREAS, the Facilities were operated by Organics Recycling, Inc. (“ORI”) pursuant to the Amended and Restated Clarkstown Yard Waste Composting Facility Service Agreement between the Authority and ORI, which expired on May 6, 2019; and

WHEREAS, in anticipation of the expiration of such agreement, on March 4, 2019 the Authority issued Request for Proposals 2019-05 for the Operation and Maintenance of the Authority’s Yard Waste Composting Facilities Located in West Nyack and New City, New York and the Bulk Purchase of Compost Product and Mulch Product (the “RFP”) for the purpose of procuring an operations and maintenance agreement for the Facilities and for procuring a separate bulk purchase agreement for the purchase of compost and mulch product generated at the Facilities; and

WHEREAS, the due date for responses to the RFP was April 15, 2019; and

WHEREAS, the Authority was unable to complete the evaluation process prior to the end of the term of its agreement with ORI; and

WHEREAS, pending completion of the procurement process, following the end of the term of the Amended and Restated Clarkstown Yard Waste Composting Facility Service Agreement with ORI the Authority temporarily undertook operations of the Facilities; and

WHEREAS, the Authority has determined that it requires (i) an interim operator for the Facilities while it completes its procurement process, and (ii) an interim purchaser for compost product and mulch product while the Authority completes its procurement process; and

WHEREAS, WeCare Denali, LLC has agreed to operate the Facilities on an interim basis; and

WHEREAS, We Care Denali, LLC has agreed to purchase compost and mulch generated at the Facilities on an interim basis to allow the Authority time to complete the procurements; and now therefore be it

RESOLVED, that the Authority is hereby authorized to enter into (i) a temporary agreement with WeCare Denali. LLC for the operation and maintenance of the Facilities, for a term not to extend beyond December 31, 2019; and (ii) a temporary agreement with WeCare Denali. LLC for the bulk purchase of compost product and mulch product, for a term not to extend beyond December 31, 2019; and be it further

RESOLVED, such temporary operation and maintenance agreement shall be for reasonable pricing consistent with the final proposed first year pricing submitted by WeCare Denali a and unrelated to the pricing for the temporary bulk purchase agreement; and be it further

RESOLVED, such temporary bulk purchase agreement shall contain reasonable pricing consistent with the final proposed first year pricing submitted by WeCare Denali and which are unrelated to the pricing for the temporary operation and maintenance agreement; and be it further

RESOLVED, that the Executive Director of the Authority is hereby authorized to execute such temporary agreements 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 interim operation and maintenance agreement and the interim bulk purchase agreement each shall not be binding and valid until executed by the parties.

Braunfotel: The next resolution is that the Executive Committee and the staff of the Authority reviewed and negotiated and we found in the best interest to go forward with the request for proposal and the WeCare Denali response.

Introduced By: Specht/Lynn

Unan.

June 6, 2019

**RESOLUTION NO. 32 OF 2019
ACCEPTING PROPOSAL AND AUTHORIZING THE YARD WASTE COMPOSTING FACILITIES
OPERATION AND A MAINTENANCE SERVICE AGREEMENT**

WHEREAS, the Authority owns and operates the Clarkstown Yard Waste Composting Facility (including a mulch processing facility) located in West Nyack and operates the New City Yard Waste Composting Facility (also known as the French Farms Facility) located in New City (collectively the “Facilities”); and

WHEREAS, the Facilities were operated by Organics Recycling, Inc. (“ORI”) pursuant to the Amended and Restated Clarkstown Yard Waste Composting Facility Service Agreement between the Authority and ORI, which expired on May 6, 2019; and

WHEREAS, in anticipation of the expiration of such agreement, on March 4, 2019 the Authority issued Request for Proposals 2019–05 for the Operation and Maintenance of the Authority’s Yard Waste Composting Facilities Located in West Nyack and New City, New York and the Bulk Purchase of Compost Product and Mulch Product (the “RFP”) for the purpose of procuring an operations and

maintenance agreement for the Facilities and for procuring a bulk purchase agreement for the purchase of compost and mulch product generated at the Facilities; and

WHEREAS, the Authority issued to potential proposers Addenda to the RFP on March 27, 2019 and April 5, 2019; and

WHEREAS, the due date for responses to the RFP was April 15, 2019; and

WHEREAS, on April 15, 2019, the Authority received one (1) response to the RFP (from WeCare Denali, LLC); and

WHEREAS, the Authority's Evaluation Committee evaluated the proposal submitted in connection with the operation and maintenance of the Facilities and sought additional clarifying information from the proposer and conducted interviews with the proposer; and

WHEREAS, the Authority's Executive Committee reviewed such information from the proposal as well as information obtained during the clarification process, and taking into consideration the technical evaluation factors set forth in the RFP, including qualifications, experience, and price, and determined that WeCare Denali, LLC provided a proposal that is most advantageous to the Authority for the operation and maintenance of the Facilities; now therefore be it

RESOLVED, that the proposal of WeCare Denali, LLC for the prices submitted during the procurement process is hereby accepted; and be it further

RESOLVED, the Authority hereby authorizes the Executive Director of the Authority to negotiate with WeCare Denali, LLC and, if negotiations prove successful, execute the Operation and Maintenance Agreement for the Facilities, as such services are described in the specifications set forth in the RFP, as further negotiated, subject to review by Authority Counsel; and be it further

RESOLVED, that the Authority, in its sole discretion, has the right to discontinue negotiations with WeCare Denali, LLC at any time prior to the execution of the Yard Waste Composting Facilities Operation and Maintenance Service Agreement for the Facilities and such agreement shall not be binding and valid until executed by the parties.

Braunfotel: Regarding the bulk purchase and how the by-product is going to be sold by WeCare Denali and used for beneficial purposes.

Introduced By: McGowan/Soskin

Unan.

June 6, 2019

RESOLUTION NO. 33 OF 2019

ACCEPTING PROPOSAL AND AUTHORIZING THE BULK PURCHASE AGREEMENT FOR COMPOST PRODUCT AND MULCH PRODUCT FROM THE WEST NYACK YARD WASTE FACILITY AND THE NEW CITY YARD WASTE FACILITY

WHEREAS, the Authority owns and operates the Clarkstown Yard Waste Composting Facility (including a mulch processing facility) located in West Nyack and operates the New City Yard Waste Composting Facility (also known as the French Farms Facility) located in New City (collectively the “Facilities”); and

WHEREAS, the Facilities were operated by Organics Recycling, Inc. (“ORI”) pursuant to the Amended and Restated Clarkstown Yard Waste Composting Facility Service Agreement between the Authority and ORI, which expired on May 6, 2019; and

WHEREAS, in anticipation of the expiration of such agreement, on March 4, 2019 the Authority issued Request for Proposals 2019–05 for the Operation and Maintenance of the Authority’s Yard Waste Composting Facilities Located in West Nyack and New City, New York and the Bulk Purchase of Compost Product and Mulch Product (the “RFP”) for the purpose of procuring an operations and maintenance agreement for the Facilities and for procuring a bulk purchase agreement for the purchase of compost and mulch product generated at the Facilities; and

WHEREAS, the Authority issued to potential proposers Addenda to the RFP on March 27, 2019 and April 5, 2019; and

WHEREAS, the due date for responses to the RFP was April 15, 2019; and

WHEREAS, on April 15, 2019, the Authority received one (1) proposal in response to the RFP (from WeCare Denali, LLC); and

WHEREAS, the Authority’s Evaluation Committee evaluated the proposal submitted in connection with the bulk purchase of compost product and mulch product from the Facilities and sought additional clarifying information from the proposer and conducted interviews with the proposer; and

WHEREAS, the Authority’s Evaluation Committee reviewed such information from the proposal as well as information obtained during the clarification process, and taking into consideration the technical evaluation factors set forth in the RFP, including qualifications, experience, and price, and determined that WeCare Denali provided a proposal that is most advantageous to the Authority

for the bulk purchase of compost product and mulch product from the Facilities; now therefore be it

RESOLVED, that the proposal of WeCare Denali for the prices submitted during the procurement process is hereby accepted; and be it further

RESOLVED, the Authority hereby authorizes the Executive Director of the Authority to negotiate with WeCare Denali, and if negotiations prove successful, execute the Bulk Purchase Agreement for the purchase of compost product and mulch product from the Facilities, as such services are described in the RFP, as further negotiated, subject to review by Authority Counsel; and be it further

RESOLVED, that the Authority, in its sole discretion, has the right to discontinue negotiations with WeCare Denali at any time prior to the execution of the Bulk Purchase Agreement and such agreement shall not be binding and valid until executed by the parties.

6. **Phillips:** Authorizing notice to the Rockland County Legislature the intent to acquire the French Farms Facility from the Town of Clarkstown.

Introduced By: Specht/Powers

Unan.

June 6, 2019

Hoehmann: Recused

Phillips: Yea

Grant: Yea

Hofstein: Yea

Jobson: Yea

Kohut: Yea

Lynn: Yea

McGowan: Yea

Monaghan: Yea

Powers: Yea

Soskin: Yea

Specht: Yea

RESOLUTION NO. 34 OF 2019
AUTHORIZING NOTICE TO THE ROCKLAND COUNTY LEGISLATURE OF THE INTENT TO ACQUIRE
THE FRENCH FARMS FACILITY FROM THE TOWN OF CLARKSTOWN, NEW YORK

WHEREAS, the Town of Clarkstown has indicated its intent to sell a 14.72 acre parcel of property consisting of its yard waste composting facility known as the French Farms Facility located at 226 Brewery Road, New City, New York (the “French Farms Facility”) to the Rockland County Solid Waste Management Authority (the “Authority”); and

WHEREAS, the Authority currently operates and maintains the French Farms Facility; and

WHEREAS, the Authority is interested in acquiring a fee interest in the French Farms Facility and is authorized to acquire real property pursuant to item (3) of Section 2053–e of the Authority’s enabling legislation, Title 13–M of the Public Authorities Law (the “Act”); and

WHEREAS, Section 2053–f of the Act specifies that the Authority shall not acquire any interest in real property unless at least 45 days’ prior notice of the acquisition of any interest in real property by the Authority has been given to the Rockland County Legislature and no objection by resolution of the Rockland County Legislature shall have been made and delivered within such 45 days; now therefore be it

RESOLVED, that the Authority Board directs the Executive Director or Authority Counsel to notify the Rockland County Legislature of its intent to acquire the French Farms Facility in accordance with Section 2053–f of the Act.

Hoehmann: I will be recusing myself of this matter as the Supervisor of the Town of Clarkstown.

7. New Business

Phillips: Anna is there anything else we need to bring forth before we adjourn tonight?

Roppolo: No. However, just as a reminder the next Board meeting is Wednesday, June 26th at 5:00 p.m.

Kohut: Is there anything we need to do to facilitate the purchase of new equipment?

Roppolo: We do and I will put it on the next agenda.

Phillips: Commissioners are there any other comments or notes? Is there anyone in the public that would like to comment before the Board? Let the record note that no public comment was offered. Do we have a motion to adjourn?

Hoehmann: Moved

Jobson: Seconded

The meeting was adjourned at 5:40 p.m.

Respectfully submitted,
Suzanne Haggerty