

1. Chairman Phillips called to order the Rockland Green Board meeting for Thursday November 17, 2022, at 5:00 p.m.

2. Pledge of Allegiance led by Commissioner Kenny

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

Present

Chairman Phillips
Commissioner Hoehmann
Commissioner Hofstein
Commissioner Hood
Commissioner Kenny
Commissioner Kohut
Commissioner McGowan

Present

Commissioner Monaghan
Commissioner Moroney
Commissioner Paul
Commissioner Powers
Commissioner Soskin
Commissioner Specht
Commissioner Wieder
Commissioner Yeger

Absent

Commissioner Jobson
Commissioner Lynn

Staff

Jeremy Apotheker, Jerry Damiani via phone, Izzy Eisenbach, Noreen Gelok, Jeremy Goldstein, Suzanne Haggerty, Dee Louis, Ken Murphy

Others

Teno West

4. Introduced by: Hoehmann/Specht

Unan.

November 17, 2022

**RESOLUTION NO. 95 OF 2022
ADOPTION OF MINUTES, MEETING OF
OCTOBER 27, 2022**

RESOLVED, that the transcribed Minutes of Rockland Green are approved for the meeting October 27, 2022 as recorded by the Clerk and are hereby adopted.



5. Introduced by: Hood/Wieder

Unan.

November 17, 2022

**RESOLUTION NO. 96 OF 2022
AUTHORIZING AND APPROVING AN AMENDMENT TO THE COLLECTION
AGREEMENT WITH THE COUNTY OF ROCKLAND
AND THE EXECUTION OF AN AMENDED AND RESTATED COLLECTION
AGREEMENT**

WHEREAS, the Rockland County Solid Waste Management Authority, also known as Rockland Green, is a Public Authority Corporation, duly organized and existing under the Title 13-M of the Public Authority Law of the State of New York, and,

WHEREAS, on August 17, 2022 the Act was amended pursuant to Chapter 553 of the Laws of 2022 to expand Rockland Green's purpose to include animal management services, and to allow for the imposition of an animal management charge for the provision of such services; and

WHEREAS, on July 25, 1995, Rockland Green and the County of Rockland (the "County") entered into an agreement whereby the County agreed to provide Rockland Green services for the billing of the solid waste disposal charges directly to the owners of all real property within Rockland County and to provide for the enforcement and collection of any unpaid charges, and

WHEREAS, such agreement was amended on September 20, 1995 and February 23, 2004 (such agreement and all amendments thereto constituting the "Collection Agreement"); and

WHEREAS, Rockland Green and the County now wish to further amend the Collection Agreement to apply to the billing of the animal management charge, and any other charges that may be imposed by Rockland Green pursuant to the Act, directly to the owners of all real property within Rockland County and to provide for the enforcement and collection of any unpaid charges; now therefore be it

RESOLVED, that the Executive Director of Rockland Green is hereby authorized to take all action required to execute an amendment to the Collection Agreement, substantially in the form presented at this meeting, as in the best interests of Rockland Green and on terms and conditions not inconsistent with the terms of this resolution; and be it further

RESOLVED, that the Executive Director of Rockland Green is authorized to do and cause to be done any and all acts necessary or proper in connection with or for carrying out this resolution; and be it further

RESOLVED, that the execution of the Agreement shall constitute conclusive evidence of the valid authorization hereunder of any such amendment, modification, change or omission.

Phillips: Mr. Executive Director, do you want to give a brief explanation.

Damiani: Yes, Mr. Chairman. As the Commissioners are aware Rockland Green is authorized by law to access the solid waste disposal charge to owners of real property within Rockland County for the planning, development, procurement and operations of solid waste management facilities providing and making available services for such property owners. The resolution before you this evening would amend the current collection agreement with the County to include the language of the user fees. By this amendment the County's Department of Finance will continue to collect our user fees imposed on owners of real property within Rockland County. The County will receive the user fees collected by the local tax collectors of the Towns on behalf of the Authority. The user fee will replace the term Solid Waste disposal charge and incorporate all our rates, fees and other charges for the use of its facilities and services, commodities or the availability upon owners of the real properties within Rockland County.

6. Public Hearing: To fix and determine the rates, fees or other charges for the use or availability of the Animal Management Facilities and services of the Authority for the year 2023

Phillips: Mr. Executive Director.

Damiani: For your consideration this evening is Rockland Green's proposed 2023 budget specific to animal management. The proposed budget includes those projected costs to properly provide or make available the services and facilities specific to animal management. The proposed \$1,710,000 budget will require a new animal management unit charge of approximately \$19.23 that will be imposed upon owners of real property within Rockland County. Owners of real property within the Town of Orangetown will be subject to the animal management unit charge of approximately \$2.21 related to the potential cost associated with leasing a new building.

Phillips: Thank you Mr. Executive Director. Are there any Board members that want to add anything before I go out to the public? Since there are no Commissioner comments, is there anyone in the public that would like to comment on this?

Arlene Kahn: I live in Pomona, and I am the administrator of Rockland County Cat Parents page, and I also am the administrator for the Town of Ramapo Community page and also cofounded the rebuild Hi-Tor animal shelter organization with Donald Franchino. How much are the towns going to pay for animal management?

Phillips: The unit charge is \$19.23 for everybody living in the Towns of Haverstraw, Clarkstown, Ramapo and Stony Point. It is \$2.21 for everyone living in the Town of Orangetown. Orangetown will not be utilizing the Hi-Tor shelter.

Arlene Kahn: Thank you, that is what I thought. I would like to address to you and to everyone that doesn't know that Orangetown is paying a lot less because they are opting to use the Hudson Valley Humane Society for their dogs. I have seen no provisions for the cats of the Town of Orangetown. My understanding is because the poor public needs to take their cats someplace and will not drop them in

the street takes them to the Hi-Tor animal shelter and the shelter because of them caring first and foremost about animals are taking in these cats without being paid one dime for them.

Phillips: It is our understanding that we are trying to reach an agreement with Hi-Tor to be the bridge and they can at a future date when we go out for an operator into the new shelter, they can submit a proposal. But during this bridge period of time if anyone from Orangetown goes to the shelter with a cat, they are going to ask them where you live and proof of where you live and they will come up with an appropriate charge for them to drop off a cat. So, I don't know what that charge is at this time, but you can imagine the rest of the residents in Rockland County are paying for the service of Hi-Tor and one municipality is not, we have to come up with a way which if somebody from that municipality goes there, there will be a charge.

Arlene Kahn: Are you saying the person who surrenders the animal is that the charge you are talking about.

Phillips: That is the charge we are talking about.

Arlene Kahn: You do know that the taxpayer money each town pays towards the shelter you are taking in the animals for the care, feeding and medical supplies and so forth. I just want to say that if you are touting about how much you care about the animals and you have somebody on your Board, and if I am wrong tell me, who is stopping provisions for the cats in her town. Then I have to question how much this individual cares about the cats of her community. Hi-Tor is struggling because they will not turn away one single cat that by rights, they don't have to take in. I want people to understand what has been going on in the Town of Orangetown.

Phillips: Thank you for that. Commissioner Kenny, do you wish to respond?

Kenny: Yes, I do. To be very clear, the Town of Orangetown has determined that we are more than willing to pay per cat as we do at the humane society. We have actually voluntarily been providing vouchers to all our residents to subsidize the spay and neuters. We have been offering free vouchers to a lot of the cat organizations. We have actually spent thousands of dollars that we do not have to spend which we would then earmark towards cats within the shelter. Keep in mind that Town's have no legal obligation to accommodate the cats. That is the baseline. With that said we have spent thousands on spay and neuters at cat not for profits and we have spent thousands actually more than on our dogs. When the time comes, we will work out an agreement for the cats. We will be charged like we are with our dogs per cat.

Rick Tannenbaum: My name is Rick Tannenbaum and I live in Valley Cottage. I want to applaud your efforts on what sounds like you are going to fully fund the animal shelter. I know they are in terrible financial strain right now and I know the tax bills don't come out for quite some time. I was wondering how you are planning on bridging their more immediate needs. The last payment from the old contract is done already and that contract expires and I understand Hi-Tor is basically in a financial mess right now. How would it get bridged? I am also wondering how long that agreement is in place for.

Phillips: This is a good question and I appreciate it. This is something we have been working on for quite some time now and I am going to give a lot of credit to our staff. The staff has been talking to the president of the Hi-Tor Board and they were trying to come up with a budget. The current budget for 2022 we understand for Hi-Tor is \$960,000. They had originally asked for a budget to bridge the gap

for 2023 of \$1.9 million. We thought that was too much. We went back and forth and negotiated. We are looking at a budget right now of about \$1.4 million. That \$1.4 million is a 46% increase in their budget. So, we think they are willing to work with us and we are willing to work with them. We feel as though this will really help them. They will have a guaranteed budget. They will submit for payments to Rockland Green. We will evaluate like we do at any municipality when we have a vendor and there will be a voucher system in place and we will have somebody review the payments. I think we will probably come up with a monthly payment schedule for them. That sounds very reasonable to an organization or any agency instead of having it biannually. I know some municipalities do that rather than go monthly. We are giving them a good budget to work with. At the same time, we are holding a little money back for us if we have to make improvements for temporary measures during the time in which we are going to be at the current shelter. In all fairness to them and to the people of Rockland County, it is in very dilapidated condition. The condition that they are housing some of the animals in, if you are familiar, is not what you want them to be. We are talking about building a state-of-the-art facility. We are talking about spending our money wisely. We want accountability. We will be held accountable by the people of Rockland County. It is going to take us a while. The building is up, but even with that we have to now outfit it to fit a shelter which is going to take some time. We have to follow procedures. We have followed all the procurement procedures of Rockland Green. Somebody was out there saying we haven't. We have. We haven't deviated at all. We went out and looked at other sites. We are doing appraisals. We are doing everything the way in which our requirements and if you are familiar with Authority law, then you know Authority law is much more stringent than regular municipality law when it comes to the New York State Comptroller's Office. We are following all these guidelines and I think quite frankly everyone is going to be very pleased. I think the Hi-Tor Board is going to be pleased that they know they have a budget that they can work with and I think at the same time that gives us the opportunity to focus on the new building and new shelter.

Tina Traster: Tina Traster and I live in Valley Cottage. You said \$1.7 million and then you said \$1.4 million.

Phillips: \$1.9 million is what they originally requested, and we negotiated to about \$1.4 million which is a 46% increase over their current budget in 2022 which is \$960,000.

Tina Traster: You said \$1.7 million was that incorrect earlier? I don't understand is it \$1.4 or \$1.7 million for the purpose of reporting.

Phillips: The proposed Hi-Tor budget is \$1.4 million.

Tina Traster: I know the negotiations are still ongoing and you don't have a contract yet with Hi-Tor. Is the contract simply about a budget or is it also that Rockland Green is looking for supervisory control over the operations of Hi-Tor including policy, hiring or any sort of day-to-day operations?

Phillips: Any time you enter into an agreement with a municipality there is going to be a standard form of requirements that any municipality would have to demand for whatever service that they are going to contract for. In this instance, we are contracting for a shelter for animals. You would probably imagine a contract when we go to enter into it will have conditions that we would expect a shelter to meet. I am not going to go out and delineate that right now, but I am sure there are things Tina that you could probably tell me that some of the things that a shelter would need. We will have that in the contract, but that is pretty much proforma. We are going to look to other municipalities that have contracted with agencies. We have consultants that are looking into that and there has to be a set of requirements. Not

only that, the New York State Health Department I am sure has requirements we are going to have to meet that will be part of the contract.

Tina Traster: I am talking about policy and hiring decisions. Is this part of what Rockland Green will be involved in?

Phillips: Right now, we are contracting with Hi-Tor Shelter as it is. That is my understanding you would have to talk to the Board of Hi-Tor Shelter. We are contracting with them and with the employees they have right now and we would expect them to enter into a contract with us beginning January 1, 2023.

Tina Traster: What if you can't reach negotiations?

Phillips: Well, that would be a shame wouldn't it. Because we both have the same intent and that is to make sure the welfare of these animals are taken care of. I think we have shown very great understanding by offering them a budget 46% higher than what it is right now. I don't think anyone could argue with that. I think we are trying to bridge this gap and make sure they have adequate staff and supplies necessary and at the same time there are some improvements that we have been talking to them about that they indicated they really need during this period of time until the new shelter is open.

Tina Traster: Which are?

Phillips: I will get back to you on that. I will ask our Executive Director when he is back in the office if he could indicate to Tina what some of the improvements that they have expressed are needed.

Damiani: That is fine.

Phillips: I think everybody on the Rockland Green Board has the same commitment. We have sat down and intend to call this RG CARES. The acronym for RG CARES is?

Kohut: Rockland Green Center for Animal Rescue and Education Services.

Phillips: We are going to take care of these animals and we are going to have a shelter that you are going to be proud of. We are going to have a shelter that all of you are going to feel comfortable going to and that the people of Rockland County say okay, this is what we should have.

Audience member: Is this going to be a no kill shelter?

Phillips: It has to be a no kill shelter I believe under New York State law. Do we have any other comments? Since no other comments are offered do we have a motion to close the public hearing?

Kohut: Moved

Moroney: Seconded

7. Introduced by: Full Board/Full Board

November 17, 2022

Resolution No. 97 of 2022

ADOPTION OF RATES, RENTALS, FEES OR OTHER CHARGES FOR THE USE OR AVAILABILITY OF THE ANIMAL MANAGEMENT FACILITIES AND SERVICES OF THE AUTHORITY FOR THE YEAR 2023

WHEREAS, the Rockland County Solid Waste Management Authority, also known as Rockland Green, is a Public Authority Corporation, duly organized and existing under the Title 13-M of the Public Authority Law of the State of New York, and,

WHEREAS, Rockland Green 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, Section 2053-g, paragraph 2, as amended on August 17, 2022, provides for the setting of an animal management charge, and it is, therefore, necessary for Rockland Green to set its animal management charge for the use or availability of Rockland Green's animal management facilities and services for the year 2023; and

WHEREAS, pursuant to Section 2053-g of the Public Authorities Law, Rockland Green is required to hold a public hearing at which interested persons have had an opportunity to be heard concerning its animal management charge; and

WHEREAS, a duly noticed public hearing was held on November 17, 2022, for the purpose of setting Rockland Green's animal management charge for the use or availability of its facilities and services for the year 2023; now therefore be it

RESOLVED, that the Rockland Green Board hereby adopts the animal management charge for the use or availability of Rockland Green's animal management facilities and services for the year 2023, 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 animal management charges for the use or availability of the Rockland Green's facilities and services for the year 2023.

8. Introduced By: Full Board/Full Board

November 17, 2022

RESOLUTION NO. 98 OF 2022

AUTHORIZING A LEASE WITH ROCKLAND COUNTY IN CONNECTION WITH THE REAL PROPERTY LOCATED AT 65 FIREMEN'S MEMORIAL DRIVE, POMONA, NEW YORK

WHEREAS, Rockland Green's enabling legislation, Title 13-M of the Public Authorities Law of the State of New York (the "Act"), was amended pursuant to Chapter 533 of the laws of 2022 to provide animal management services within Rockland County (the "County"); and

WHEREAS, such animal management services are to commence on January 1, 2023; and

WHEREAS, as part of such services, Rockland Green plans to undertake the development of a new animal shelter in the County, but such facility will take time to develop and complete; and

WHEREAS, in order to ensure the successful implementation and undertaking of animal management services in the County by January 1, 2023, Rockland Green requires the use of a site commencing on such date and continuing until such time as it is able to complete the development of a new animal shelter; and

WHEREAS, the County owns an existing animal shelter located at 65 Firemen's Memorial Drive, Pomona, New York (hereinafter the "County Animal Shelter"); and

WHEREAS, the County is willing to lease the County Animal Shelter to Rockland Green for the use of the County Animal Shelter until Rockland Green is able complete its development of a new animal shelter; and

WHEREAS, Rockland Green would like to lease the County Animal Shelter from the County for the use of the County Animal Shelter until Rockland Green is able complete its development of a new animal shelter; and

WHEREAS, pursuant to resolution 94 of 2022, Rockland Green previously authorized (i) the Executive Director or General Counsel to notify the Rockland County Legislature of its intent to acquire a leasehold interest in the County Animal Shelter as required by Section 2053-f of the Act, and (ii) the Chairman or Executive Director commence negotiations with the County for the lease of the County Animal Shelter; now therefore be it

RESOLVED, that the Rockland Green Board hereby authorizes Rockland Green's acquisition of a leasehold interest in the County Animal Shelter on terms and conditions not inconsistent with the key terms attached hereto in the form of Exhibit A, subject to the completion of any required due diligence and the satisfactory negotiation of such agreement, and provided no objection of the Rockland

County Legislature by resolution shall have been provided as set forth in Section 2053-f of the Act; and be it further

RESOLVED, that the Rockland Green Board hereby authorizes the Chairman or the Executive Director to (i) perform all due diligence required, (ii) negotiate the terms and conditions of the agreement with the County, which shall not be inconsistent with this resolution, and (iii) execute the final version of such agreement and take all other and further action required to facilitate and consummate Rockland Green's lease with the County for the County Animal Shelter.

Phillips: Mr. Executive Director, can you give a brief explanation?

Damiani: With the commencement of animal services that take effect January 1, 2023 the lease agreement will provide Rockland Green the ability to provide new services related to the operations of the animal shelter.

9. Introduced By: Hofstein/Yeger

Unan.

November 17, 2022

RESOLUTION NO. 99 of 2022
APPROVING NEGOTIATIONS FOR SHORT-TERM SHELTER OPERATION SERVICES

WHEREAS, the Rockland County Solid Waste Management Authority, also known as Rockland Green, is a Public Benefit Corporation, duly organized and existing under the Rockland County Solid Waste Management Authority Act, (the "Act") as set forth under Title 13-M of the Public Authorities Law of the State of New York; and

WHEREAS, the Act was amended pursuant to Chapter 533 of the laws of 2022 to empower Rockland Green to provide animal management services within the County of Rockland including the provision of an animal shelter and shelter operations, as well as the creation of a wholly owned subsidiary to provide animal shelter services; and

WHEREAS, Rockland Green's obligations to perform animal management services will commence on January 1, 2023; and

WHEREAS, Rockland Green intends to enter into a lease to commence on January 1, 2023 for the existing animal shelter owned by the County of Rockland; and

WHEREAS, Rockland Green and its wholly-owned subsidiary will require assistance with the operation of such facility commencing on January 1, 2023 while Rockland Green develops a new animal shelter at a different location and to ensure continuity of animal management services in the County, and

WHEREAS, given the timeframe required for securing such services, Rockland Green is seeking the assistance of the current shelter operator in connection with the operations of the existing shelter to be leased by Rockland Green from the County; and

WHEREAS, the current operator is interested in providing such services at the existing shelter on a short-term basis; and now therefore be it

RESOLVED, that the Board of Rockland Green hereby authorizes the Executive Director of Rockland Green to enter into negotiations with the current operator of the existing animal shelter located at 65 Firemen's Memorial Drive in Pomona, New York in order to ensure that animal management services are provided by Rockland Green or its subsidiary commencing on January 1, 2023.

Phillips: Mr. Executive Director.

Damiani: To provide a smooth transition for the implementation of animal management for 2023 and the time required to program, design and construct the new shelter Rockland Green will seek the assistance of the current operator Hi-Tor to provide the needed bridge in operating an existing shelter on a short-term basis.

10. Introduced By: Monaghan/Paul

Unan.

November 17, 2022

RESOLUTION NO. 100 OF 2022

DECLARING (I) ROCKLAND GREEN ACTING AS "LEAD AGENCY" UNDER SEQRA FOR THE PROPOSED ACQUISITION OF 427 BEACH ROAD, HAVERSTRAW, NEW YORK AND (II) A DETERMINATION OF NON-SIGNIFICANCE

WHEREAS, under the New York State Environmental Quality Review Act ("SEQRA") environmental review must be conducted if a proposed action requires funding or permitting by a public entity; and

WHEREAS, Rockland Green is interested in acquiring a leasehold interest evidenced by a lease with an option to purchase, which Rockland Green would intend to exercise prior to the end of the lease term, (the "Acquisition") in the property known as 427 Beach Road, West Haverstraw, New York (also known as 10 Ecology Lane, Haverstraw, New York) (hereinafter the "Beach Road Parcel"), and is authorized to acquire real property pursuant to item (3) of Section 2053-e of Rockland Green's enabling legislation, Title 13-M of the Public Authorities Law; and

WHEREAS, in accordance with the provisions of 6 CRR-NY 617.6 (b)(1), where a single agency is involved, that agency will be the “Lead Agency” for SEQRA purposes; and

WHEREAS, Rockland Green, as project sponsor, is acting as the Lead Agency; and

WHEREAS, Rockland Green, as Lead Agency, following review of 6 CRR-NY Part 617, has determined the proposed Acquisition of the Beach Road Parcel is considered an Unlisted action under SEQRA and, as such, a short Environmental Assessment Form (“EAF”), an executed copy of which is attached hereto as Exhibit A, has been completed by the Lead Agency pursuant to the strictures of 6 CRR-NY 617.6 (a)(3); now therefore be it

RESOLVED, that the Board of Rockland Green hereby declares that Rockland Green has acted as Lead Agency for the purpose of conducting an environmental review of the proposed acquisition of the Beach Road Parcel as required under SEQRA; and be it further

RESOLVED, that the Board of Rockland Green hereby declares that Rockland Green, as Lead Agency, has (i) conducted the required SEQRA environmental review for the proposed acquisition of Beach Road Parcel; (ii) followed all applicable protocols in accordance with and as required by all relevant rules and regulations in connection therewith including, without limitation, those rules and regulations promulgated under 6 CRR-NY Part 617; and (iii) reached a determination that Rockland Green’s Acquisition of the Beach Road Parcel will not have any significant adverse impact on the environment; and be it further

RESOLVED, the Board of Rockland Green will prepare, or cause to be prepared, a Negative Declaration in accordance with the applicable provisions of SEQRA, thereby setting forth the determination of non-significance reached by Rockland Green in connection with the SEQRA environmental review conducted by Rockland Green as indicated hereunder.

Phillips: Declaring Rockland Green as lead agency under SEQR for the proposed acquisition of 427 Beach Road, Haverstraw New York. Mr. Executive Director.

Damiani: The SEQR is the State Environmental Quality Review Act State and local agencies must follow certain procedures when charged in making discretionary action. Those actions include the undertaking funding that are approving projects or physical activities. When a single agency is involved, the agency will be the lead agency. Rockland Green has classified the action and has determined it is an illicit action providing for the use for the short environmental assessment form EAF. The EAF provides a brief description of the proposed action and the criteria in determining the significance. As identified the proposed action will not result in any significant environmental impacts and therefore is identified as a negative declaration and completes this SEQR process.

11. Introduced By: Specht/Hoehmann

Unan.

November 17, 2022

RESOLUTION NO. 101 OF 2022

**AUTHORIZING THE NEGOTIATION OF A LEASEHOLD INTEREST IN THE
PROPERTY LOCATED AT 427 BEACH ROAD (A/K/A 10 ECOLOGY LANE), WEST
HAVERSTRAW, NEW YORK AND RELATED ACTIONS**

WHEREAS, Rockland Green’s enabling legislation, Title 13-M of the Public Authorities Law of the State of New York (the “Act”), was amended pursuant to Chapter 533 of the laws of 2022 to provide animal management services within Rockland County (the “County”); and

WHEREAS, as part of such services, Rockland Green plans to undertake the development of a new animal shelter in the County of Rockland; and

WHEREAS, Rockland Green is authorized to acquire an interest in real property pursuant to item (3) of Section 2053-e of the Act” and, in connection therewith, has adopted Guidelines for Acquisition of Real Property by the Authority (the “Guidelines”), outlining certain procedures and guidelines to follow when acquiring an interest in real property; and

WHEREAS, Rockland Green has followed the process set forth in the Guidelines in order to identify a suitable and available site for the future use, occupancy and operation of a new animal shelter, which process included a search of potentially available government-owned real property in Rockland County to determine if a suitable parcel can be acquired as outlined in Section 1.B.2. of the Guidelines; and

WHEREAS, no potentially available and suitable government-owned parcels in Rockland County were discovered during such search; and

WHEREAS, such process has resulted in certain findings arising from a rigorous and extensive evaluation undertaken by Rockland Green with respect to the property located at 427 Beach Road (a/k/a 10 Ecology Lane), West Haverstraw, New York (the “Beach Road Parcel”); and

WHEREAS, inasmuch as Rockland Green has complied with the Guidelines in completing its evaluation of the Beach Road Parcel, the results of which meet or exceed the criteria set forth in the Guidelines, Rockland Green may enter into formal negotiations with the owner of the Beach Road Parcel with respect to Rockland Green’s intent to acquire a leasehold interest in the Beach Road Parcel, together with an exclusive option to purchase same, as a suitable site for the use, occupancy and operation of a new animal shelter; and

WHEREAS, Section 2053-f of the Act specifies that Rockland Green 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 Rockland Green 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 that in addition to the completion of any applicable “due diligence”, the Board of Rockland Green hereby authorizes the Executive Director to enter into formal negotiations with the owner of the Beach Road Parcel to acquire a leasehold interest in the Beach Road Parcel, together with an exclusive option to purchase same; and be it further

RESOLVED, that the Board of Rockland Green hereby authorizes both the Executive Director or Authority Counsel to notify the Rockland County Legislature of its intent to acquire a leasehold interest in the Beach Road Parcel, together with an exclusive option to purchase same in compliance with Section 2053-f of the Act.

Phillips: Authorizing the negotiation of a leasehold interest in the property at 427 Beach Road, West Haverstraw, New York.

Damiani: The resolution before you concur Rockland Green has completed a review in addition to following its’ own policy specific to guidelines for acquisition in real property in locating and evaluating a suitable parcel in conforming with our guidelines. Furthermore, the resolution will authorize Rockland Green’s Executive Director to commence formal negotiations with the parcel identified herein and acquiring a leasehold interest in the parcel with the exclusive option to purchase. We have gone through the process of completing Phase I. We completed two appraisals of the parcel and the engineer from Sterling Environmental identified and concluded that there was no further subsurface investigation needed. Basically, we can proceed.

Yeger: A leasehold interest?

Phillips: Yes. Right now, if we purchased it outright in all fairness to the owner since he built the building it would be subject to probably a 40-50% taxable on his investment. We are seeking a leasehold for about a twenty-four-month period and then we will buy. I think that is being fair to the owner of the property at the same time.

Yeger: Is the lease agreement going to be a lease to buy?

Phillips: A lease to purchase.

Yeger: Do we know what the amounts are for the lease and the purchase?

Phillips: We are in the process of negotiating that right now. That is what this resolution is going to allow us to go down the road and do.

Yeger: It will come back to us for approval?

Phillips: Yes, it will.

Hofstein: Will the lease payments be credited towards the purchase?

Phillips: We are trying to do that. Without mentioning and negotiating in public, you are reading our minds. We are on the same page.

12. Introduced by: Hofstein/Yeger

Unan.

November 17, 2022

**RESOLUTION NO 102 OF 2022
AUTHORIZING APPROVAL OF CHANGE ORDERS TO
CONTRACT FOR FACILITY IMPROVEMENTS –
GENERAL CONSTRUCTION AT THE MATERIALS RECOVERY FACILITY**

WHEREAS, by Resolution No. 56 of 2021, the Board of Rockland Green authorized award of the contract for Facility Improvements – General Construction at the Materials Recovery Facility (“MRF”) to Butler Construction Group, Inc. (the “Contractor”) dated as of October 13, 2021 (the “Contract”); and

WHEREAS, on December 7, 2021, Rockland Green approved certain modifications to the Contract in the form of Change Orders 1, 2 and 3 pursuant to Resolution No. 79 of 2021; and

WHEREAS, on January 27, 2022, Rockland Green approved certain modifications to the Contract in the form of Change Orders 4, 6, 7, 9, 10, 12 and 14 pursuant to Resolution No. 14 of 2022; and

WHEREAS, on February 24, 2022, Rockland Green approved certain modifications to the Contract in the form of Change Orders 16 and 17 pursuant to Resolution No. 27 of 2022; and

WHEREAS, on March 24, 2022, Rockland Green approved certain modifications to the Contract in the form of Change Orders 18 and 19 pursuant to Resolution No. 31 of 2022; and

WHEREAS, on April 28, 2022, Rockland Green approved certain modifications to the Contract in the form of Change Orders 20 and 22 pursuant to Resolution Nos. 39 and 48 of 2022, respectively; and

WHEREAS, on May 26, 2022, Rockland Green approved certain modifications to the Contract in the form of Change Orders 31, 11 and 13 pursuant to Resolution No. 50 of 2022; and

WHEREAS, on June 22, 2022, Rockland Green approved certain modifications to the Contract in the form of Changer Order 33 pursuant to Resolution No. 57 of 2022; and

WHEREAS, on July 28, 2022, Rockland Green approved certain modifications to the Contract in the form of Change Order 39 pursuant to Resolution No. 68 of 2022; and

WHEREAS, on September 29, 2022, Rockland Green approved certain modifications to the Contract in the form of Change Orders 44, 45, 46, and 43 pursuant to Resolution No. 76 of 2022; and

WHEREAS, on October 27, 2022, Rockland Green approved certain modifications to the Contract in the form of Change Order 55 pursuant to Resolution No. 88 of 2022; and

WHEREAS, concrete column protection is required around the P6 columns identified on drawing S-201, and the Contractor has agreed to perform such work for an amount equal to \$11,521.14, to be designated as Change Order 58; and

WHEREAS, Rockland Green would like the exposed beams in Area 3 of the MRF to be painted, and the Contractor has agreed to perform such work for an amount equal to \$4,558.00, to be designated as Change Order 60; and

WHEREAS, cutting through the concrete push wall in Area 2 of the MRF is required to make room for certain conveyor equipment, and the Contractor has agreed to perform such work for an amount equal to \$11,988.60, to be designated as Change Order 64; and

WHEREAS, certain corrugated metal siding must be removed to allow for electrical panels and the transformer to be mounted to the existing structure and concrete wall, and to allow for the penetration by the residue conveyor, and the Contractor has agreed to perform such work for an amount equal to \$4,958.81, to be designated as Change Order 56; and

WHEREAS, Rockland Green's Engineer, RRT Engineering, LLC, has reviewed these change orders, copies of which are attached hereto, and agrees with the change orders for the modifications to the work for the values stated therein; now therefore be it

RESOLVED, that Rockland Green hereby approves Change Order 58 for an increase in the Contract Price in an amount equal to \$11,521.14; and be it further

RESOLVED, that Rockland Green hereby approves Change Order 60 for an increase in the Contract Price in an amount equal to \$4,558.00; and be it further

RESOLVED, that Rockland Green hereby approves Change Order 64 for an increase in the Contract Price in an amount equal to \$11,988.60; and be it further

RESOLVED, that Rockland Green hereby approves Change Order 56 for an increase in the Contract Price in an amount equal to \$4,958.81; and be it further

RESOLVED, that the approval of Change Orders 58, 60, 64 and 56 shall result in an overall increase in the Contract Price by an amount equal to \$33,026.55 for a total amended Contract Price of \$8,028,799.01 for the Contract.

Phillips: Mr. Executive Director, do you want to give us a brief explanation as to this change order.

Damiani: We have four change orders under Contract #2 Butler for general construction totaling \$33,026.55. Change Order #58 in the amount of \$11,521.14 for additional column protection. Change Order #16 in the amount of \$4,558 for painting of the existing exposed beams that we chose not to fully enclose to avoid additional costs. Change order #64 in the amount of \$11,988 for relocation of the new residue conveyor and then Change Order #56 in the amount of \$4,958 provides for the removal of the original building existing siding on the East side in Area 5 to facilitate saw cutting the concrete wall for installation of the residue conveyor and mounting of additional electrical panels and a transformer.

Phillips: We are trying to have our Materials Recovery Facility which when we first built the original MRF was state-of-the-art. Over the years it has deteriorated, it is about 25 years old. We are building a state-of-the-art MRF for glass, plastic, cans, cardboard and paper and it will be highly automated, and we will be able to cut down on some of our labor costs so eventually we hopefully will be saving the taxpayers of Rockland money by going this way. But we are projecting Mr. Executive Director, some time in February we might be completed?

Damiani: In February the glass system will be finally installed, and we are looking to be online in March with testing.

Phillips: We are hoping to have the soft opening at that time to have an open house and ribbon cutting because this is something that is high tech and once again, we will be the cutting edge of recycling in the Northeast.

Yeger: The steel beams we are painting instead of otherwise enclosing, that is in the old building?

Phillips: Yes, that is in the existing building.

13. Introduced by: Hood/Wieder

Unan.

November 17, 2022

**RESOLUTION NO. 103 OF 2022
AUTHORIZING APPROVAL OF CHANGE ORDERS TO
THE CONTRACT FOR FACILITY IMPROVEMENTS – MECHANICAL/HVAC AT THE
MATERIALS RECOVERY FACILITY IN HILLBURN, NEW YORK**

WHEREAS, by Resolution No. 65 of 2021, the Board of the Rockland County Solid Waste Management Authority d/b/a Rockland Green (hereinafter “Rockland Green”) authorized award of the Contract for Facility Improvements – Mechanical/HVAC at the Materials Recovery Facility in Hillburn, New York between Rockland Green and Hauser Bros., Inc. (the “Contractor”) dated as of October 18, 2021 (the “Contract”); and

WHEREAS, on February 24, 2022 Rockland Green approved certain modifications to the Contract in the form of Change Orders 1, 2 and 3 pursuant to Resolution No. 22 of 2022; and

WHEREAS, on April 28, 2022, Rockland Green approved certain modifications to the Contract in the form of Change Order 4 pursuant to Resolution No. 40 of 2022; and

WHEREAS, on June 22, 2022, Rockland Green approved certain modifications to the Contract in the form of Change Order 6 pursuant to Resolution No. 58 of 2022; and

WHEREAS, cut-out and frame openings for the louvers in Area 2 of the MRF are required for the Contractor to complete its work, and the Contractor has agreed to perform such work for an additional amount equal to \$12,588.00, to be designated as Change Order 7; and

WHEREAS, cut-out and frame openings in the PEMB roof for exhaust fans and vents are required for the Contractor to complete its work, and the Contractor has agreed to perform such work for an additional amount equal to \$16,532.00, to be designated as Change Order 8; and

WHEREAS, Rockland Green's Engineer, RRT Engineering, LLC, has reviewed these change orders, copies of which are attached hereto, and agrees with the Change Orders for the modifications to the work for the values stated therein; now therefore be it

RESOLVED, that Rockland Green hereby approves Change Order 7 for an increase in the Contract Price in an amount equal to \$12,588.00; and be it further

RESOLVED, that Rockland Green hereby approves Change Order 8 for an increase in the Contract Price in an amount equal to \$16,532.00; and be it further

RESOLVED, that the approval of Change Orders 7 and 8 shall result in an overall increase in the Contract Price by \$29,120.00 for a total amended Contract Price of \$1,053,019.00.

Damiani: Contract #2 for Hauser Bros for mechanical HVAC total amount is \$29,120. Change Order #7 in the amount \$12,588 for cutting out and framing two additional louvers on the East side and West sided existing Area 2 the original structure. Change Order #8 in the amount of \$16,532 allows for cutting out and framing opening related to the gas heat vents and the roof curves in the new pre-engineered metal building.

14. New Business

Phillips: Do we have any new business?

Damiani: We would like to move the December 6, 2022 Board meeting.

Phillips: We are looking to move the meeting to December 20, 2022 at 5 p.m.

Kohut: Moved

Powers: Seconded

Phillips: Now we have an opportunity to go back out to the public. Is there anybody in the public that would like to bring anything to the Board?

Daniel Lombardo: My name is Daniel Lombardo and I live in Nanuet. I am a member of the Rockland Composters as are several other individuals in the audience. We are a volunteer group of residents. We are here tonight to advocate for the creation of a County-wide food waste program. We have heard both in meetings and in phone calls with representatives of Rockland Green that the Composting Facility in Hillburn has the capacity to process food scraps from all the Towns in Rockland. As Town Supervisors and Board members of Rockland Green you have the power to make that happen. Currently, Orangetown and Rockland Green have established a pilot drop-off program thanks to the initiative of Teresa Kenny and Rockland Green. Orangetown's program is well run, clean and easy to access. The program is clearly a success as residents are pushing elected leaders and the Orangetown Villages to create more localized drop offs to make the growing demands of the program. In just under a year participation has grown to over 540 households in Orangetown. We all know that our garbage travels 320 miles from Rockland County to a receiving landfill upstate. This is not only terrible for the environment, plus it is a huge expense to the taxpayers. Food scraps buried in the landfill release methane gas, one of the biggest drivers of climate change. Furthermore, food scraps are some of the heaviest wastes generated and are the single largest component of the waste stream. In these tough times, considering the increase in costs of fuel and the worldwide energy shortages we should be doing everything we can to conserve precious energy. Food scraps are also a valuable resource not to be wasted. If you consider the costs in terms of labor, water, fuel and other resources for growing and transporting food to market the argument for recycling food scraps at Rockland Green in Hillburn instead of burying them in a landfill is simple and sensible. In addition, compost creates revenue in the County. We have three questions in particular. Currently Rockland Green has very little information on food scrap recovery on its website. What plan does Rockland Green and other town governments have for educating and raising awareness among residents of the well documented benefits of food scrap programs? What is the timeline for the other towns to start food scrap programs? Has Rockland Green reviewed Orangetown's data and analyzed the potential cost savings for residents? If not, is there a timeline for doing that?

Phillips: You have asked some good questions. First let me begin by saying we have been looking into this. This is something that we have researched. I, Commissioner Hoehmann and the Executive Director and a few of the other members went to a number of different sites. One out in Western Pennsylvania and one in upstate New York. Mr. Executive Director, where else did we go?

Damiani: We went to Hermitage Pennsylvania, and we visited other sites to incorporate food scraps into anaerobic digestion.

Phillips: It is a great idea. It is very difficult in order to accommodate putting this pilot program in Orangetown our Executive Director went out with staff to research what is the method in which we can do it. That is where he was able to discover a paper bag lined with Executive Director what would you call it?

Damiani: It is a natural cellulose fiber that has no chemicals to line the bag because basically we are all aware that food scraps constitute heavy wet material. It is a slow degradation of the bag while it is at the residents home before it is taken to the drop off center and placed in a toter and collected weekly by our vendor and transported up to the biosolids facility to be incorporated into the Cocomposting Facility and it is mixed with other biosolids from the wastewater treatment plants with bulking agent and then over a 52 day period there is degradation of that kraft bag with that natural cellulose lining in it. It is beneficial to us and it does break down and it completely breaks down within two passes of the process.

Yeger: I heard something about anaerobic process. I was reading that an anaerobic process actually produces methane and the aerobic advantages of regular composting that lessens the methane output. Would it be possible to recapture the methane somehow?

Phillips: That is ultimately where we are going and that is one of the facilities in Pennsylvania that we visited that is what they are doing to create energy. That is the final product of it and that is where we are going but we are walking in baby steps because the technology has to be there. It is a major, major investment to do this, you are talking about millions of dollars. Right now, we have to weigh that as to compare to the benefit of the amount of people actually participating in the program. We haven't made it mandated. The State hasn't made it mandated. I think right now, Executive Director the State mandates that four thousand pounds weekly is mandated.

Damiani: Businesses that generate on average two tons per week on an annual basis are required to segregate their food scraps and deliver it to a facility that would accept food scraps or source separated organics. Our biosolids facility in Hillburn is permitted by the New York State DEC to accept twenty tons per day of source separated organics food scraps. Orangetown as of today's collection has generated over 82,000 pounds of food scraps. What does that mean, that is forty-one tons that has been diverted since the program around November 2021, but we commenced the program in January 2022. On average one trailer load consists of a net payload of 37.4 tons. We have diverted in less than a year a little more than one trailer load of food scraps going to the landfill we utilize in Western New York.

Phillips: We are getting there, but in order to get there it is going to cost a lot more money and then what really what we have to do is knock on the door of the Rockland County Sewer District because they are the ones that generate the volume of wastewater to mix this with. It will be a major investment for Rockland County Sewer District. They have a digester but of course you are going to have to come up with a completely different technology in which to do this. We are going down the road and that is the good news we want to take baby steps, so we don't wind up charging the residents of Rockland a tremendous amount of money in the beginning. The other thing is that sooner or later the State is going to open up the door for a lot more grants and funding that we would definitely be eligible for. Hopefully that can offset a lot of costs to our local taxpayer. That is the way to do so you are doing the environment and at the same time trying to protect the taxpayer. We are heading that way it is just going to take some time. Commissioner Hoehmann has asked me about his Town and Commissioner Specht has been asking

about his Town and Commissioner Monaghan. The other four Towns helped subsidize the Town of Orangetown in their food waste this year to probably somewhere of about \$80,000. You have to give us a little more time.

Daniel Lombardo: I appreciate the fact that you are taking the time to do your due diligence and want to save us money in the long run and realize the value of the process. The pilot program is approximately a year old at what point does it no longer get designated as a pilot and therefore then continues in Orangetown at the very least and then considering that I didn't quite catch all the large volume numbers. But I guess Orangetown might be producing 1% of capacity in terms of what Hillburn can accept.

Damiani: We have included in our 2023 budget money that is available to move forward with other drop off programs with the other four Towns. We will look to implement that in 2023 if the Towns choose to do so. We have enough capacity for our drop off. As the Chairman indicated, it is not mandated by the State to go curbside right now.

Daniel Lombardo: We understand, and we are not asking for that to happen, just hoping that at least as the pilot exists and it can therefore be replicated throughout the County at a reasonable pace.

Phillips: The key is really introducing it into the wastewater and digester and creating energy. That is the ultimate goal.

Wayne Finkelstein: Wayne Finkelstein and I live in New City. Back to the animal shelter. Since potentially repurposing the building that you are committing for could be many times the cost of the building just based on what happened with the last animal shelter that skyrocketed in price, how can you commit to lease and purchase a building before you have the numbers.

Phillips: We already talked to an architect and they already indicated it will fit within that building.

Wayne Finkelstein: Shouldn't those numbers be made public?

Phillips: As soon as we have all of them, we will give that to you. We don't have all those numbers yet. We are right now negotiating to purchase the building. First of all, you want to make sure that the shelter and everything that we were going to design with the County shelter can fit within this building and it can fit within this building. So now we need to go out and start to get a price from the owner of the building.

Wayne Finkelstein: For the lease of the purchase of the building you don't have the price yet?

Phillips: We just committed to negotiate that. Hopefully in the next couple of weeks we are going to have a number for you.

Wayne Finkelstein: And a number for repurposing the facility.

Phillips: That will come when we go out to bid.

Wayne Finkelstein: Then how can you lease it first and then find out that it is going to cost many times what you expect to repurpose the building.

Phillips: I think the simple math is this. You have a building that is a block building that is in range right now much less than what they were anticipating the building to cost with the County bid.

Wayne Finkelstein: The cost with the County doesn't have to do with the block building, it has to do with the plumbing and electricity and all the things that you need to what you are saying to have a state-of-the-art animal shelter. If you are committing to something first without having those numbers, the taxpayers may be in a hole for a lot of money.

Phillips: Right now, the building that the County was going to build was estimated to be around \$18 million to \$20 million. I think we are all very confident that we will come in less than that and save probably millions of dollars for the taxpayers.

Wayne Finkelstein: Well, but it is against the alternative of working with Hi-Tor where it is and using the same facility.

Phillips: No, they were going to go and build next to Hi-Tor they weren't going to use that same building.

Wayne Finkelstein: I understand the \$18 million to \$20 million was not acceptable. Now that you are repurposing this building and it winds up costing \$18 million or \$16 million. You must have a number that is acceptable.

Phillips: It is less, but I am not going to through a number out there because that could hurt us when we go out to bid. If we start throwing a number out there in the public, then the public is going to know that the people that are going to bid on it are going to know what we anticipate. Let's put the bid out there, let the numbers come back in and they are going to be what they are. The one thing that is definitely for sure, we are way ahead of the game right now than what the County had. Because the building is up and built. We are probably a year ahead of where the County would be at a minimum a year out.

Wayne Finkelstein: Well timewise but not necessarily money wise.

Phillips: We will find that out. I am confident we will be.

Marie Sterlace: Marie Sterlace and I am attending this meeting today on behalf of Joan Kay who runs the New Windsor Animal Shelter and is on the Board of the ASPCA. Joan would like to know who is managing the transition of the animals? It should be someone who is experienced with shelters and adopting out animals. She would also like to take on the project herself and she would like to know how to go about that. Basically, she would like you to consider a proposal to oversee the project from beginning to end and manage the entire program.

Phillips: We have already gone out and we have a woman that has tremendous amount of experience in this?

Marie Sterlace: Who is that?

Phillips: Executive director can we divulge her name?

Damiani: I would rather not.

Phillips: He would rather not at this time, but she has a tremendous amount of experience in shelters.

Marie Sterlace: Who selected her?

Phillips: We went out and sought for somebody to come up with some names and spoke to people at the State and we referred to this lady.

Marie Sterlace: It just seems that the public is being shut out of this and we don't appreciate it. Can you tell us what happened to Hi-Tors money.

Phillips: Remember they are an independent body.

Hoehmann: You have to speak to the County Executive because the County manages the contract. It is not our Board.

Tina Traster: What lady are you referring to?

Phillips: We will divulge that as soon as we enter into a contract.

Tina Traster: I thought you were entering into a contract with Hi-Tor.

Phillips: We are, but she asked to design of the new building and what we are going to be building and the transfer of the animals eventually. We are dealing with a lady that has a tremendous amount of experience and we will get back to you on that.

Thank you everyone, do we have a motion to adjourn?

Hoehmann: Moved

Specht: Seconded

The meeting was adjourned at 6:00 p.m.

Respectfully submitted,
Suzanne Haggerty