

We have been approved for EFC funding and continue to work with them to supply any information they may require. There is a previous resolution that the Board approved on July 8th which may have to be amended based on EFC recommendations. We would like to amend this resolution tonight and I will ask Teno to speak to this.

West: At the July 8th meeting the Board approved a resolution which was authorizing the \$4M of notes to be issued by the Environmental Facilities Corporation to be used on the Clarkstown transfer station improvements. Those notes would be eventually taken out with long-term EFC bonds. The EFC, at times, comes up with requirements throughout their process. They are looking at the resolution now that the Board passed, because they didn't look at it before it was approved, and there may be some changes and modifications that would have to be made before the next Authority board meeting. So this resolution authorizes the Chairman and the Executive Director to take what actions are necessary if the EFC requires some modifications to that resolution so that we don't lose the ability to get the EFC financing.

St. Lawrence: These modifications would be of de minimis in nature.

West: There may not be any modifications; but if there are they would be de minimis.

Roppolo: You should have received a response letter sent to the Rockland County Professional Landscapers Association. The Authority has worked with the Association and will continue to work with them. If you have any questions regarding the response letter, please let me know.

I met with the Audit Committee on August 10th and the December 31, 2009 audited financials were included in the packet for your review. Nick DeSantis and Domenic Consolo are here from Bennett Kielson and they will summarize the result of operations for last year.

I interviewed seven people for the position of Director of Finance out of the thirteen resumes I received. I will be asking several candidates back to interview with the rest of the Finance Department and should have a recommendation by next month's meeting.

We have received five proposals to update the Authority's SWMP. At the request of the Chairman, I will forward the responses to the Executive Committee for review and we'll set up a meeting to discuss the proposals and submit a recommendation for the next meeting. If there is anyone else that is interested in receiving the proposals please let Suzanne know.

O&R has approached the Authority to tap into our water line on Torne Valley Road for their new fire suppression system at their sub-station. We've had several meetings with them and they are in the process of updating their submission to the Town of Ramapo's fire inspector with additional information obtained after updating their hydrant tests. I've asked H2M to review the updated information that was submitted and assemble a report on water force flow and usage as related to our existing water line. I will update the Board with more detail at our next meeting.

St. Lawrence: I just request that we be very specific as to what use Orange and Rockland has and that they don't let someone else use it. We had a discussion in this Authority back in 1999 with the power plants American National Power and Sythe Energy were going in through Torne Valley and they wanted to use the Authority's lines and we said no to that. So I don't want Orange and Rockland to have the ability to utilize those lines for something other than the exact use described on the onset.

Roppolo: Leadership Rockland will be meeting at our facility on October 28th for the environmental portion of Leadership Rockland. Kerri and Janet are coordinating the day's activities and speakers along with Andy Steward of Keep Rockland Beautiful.

St. Lawrence: I have a request; I've been at meetings by Leadership Rockland and I find that the day is not focused on the Solid Waste Authority and I think it should be. I think it's great that they are there, but I would like it a little more dedicated to what we are doing at the Authority.

Burnet: We made a request of Leadership Rockland that we can be more involved. In the past we didn't have the opportunity to set the agenda. This year we want to make sure that we have more focus on that and the environmental aspects that the Authority is concerned with.

St. Lawrence: I just want to commend County Executive Scott Vanderhoef for the Leadership Rockland program. I know he is one of the founders and they just had their twentieth year and Chairwomen Cornell and I were at the event and it's really a great program and one we're glad to be part of.

Roppolo: We had a successful summer with our tours. We had approximately 25 tours with about 400 children visiting the facility which is atypical. Jen Sheridan did a great job and she reached out to camps and other organizations and they've been visiting all summer.

Our Americorp students did a wonderful job as well with their projects over the summer and Suzanne has CD's available if you'd like to review their final project that was presented at RCC.

We went out for bonding and Rick McCarthy, our financial adviser, can speak about the results of our efforts and will speak to you regarding our ratings with Moody's and S&P.

McCarthy: The Authority's bond issues were very successful and well received. We couldn't be financing at a better time. We were able to structure interest rates for the bonds starting off at 1% for one year 1.06% for two years 1.36% for three years and we went out to 2024 at a rate of 4.06%. It reflects that it's a good year for borrowing. It also reflects the very good reputation and very good ratings that the Authority has although we did have a strange experience in the rating process and something I've never seen before. There's Moody's and Standard and Poor's and they both have their own rating systems. The Authority was rated A1 from Moody's and an AA- from S&P. Subsequent to the rating in December of 2008, Moody's did a recalibration of every issue they were rating and they recalibrated us. They say they just changed the ratings. Moody's downgraded us and S&P upgraded us. I believe that Moody's did not understand or took a contrary kind of position to what we were pointing out what were the strengths of the Authority. I think they've been very conservative because of the financial meltdown. So I think it's fabulous that we got the upgrade from Standard and Poor's.

St. Lawrence: So with the recalibration Moody's did, we're really right where we were previously.

McCarthy: Correct.

Roppolo: I have two issues I'd like to address the Board in executive session regarding contracts and litigation.

Kay: Moved

Grant: Seconded

Consolo: The Authority collected \$38.6M operating revenue for the year ended December 31, 2009. About \$18M came from transfer station tipping fees, \$15M came from disposal charges, \$6.3 was user fees and \$8.6 of that was advalorem. The operating expenses were \$38.6M in which \$3.385M of that came from depreciation, so that's a non-cash expense. There was also some \$700K of OPEB expenses. In addition, you have \$2.3M in non-operating expenses. Principal of which was interest expense on the balance was \$3M and that was offset by some interest income and some insurance proceeds. When you

look at the Authority's net assets they were reduced for the year by \$2.3M. The year started out with net assets of \$18.3M and you ended the year with net assets with \$15.9M.

St. Lawrence: Does that work along with the GASB guidelines?

Consolo: Yes it does.

Your revenue generating on your operating expenses were budgeted at \$33.7M. You only generated \$27.5M so you're \$6M short on the revenue side and that's due to the transfer station fees.

St. Lawrence: So that means the tonnage we were expecting didn't come in.

Kay: On that \$5.277 which was the difference on the transfer station fees, was this anticipating additional tonnage or were we that short by 25% in tonnage?

Roppolo: The budgeted amount was based upon flow control, so you have to remember the budget that was passed for 2009 actually was a late budget. We had the market that crashed in October 2008 and the recyclables revenue was significantly lower than we anticipated. Also because of the economy and economic downturn, we had less waste than what was anticipated. Now 25% less is significant amount, but if you look at the expenses, we also had 25% less in expenses. So you can't look at the revenue side without looking at the expenses.

Kay: On the rental of equipment line, since we have two items on the agenda that we are going from renting to buying this line should disappear because we're buying them. We spent the whole year renting when we should have bought.

St. Lawrence: They are rentals with the option to buy.

Kay: The item solid waste collection and disposal charges in the villages I know we go out to bid for these villages and they accept the bid. When I see that the money exceeds the budget do the villages get back the money?

Roppolo: The residents are paying that and the reason why you see a difference is that additional money is included in their unit fee for different housing; it's not just residential. The villages are paying for an additional service above and beyond the contract.

4. Introduced by: Kay/Sherwood

Unan.

August 26, 2010

Resolution No. 54 Of 2010

Adopting Recommendation Of Audit Committee And Approving 2009 Financial Statement

WHEREAS, Section 2800(3) of the New York Public Authorities Law requires that the annual financial statement be approved by the Authority Board; and

WHEREAS, the attached audited financial statement was prepared by Bennett Kielson Storch DeSantis, the Government Services Division of O'Connor Davies Munns & Dobbins, LLP, for the period ended December 31, 2009; and

WHEREAS, the Authority's Audit Committee has met and reviewed the attached 2009 Financial Statement, and has recommended to the Authority Board that it be approved; now therefore be it

RESOLVED, that the Authority Board hereby adopts the recommendation of the Audit Committee and approves the attached audited financial statement prepared by Bennett Kielson Storch DeSantis for the period ended December 31, 2009.

5. Introduced by: Gromack/Cornell Unan. August 26, 2010

**Resolution No. 55 of 2010
Designating Executive Director To Hear Appeals Regarding Denial Of Access To Records
Under Foil**

WHEREAS, the Freedom Of Information Law ("FOIL") provides the right to appeal to the head or governing body of an agency or the person designated to hear appeals by the head or governing body of an agency; and

WHEREAS, the Authority desires to designate a position, other than the position of Confidential Secretary, which serves as the Authority's records access officer, to hear all appeals regarding denial of access to records under FOIL; now therefore be it

RESOLVED, that the Executive Director to the Rockland County Solid Waste Management Authority shall serve as the Authority's FOIL Appeals Officer, and in that capacity shall hear all appeals regarding denial of access to records under FOIL.

6. Introduced By: Gromack/Sherwood Unan. August 26, 2010

**Resolution No. 56 Of 2010
Approving Appraisal And Authorizing Acquisition Of Fee Interest In Property
Located At 411 Route 59, West Nyack, New York,
Town Of Clarkstown Map 65.06-1-53**

WHEREAS, the Rockland County Solid Waste Management Authority acquired the Clarkstown Solid Waste Facilities ("Clarkstown Facilities") located at 166 South Route 303, West Nyack, from the Town of Clarkstown on October 7, 2009; and

WHEREAS, the Authority needs additional land next to the Clarkstown Facilities upon which to expand those operations to achieve greater operational efficiency; to enhance public safety; to gain additional points of access to the Clarkstown Facilities; and to better meet regulatory and remedial requirements imposed by the New York State Department of Environmental Conservation; and

WHEREAS, Rafael G. Rivero, is the owner of the 7.06 acre parcel located at 411 Route 59, West Nyack, New York, Town of Clarkstown Map 65.06-1-53 ("Rivero Property"), which abuts the Clarkstown Facilities on the South and which has access on the North from Route 59; and

WHEREAS, the owner has had the property listed for sale; and

WHEREAS, the Authority recently commissioned an appraisal report on the Rivero Property, dated June 4, 2010, performed by Molinas Realty, Inc. ("Molinas Appraisal"), based upon the highest and best use of the property; and

WHEREAS, the Authority has reviewed the Molinas Appraisal; and

WHEREAS, the Authority wishes to make an offer to the property owner for a negotiated purchase of the property; now therefore be it

RESOLVED, that the Molinas Appraisal is hereby approved; and be it further

RESOLVED, that the Executive Director is authorized to provide a written offer to the property owner of up to 100% of the highest approved appraisal value, as established in the Molinas Appraisal, to negotiate a purchase of the property; and be it further

RESOLVED, that any agreement that is reached on such purchase will only be effective if the Rockland County Legislature does not, by resolution, timely object to the Authority's notice of acquisition.

7. Introduced By: Gromack/Kay

Unan.

August 26, 2010

Resolution No. 57 Of 2010

**Authorizing Notification To The Rockland County Legislature Of Intent To Acquire A Fee Interest
In Property Located At 411 Route 59, West Nyack, Ny
Town Of Clarkstown Map 65.06-1-53**

WHEREAS, the Authority has met and discussed its intention to acquire the approximately 7.06 acre parcel located at 411 Route 59, West Nyack, New York, owned by Raphael G. Rivero, Town of Clarkstown Map 65.06-1-53 (herein the "Rivero Property"); and

WHEREAS, the Rivero Property is located immediately adjacent to the Clarkstown Solid Waste Facilities in West Nyack, New York which are owned by the Authority; and

WHEREAS, the Authority needs additional land upon which it can expand the present operations at the Clarkstown Solid Waste Facilities to allow for greater operational efficiency, to enhance public safety, to gain additional points of access to said facilities, and to better meet regulatory requirements imposed by the New York State Department of Environmental Conservation; and

WHEREAS, Section 2053-f of Title 13-M of the Public Authorities Law requires that the Authority give notice to the Legislature of Rockland County at least 45 days before it acquires or leases any interest in real property and thereafter, provided no objection, by resolution of the County Legislature, shall have been made and delivered to the Authority within said 45 days, the Authority may complete its acquisition; now therefore be it

RESOLVED, that the Executive Director is authorized to give appropriate notice to the Legislature of Rockland County of its intent to acquire the Rivero Property.

Cornell: This won't create more odors in that area.

St. Lawrence: No this should help to ameliorate the odors.

8. Introduced By: Gromack/Kay

Unan.

August 26, 2010

Resolution No. 58 Of 2010
Authorizing Renewal Of Ramapo Landfill Yard Waste Composting Facility
Service Agreement With Organic Recycling, Inc.

WHEREAS, the Authority, pursuant to Resolution No. 23 of 2007, entered into the Ramapo Landfill Yard Waste Composting Facility Service Agreement with Organic Recycling, Inc. (the "Agreement") for the operation and maintenance of the Ramapo Yard Waste Facility for a two-year (2) term, with an option to renew for three additional one year terms; and

WHEREAS, by Resolution No. 32 of 2009, the Authority authorized renewal of the Ramapo Landfill Yard Waste Composting Facility Service Agreement with Organic Recycling, Inc. (the "Agreement") for an additional one-year term ending October 28, 2010; and

WHEREAS; the Authority and ORJ desire to renew the Agreement for a second one-year term, beginning October 29, 2010 and ending October 28, 2011; now therefore be it

RESOLVED, that the Ramapo Landfill Yard Waste Composting Facility Service Agreement with Organic Recycling, Inc. shall be renewed for a second one-year term, ending on October 28, 2011, subject to one additional one-year renewal term.

9. Introduced by: Grant/Gromack

Unan.

August 26, 2010

Resolution No. 59 of 2010
Authorizing An Agreement With Donato Marangi, Inc. For Delivery And
Processing Of Sludge Generated At West Point Military Academy

WHEREAS, the Authority has had agreements with Donato Marangi, Inc. ("Marangi") since November 2006 for delivery of sludge generated at the United States Military Academy at West Point ("West Point") and processing at the Cocomposting Facility for a fee; and

WHEREAS, Marangi desires to enter into a new agreement for another two-year term; and

WHEREAS, West Point's wastewater treatment plant generates approximately 80 wet tons of sludge per month; and

WHEREAS, the Authority is authorized to accept and process sewerage sludge generated from outside of Rockland County; and

WHEREAS, the Cocomposting Facility has sufficient capacity available to continue to accommodate the sludge generated by West Point; and

WHEREAS, the proposed agreement, attached hereto, shall provide for a two-year term beginning August 27, 2010 and ending August 26, 2012, at a fee of \$79.50 per wet ton of sludge generated by West Point and delivered to the Cocomposting Facility; now therefore be it

RESOLVED, that the Executive Director is authorized to execute an agreement with Donato Marangi, Inc., substantially in the form attached hereto, for a two-year term beginning August 27, 2010 and ending August 26, 2012, at a fee of \$79.50 per wet ton of sludge generated by West Point and delivered to the Cocomposting Facility.

10. Introduced by: Kay/Soskin

Unan.

August 26, 2010

**Resolution No. 60 of 2010
Award Bid For Lease/Purchase Of Hydraulic Excavator For Clarkstown Concrete And Asphalt
Crushing Facility And Authorizing Execution Of Lease/Purchase Agreement**

WHEREAS, the Authority is in need of a hydraulic excavator for use at the Clarkstown Concrete and Asphalt Crushing Facility to replace the one that it has been renting in the amount of \$6,270 per month; and

WHEREAS, on July 9, 2010, the Authority issued a Request for Bids, RFB 2010-15 for the lease/purchase of a hydraulic excavator to replace the rented excavator; and

WHEREAS, on July 27, 2010 the Authority received bids from the following vendors: Jesco, Inc.; H.O. Penn Machinery Co., Inc.; and Pine Bush Equipment Co., Inc. in response to the Request for Bids; and

WHEREAS, the Authority staff have reviewed the bids and have determined that the bid submitted by Pine Bush Equipment Co., Inc. is in all respects responsive to the Request for Bids and is the lowest responsive and responsible bid, and therefore recommends acceptance of the bid submitted by Pine Bush; now therefore be it

RESOLVED, that the bid is hereby awarded to Pine Bush Equipment Co., Inc. for a 2010 Komatsu PC270LC-8 hydraulic excavator, and be it further

RESOLVED, that the Executive Director is authorized to enter into a three (3) year lease/purchase agreement with Key Government Finance, Inc. in the amount of \$6,421.16 per month for the 2010 Komatsu PC270LC-8 hydraulic excavator.

11. Introduced by: Gromack/Jobson

Unan.

August 26, 2010

**Resolution No. 61 Of 2010
Authorizing Approval Of Change Orders 4 And 5 For Clarkstown Transfer Station Retaining Wall
Improvements**

WHEREAS, by Resolution No. 4 of 2010, the Authority Board authorized award of the bid for Clarkstown Transfer Station Retaining Wall Improvements to JMK Enterprises, LLC, and the Authority and JMK Enterprises (the "Contractor") entered into a contract dated March 1, 2010, in the amount of \$202,582.00; and

WHEREAS, by Resolution No. 23 of 2010, the Authority Board authorized Change Order 2 for a redesign of the wall to a greater height and additional reinforcement for the wall, in the amount of \$64,123.52; and

WHEREAS, by Resolution No. 39 of 2010, the Authority Board authorized Change Order 3 for additional site work, in the amount of \$50,256.49, required as a result of Change Order 2; and

WHEREAS, ninety-six (96) feet of eight (8) inch diameter pipe was needed to connect the two (2) trench drains as a modification to the additional site work required as a result of Change Order 2 and the

Contractor requested to price a change order for the additional work, to be known as Change Order 4, in the amount of \$983.83; and

WHEREAS, it became necessary to purchase fill material from an outside company when recycled concrete aggregate was no longer available from the Authority's Concrete and Asphalt Crushing Facility for use on the retaining wall project, to be known as Change Order 5, in the amount of \$28,789.79; and

WHEREAS, William F. Cosulich Associates has reviewed Change Orders 4 and 5, copies of which are attached hereto, and agrees that the change orders accurately describe the required scope of additional work and provides appropriate pricing; now therefore be it

RESOLVED, that the Authority does hereby approve Change Order 4 in the amount of \$983.83 and Change Order 5 in the amount of \$28,789.79 for the Clarkstown Transfer Station retaining wall improvements, for a total final contract price of \$317,623.64, inclusive of all Change Orders amounts.

12. Introduced by: Kay/Soskin

Unan.

August 26, 2010

Resolution No. 62 of 2010

Award Bid For Lease/Purchase Of Front-End Loader For Clarkstown Concrete And Asphalt Crushing Facility And Authorizing Execution Of Lease/Purchase Agreement

WHEREAS, the Authority is in need of a front-end loader for use at the Clarkstown Concrete and Asphalt Crushing Facility to replace the one that it has been renting in the amount of \$6,500 per month; and

WHEREAS, on July 23, 2010, the Authority issued a Request for Bids, RFB 2010-16 for the lease/purchase of a front-end loader to replace the rented front-end loader; and

WHEREAS, on August 10, 2010 the Authority received bids from the following vendors: Jesco, Inc., H.O. Penn Machinery Co., Inc., and Pine Bush Equipment Co., Inc. in response to the Request for Bids; and

WHEREAS, the Authority staff have reviewed the bids and have determined that the bid submitted by Pine Bush Equipment Co., Inc. is in all respects responsive to the Request for Bids and is the lowest responsive and responsible bid, and therefore recommends acceptance of the bid submitted by Pine Bush; now therefore be it

RESOLVED, that the bid is hereby awarded to Pine Bush Equipment Co., Inc. for a 2010 Komatsu WA480-6 front-end loader; and be it further

RESOLVED, that the Executive Director is authorized to enter into a four (4) year lease/purchase agreement with Key Government Finance, Inc. in the amount of \$6,476.84 per month for the 2010 Komatsu WA480-6 front-end loader.

13. Introduced by: Gromack/DuBow

Unan.

August 26, 2010

Resolution No. 63 Of 2010

Authorizing First Amendment To County Facility Garbage And Recyclables Collection Agreement, Contract Cf-3, To Eliminate Service To Haverstraw Clothing Depot

WHEREAS, pursuant to Resolution No. 4 of 2009, the Authority entered into Contract CF-3 with the firm of Carlo Minuto Carting Co., Inc. for the collection of solid waste and recyclables at various County Facilities, as designated in Price Forms attached to and made a part of the agreement; and

WHEREAS, the Authority was contacted by the Rockland County Department of Social Services with a request to eliminate services under Contract CF-3 to the Haverstraw Clothing Depot, effective September 1, 2010; and

WHEREAS, the discontinuation of services to the Haverstraw Clothing Depot necessitates an amendment of Contract CF-3 to omit the services that were being provided at that location, and to reflect the resulting change in the service charge on Price Form 1E, attached to and made a part of the First Amendment to Contract CF-3; now therefore be it

RESOLVED, that the Executive Director is hereby authorized to execute and deliver the First Amendment to Contract CF-3, in the form attached hereto, which effectuates (1) the removal of garbage and recyclables collection services provided to the Haverstraw Clothing Depot, as requested by the Rockland County Department of Social Services, and (2) reduces the service charge for the provision of such services to the County facilities with which the Haverstraw Clothing Depot was grouped to the amount of \$2400.00 for the next contract year, beginning September 1, 2010, such amount to increase by 3% each contract year thereafter.

14. Introduced by: Sherwood/Jobson

Unan.

August 26, 2010

Resolution No. 64 Of 2010

Authorizing Of Amendment To Resolution No. 50 Of 2010 Adopting Efc Note Resolution Authorizing The Issue Up To \$4,000,000 Aggregate Principal Amount Of Efc Notes

WHEREAS, the Authority approved Resolution No. 50 on July 8, 2010; and

WHEREAS, Environmental Facilities Corporation may require certain modifications to such resolution in connection with this financing of \$4,000,000 notes; and

WHEREAS, such modifications may need to be made prior to the next Authority Board Meeting

RESOLVED, that the Chairman and the Executive Director are hereby authorized to make such modifications amending Resolution No. 50 required by Environmental Facilities Corporation with connection to the \$4,000,000

**Resolution No. 65 of 2010
Award Of Bid For Tipping Floor Improvements At The
Clarkstown Transfer Station**

WHEREAS, on June 14, 2010, the Authority issued a Request for Bids for Transfer Station Tipping Floor Improvements at the Clarkstown Transfer Station; and

WHEREAS, Darlind Construction, Gem-Quality Corporation, Infrastructure Repair Services, Nikko Construction and Structural Preservation Systems submitted bids in response to the Request for Bids; and

WHEREAS, the Authority engineers reviewed the bids and determined that the bid submitted by Gem-Quality Corporation conformed to the specifications in the Request for Bids and is the lowest bid; and

WHEREAS, the approval of the New York State Department of Environmental Conservation (the "NYSDEC") for such project has been obtained; and

WHEREAS, the Authority Executive Committee approved the award of the bid to Gem-Quality Corporation; now therefore be it

RESOLVED, that the Authority Board hereby ratifies the award of the bid for Transfer Station Tipping Floor Improvements at the Clarkstown Transfer Station, RFB 2010-14, in the amount of \$738,786.00, to Gem-Quality Corporation, and authorizes the Executive Director to execute an agreement with Gem-Quality Corporation for the performance of the work specified in the bid.

Coker: This is the 90th anniversary of the women's right to vote and I just want to acknowledge women leaders. I really appreciate Anna Roppolo and Kimberlea Rea; so, I just want to acknowledge what you do.

St. Lawrence: Motion to adjourn.

Jobson: Moved

Gromack: Seconded

Respectfully submitted,
Suzanne Haggerty