

Preserving the environment through integrated recovery and disposal.

## MEMORANDUM

**TO:** Authority Board of Directors  
**FROM:** Joshua J. Olbrys, Executive Director  
**DATE:** April 30, 2024  
**RE:** Meeting Notice & Tentative Agenda - Monday, May 13, 2024 - 4:30 PM

A regular meeting of the Oneida-Herkimer Solid Waste Management Authority is scheduled for Monday, May 13<sup>th</sup>, at 4:30 PM in the Authority public meeting room, 1600 Genesee Street, Utica, NY 13502. **Board Members will continue to have the option of participating in-person or via Zoom and will be emailed a private Zoom link to participate, prior to the meeting.** This meeting will be livestreamed through the Authority's YouTube channel at <https://www.youtube.com/user/OHSWA>.

1. Pledge of Allegiance
2. Approval of March 18, 2024 Authority Minutes
3. Public Comment Period
4. 2024 First Quarter Financial Report
5. Deferred Compensation Resolution to Amend and Restate the Model Plan - Resolution
6. Agreement with EverestLabs AI/Robotic Recycling – Resolution
7. Budget Transfers - Resolution
8. Updates:
  - Earth Day Events/Mascot

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*Treasurer*

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Barbara Freeman  
Nancy A. Novak

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**DRAFT**

**AUTHORITY MEETING MINUTES**  
**March 18, 2024**

Board Members Present: Chairman Ken Long (via Zoom); Vice Chairman Vincent Bono, Steven Boucher, Robert Comis (via Zoom), James D’Onofrio, Barbara Freeman, Nancy Novak (via Zoom), Richard Redmond and James Williams

Absent: James Franco

Authority Staff Present: Joshua Olbrys, Jodi Tuttle, Emily Albright, Joseph Artessa, Eileen Brinck, Hailey Hutchinson, Pat Lisandrelli and Andrew Opperman

Others Present: Authority Counsel Kevin Martin and Ann DeLucco, Partner-BST & Co.

As Chairman Long will be attending this meeting via Zoom, Vice Chairman Bono called the March 18, 2024, Authority Board meeting to order at 4:30 PM and opened with the Pledge of Allegiance.

Vice Chairman Bono called for a moment of silence in remembrance of past Authority Board Member Louis R. Critelli and asked Board Secretary Jodi Tuttle to read the Memorial Resolution aloud.

Resolution No. 1 was introduced by Mr. Redmond, seconded by Ms. Freeman, and passed recognizing the achievements of former Board Member Louis R. Critelli. (Ayes 8; Nays 0; Absent: Mr. Franco; Absent for Vote: Ms. Novak).

Vice Chairman Bono welcomed newly appointed Board member, Robert Comis. Mr. Comis said that he is pleased to serve on this Board and that he has worked with the Authority in the past, prior to retiring from local government. Mr. Comis previously worked for the City of Rome DPW, Oneida County, and the City of Sherrill.

A motion was made by Mr. D’Onofrio, seconded by Mr. Bono, and passed to approve the December 18, 2023, Authority Minutes. (Mr. Comis abstained; Absent: Mr. Franco; Absent for vote: Ms. Novak).

There were no comments submitted for the public comment period.

Ann DeLucco, Partner at BST & Co., provided an overview of the audited financial statements of the Authority for the years ended December 31, 2023 and 2022. Ms. DeLucco met with the Authority’s Audit and Finance Committees prior to this meeting to review the Independent Auditor’s Report and Statement of Net Position.

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## **AUTHORITY MEETING MINUTES**

**March 18, 2024** - Page 2

Ms. DeLucco reviewed the Independent Auditor's Report and explained the required communications to the Board through a PowerPoint presentation. She provided an overview of the financial statements and noted that there were no new GASB accounting standards, no audit or uncorrected adjustments made, no issues or difficulties, and stated that the Executive Director transition is going smoothly. The Authority received an unmodified opinion on the financial statements, which is the highest level of assurance one can receive from an auditing firm. There were no internal control matters to report and no significant deficiencies, material weaknesses or compliance findings noted. In accordance with Governmental Auditing Standards, the Authority was issued a clean opinion. The Authority also received an unmodified opinion on examination of investment compliance with NYS requirements.

Ms. DeLucco reported that the 2023 financial report continues to reflect the strong operating results of the Authority. Capital assets equal \$6.7M. Pay down of debt as scheduled was \$1.7M in principal. The Authority has increased its net position by \$124,389 for the year ended December 31, 2023. Changes in net pension liability and OPEB negatively impacted the net position of the Authority by \$300,000. Ms. DeLucco reviewed operating revenues and expenses. Tipping fee revenue from municipal solid waste was strong and other operating revenues remained healthy. There was a decrease in revenue related to demolition projects in 2022. Ms. DeLucco said that the Authority is in compliance with all ABO investment requirements and is investing wisely.

Ms. Novak logged in via Zoom.

Comptroller Joseph Artessa said that Resolution No. 2 is an annual resolution necessary to reconcile the 2023 budget and 2023 budget amendments to the 2023 audited financial statements and for the purposes of the rate covenant compliance report.

Resolution No. 2 was introduced by Mr. D'Onofrio, seconded by Mr. Williams, and passed reconciling the 2023 budget and 2023 budget amendments to reflect 2023 actual activity. [9 Ayes; 0 Nays; Absent: Mr. Franco]

Executive Director Joshua Olbrys explained that the following resolutions related to Board policies were previously reviewed by the Governance Committee at its December meeting.

Resolution No. 3 was introduced by Mr. Boucher, seconded by Mr. Williams, and passed approving the Authority's current Mission Statement and Performance Measures with no modifications and approving the Performance Measure Report for 2023; and directing the Board Secretary to file and post the Performance Measure Report in accordance with the New York State Public Authorities Law. [9 Ayes; 0 Nays; Absent: Mr. Franco]

Resolution No. 4 was introduced by Mr. Williams, seconded by Ms. Freeman, and passed approving the current annual Board of Directors Evaluation of Board Performance form, without modifications. The Authority Secretary will submit a confidential summary of the results to the Authorities Budget Office before the March 31<sup>st</sup> deadline. [9 Ayes; 0 Nays; Absent: Mr. Franco]

Resolution No. 5 was introduced by Ms. Freeman, seconded by Mr. Williams, and passed re-appointing Andrew Opperman, Solid Waste Engineer, as the Authority's Contracting Officer for the period 2024-2025,

## **AUTHORITY MEETING MINUTES**

**March 18, 2024** - Page 3

responsible for the disposition of Authority property and approving the Procedure for the Disposition of Authority Property, without modification. [9 Ayes; 0 Nays; Absent: Mr. Franco]

Mr. Olbrys stated that Resolution No. 6 would approve the Authority's Procurement Policy, with no modifications and designates organizations and companies utilized for sole source purchases. Mr. Olbrys noted that sole source companies that were recently added were highlighted for the Board's review.

Resolution No. 6 was introduced by Mr. Redmond, seconded by Mr. Boucher, and passed approving the Authority's Procurement Policy, with no modifications, and designating sole source vendors/purchases. [9 Ayes; 0 Nays; Absent: Mr. Franco]

Resolution No. 7 was introduced by Mr. D'Onofrio, seconded by Mr. Boucher, and passed authorizing and directing the Executive Director to certify and submit all reports required under the Public Authorities Accountability Act. [9 Ayes; 0 Nays; Absent: Mr. Franco]

Resolution No. 8 was introduced by Mr. Williams, seconded by Ms. Freeman, and passed approving both the Authority's current Code of Ethics Policy and Fraud Policy, without modifications. As in the past, both policies will be posted at all Authority facilities with a copy forwarded to all employees. [9 Ayes; 0 Nays; Absent: Mr. Franco]

Mr. Olbrys said that in December 2022, the Board approved a contract for general construction for the Regional Landfill Stage 2 Closure Construction to Powis Excavating & Contracting for \$2.9M. By the end of 2023, Powis had completed one-third of the job, primarily due to slow progress and inclement weather. Mr. Olbrys met with representatives from Powis. It was determined that it would be best to re-bid the project. Barton & Loguidice completed design for the Regional Landfill Stage 2, Phase 2 General Construction and a Request for Bids was issued on January 15, 2024; a pre-bid meeting was held on February 2, 2024, with prospective bidders; and on February 16, 2024, bids were publicly received and opened. Bids were received from Mohawk Valley Materials, Rome, NY in the total amount of \$1,434,508.10 and Marcy Excavation Services, LLC, Herkimer, NY in the total amount of \$1,860,150.00. Each bid has been evaluated for compliance with the specifications for the project promulgated by Barton & Loguidice; each contractor's qualifications have been confirmed; and reference projects have been checked. Mr. Olbrys said that Resolution No. 9 would award a contract for Regional Landfill Stage 2, Phase 2 for general construction to the acceptable low bidder, Mohawk Valley Materials.

Discussion ensued.

Resolution No. 9 was introduced by Mr. D'Onofrio, seconded by Mr. Williams, and passed awarding Contract No. 24-0001 for Regional Landfill Stage 2, Phase 2 General Construction to Mohawk Valley Materials in the total amount of \$1,434,508.10 and authorizing the Executive Director and Authority Counsel to take all action necessary to enter into an agreement with Mohawk Valley Materials.

Mr. Olbrys said that last year the Authority started researching AI robotics' systems for MRFs. Mr. Olbrys said that Authority staff visited the Sims Municipal Recycling Facility in Brooklyn, NY, which utilizes EverestLabs' robotics cells with RecycleOS AI software to optimize their operations.

## **AUTHORITY MEETING MINUTES**

**March 18, 2024** - Page 4

Mr. Olbrys said that last year the Authority started researching AI robotics' systems for MRFs. Mr. Olbrys said that Authority staff visited the Sims Municipal Recycling Facility in Brooklyn, NY, which utilizes EverestLabs' robotics cells with RecycleOS AI software to optimize their operations. Mr. Olbrys presented information on EverestLabs and RecycleOS AI software system through a PowerPoint presentation. Mr. Olbrys also presented to the Finance Committee on the robotics/AI software system, prior to this meeting. Mr. Olbrys said that this is a very efficient sorting system as it enables you to utilize robots in places where you can't put people. The sorting system would also provide for higher-end plastics and commodities to be separated more accurately and at a much faster pace than can be done by sorters (i.e., 65 picks per minute), resulting in overall cost savings. Mr. Olbrys noted that this does not mean that the Authority's sorters would be replaced but that it could result in temporary employee savings. Mr. Olbrys provided cost information for a three-year lease on equipment and software updates.

Discussion ensued.

Mr. D'Onofrio said that through his experience he has found that leasing is not advantageous. He requested that Mr. Olbrys crunch the numbers and present a business plan that includes more detailed information on expenses/projected revenues and leasing versus purchase options, before investing in this system.

Mr. Olbrys will provide the requested information to the Board, including a video of the robotics and software system.

Comptroller Joseph Artessa said that Resolution No. 10 before the Board would authorize 2024 budget transfers in the amount of \$100,000.00 to secure a lease of robotics equipment.

Resolution No. 10 was introduced by Mr. Redmond and seconded by Mr. Boucher to approve 2024 budget transfers. Discussion among Board members ensued.

Following discussion, a motion was made by Mr. Redmond, seconded by Mr. Boucher, and passed to rescind the prior motions made to approve Resolution No. 10.

A motion was made by Mr. D'Onofrio, seconded by Mr. Redmond, and passed to table Resolution No. 10 until the next Board Meeting [May 13, 2024].

Mr. Olbrys said that the Authority is continuing its regional demolition program offered to all municipalities in the two-County region. Since 2007, the Authority has been sending correspondence to all legislators and city, village and town mayors and supervisors inviting them to participate in the program. Under the program, the Authority makes available a demolition crew and equipment, during the slower winter season, to demolish fully abated structures owned by a municipality. The Authority provides for transportation and demolition at no charge. The municipality(ies) is required to pay for the disposal of the demolition debris to be landfilled. This year, the Village of Dolgeville requested assistance with the demolition of 9 fully abated homes which totaled 685 tons of material. The Authority will provide transportation and demolition at no charge. The Village of Dolgeville will only be required to pay for the disposal of the demolition debris (approximately \$41,000) to be landfilled.

## **AUTHORITY MEETING MINUTES**

**March 18, 2024** - Page 5

Mr. Olbrys noted that the Authority is only able to assist with structures that are asbestos-free.

Mr. Olbrys reported that the Village of Whitesboro applied for the Authority's reduced tip fee program for disposal of disaster debris at a rate of \$42.00 per ton from localized flooding that occurred on December 17, 2023 in the Village. Mr. Olbrys stated that the Village suffered flood damage to 35 properties/homes, resulting in an estimated 1.8 tons of disaster debris. The Finance Committee reviewed the application and recommended approval by the full Board of Directors.

Resolution No. 11 was introduced by Ms. Freeman, seconded by Mr. Boucher, and passed approving the application submitted by the Village of Whitesboro for the reduced tip fee program for disposal of 1.8 tons of disaster debris at a rate of \$42.00 per ton resulting from the December 2023 flooding. (Ayes 9; Nays 0; Absent: Mr. Franco)

Mr. Olbrys reported that the Village of Newport applied for the Authority's reduced tip fee program to assist local municipalities and Oneida-Herkimer Counties with reduced tipping fees for Brownfield/Industrial Development projects. Mr. Olbrys said that the Village is working to redevelop and clean up the former Newport School. It is estimated that this project will generate 2,500 tons of debris. The Finance Committee reviewed the application and recommended approval by the full Board of Directors.

Resolution No. 12 was introduced by Mr. Williams, seconded by Mr. D'Onofrio, and passed approving the application submitted by the Village of Newport for the reduced tip fee program for disposal of 2,500 tons of disaster debris at a rate of \$42.00 per ton resulting from clean-up/disposal of demolition debris from the former Newport School. (Ayes 9; Nays 0; Absent: Mr. Franco)

Recycling Coordinator Eileen Brinck announced that the Authority's annual Earth Day Recycling event will be held on Saturday, April 27<sup>th</sup> at the Oneida-Herkimer Recycling Center from 10 AM to 2 PM. The Authority will be partnering with Senator Griffo for this event. Events will include free confidential paper shredding by ConfiData; unused medication and pharmaceutical collection by the NYS Department of Environmental Conservation; E-Waste [electronics recycling]; and household hazardous waste drop-off (i.e., paints, chemicals and pesticides) which will continue through September 30<sup>th</sup>. The EcoDrop facility will also be open to residents.

Ms. Brinck said that there will also be a special unveiling of the Authority's new mascot during the event. Ms. Brinck revealed the mascot to the Board. The mascot will be used for tabling events, school events, community outreach and sponsorship opportunities. The Authority has asked for name ideas for the mascot on social media. The mascot's name will be announced before its unveiling at the Earth Day event.

At 5:45 PM, with no further business, Mr. Williams made a motion, seconded by Ms. Freeman, and passed to adjourn the meeting.

Respectfully submitted,

Jodi M. Tuttle  
Authority Secretary

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**Introductory No.**

**Resolution No. 13**

Introduced by:

Seconded by:

**RE: DEFERRED COMPENSATION RESOLUTION TO AMEND AND RESTATE THE MODEL PLAN**

**WHEREAS,** the New York State Deferred Compensation Board (the "*Board*"), pursuant to Section 5 of the New York State Finance Law ("*Section 5*") and the Regulations of the New York State Deferred Compensation Board (the "*Regulations*"), has promulgated the Plan Document of the Deferred Compensation Plan for Employees of the Oneida-Herkimer Solid Waste Management Authority (the "*Model Plan*") and offers the Model Plan for adoption by local employers; and

**WHEREAS,** the Oneida-Herkimer Solid Waste Management Authority, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of the Oneida-Herkimer Solid Waste Management Authority; and

**WHEREAS,** from time to time it may be necessary to amend the Model Plan to adhere to the rules and regulations promulgated by the Deferred Compensation Board of the State of New York, pursuant to Section 5 of the State Finance Law, as the same may be amended from time to time; now, therefore be it

**RESOLVED,** that Oneida-Herkimer Solid Waste Authority hereby amends the Deferred Compensation Plan for Employees of Oneida-Herkimer Solid Waste Management Authority by adopting the amended and restated Model Plan effective January 1, 2025, in the form attached hereto.

Adopted by the following vote:

AYES\_\_\_ NAYS\_\_\_

Dated:

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**Introductory No.**

**Resolution No. 14**

**RE: APPROVAL OF MASTER SERVICES SUBSCRIPTION AGREEMENT WITH NYPIT, INC. (D/B/A EVERESTLABS.AI)**

**WHEREAS,** the Oneida-Herkimer Solid Waste Management Authority is committed to maximizing recycling of as many components of the waste stream as possible; and

**WHEREAS,** the Authority has researched several options for providing such services, including AI and robotics driven recycling platforms to help optimize MRF equipment and plant performance, improve the sorting function, and lower labor costs; now, therefore, be it

**RESOLVED,** that the Authority Board authorizes and directs the Executive Director and Authority Counsel to take all necessary actions to finalize and enter into a Master Services Subscription Agreement, License Agreement, and Support Services Agreement with NYPIT, Inc. (/b/a EverestLabs.AI) for a period of three (3) years; and be it further

**RESOLVED,** that the Authority Board authorizes and directs the Executive Director to monitor the recycling operations and to make such adjustments in operations as is warranted under the Agreement and to report regularly to the Board in this regard.

Adopted by the following vote:

AYES \_\_\_\_\_ NAYS \_\_\_\_\_

Dated:

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**Introductory No.**

**Resolution No. 10**

Introduced by:

Seconded by:

**RE: 2024 BUDGET TRANSFERS**

**WHEREAS**, the Authority Board, by Resolution No. 24 of 2023 adopted the 2024 operating and capital budget; and

**WHEREAS**, it has been determined that budget transfers are needed for unanticipated expenses as indicated below; now, therefore, be it hereby

**RESOLVED**, that the following 2024 budget transfers are approved:

<u>From:</u>	608-8165	Temporary Labor	\$100,000.00
<u>To:</u>	613-8165	Rent/Lease	\$100,000.00

**Explanation:** Additional funds needed to secure lease of robotics equipment.

Adopted by the following vote:

AYES\_\_ NAYS\_\_

Dated:

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