

MEMORANDUM

TO: Authority Board of Directors

FROM: William A. Rabbia, Executive Director

DATE: December 8, 2016

RE: Meeting Notice & Tentative Agenda – Monday, December 19, 2016 - 4:30 PM

1. Pledge of Allegiance
2. Approval of November 21, 2016 Authority Minutes
3. Public Comment Period
4. Recycling Champion – Utica Zoo – Resolution
5. Proposed 2017 Budget – Resolution
6. Debt Defeasance – Resolution
7. 2016 Budget Transfers – Resolution
8. USDA-APHIS-WS Intergovernmental Agreement – Resolution
9. Award of Contract for Transportation of Leachate – Resolution
10. Designation of 2017 Meeting Dates and Official Publications – Resolution
11. Election of Officers and Committee Appointments for 2017 – Resolution
12. Updates:
 - Source Separated Organics - Feasibility Study
 - RecycleOne Business - Year in Review
 - School Recycling - Plastic Film Challenge

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AUTHORITY MEETING MINUTES
November 21, 2016

DRAFT

Board Members Present: Chairman Neil Angell, Vice Chairman Ken Long, Treasurer Harry Hertline, Vincent Bono, James D'Onofrio, Barbara Freeman, Nancy Novak, Robert Roberts and Jim Williams

Board Members Absent: James Franco

Authority Staff Present: Bill Rabbia, Jodi Tuttle, Emily Albright, Joe Artessa, Jim Biamonte, Patrick Donovan, Joshua Olbrys, Andrew Opperman, William Schrader and Jamie Tuttle

Chairman Angell called the November 21, 2016 Authority Board meeting to order at 4:30 PM and opened with the Pledge of Allegiance.

A motion was made by Mr. Bono, seconded by Mr. Williams and passed to approve the September 19, 2016 Authority Minutes.

At 4:31 PM Chairman Angell called the public hearing on the proposed 2017 budget to order.

Executive Director Bill Rabbia and Comptroller Pat Donovan presented an overview of the proposed 2017 Authority budget through a PowerPoint presentation. The draft budget was released to the public on October 28, 2016. Mr. Rabbia said that the proposed budget includes a \$2 per ton reduction in tipping fees for municipal solid waste (msw), local solid waste [Ava-Boonville] and sludge; and a \$10 per ton reduction in tipping fees for asbestos. The Authority will maintain rates charged in 2016 for all other categories of waste. It was noted that the proposed 2017 tipping fees remain lower than tipping fees charged in 1992. For the 26th consecutive year, recyclables will continue to be accepted at no charge. Graphs illustrating historical msw tipping fees for the period 1990 – 2017 (projected) and historical msw tipping fees versus the rate of inflation for the period 1990 - 2016 were reviewed. A chart outlining neighboring County tip fees was provided. An analysis of 2015 actual and 2016 and 2017 projected tonnage by waste class was reviewed. An overview of system revenues outlining 2015 actual, 2016 (6-month data), and 2017 projected was reviewed. A historical review of recycling revenues and budget projections for 2017 was presented. The Authority is proposing a small increase in projected revenue to \$2,050,000 for 2017. Mr. Rabbia outlined proposed 2017 revenue assumptions for solid waste, recyclables, landfill gas, recyclable processing fees, carbon credits and miscellaneous revenues. Mr. Donovan reviewed system expenditures by cost center outlining 2015 actual, 2016 (6-month data), and 2017 proposed. He stated that 2017 proposed expenditure assumptions include an 8% to 15% increase in health insurance expenses over 2016 projected expenses; fuel costs budgeted at \$2.50 per gallon; \$455,000 of contracted host community payments; and public education expenses budgeted at \$70,000. The 2017 proposed landfill reserves total \$2,050,000 [\$450,000 for equipment replacement and \$1,600,000 for landfill liner extension]. As part of the Authority's five-year financial plan, Mr. Donovan stated that the Authority has been working with Bond Counsel on the defeasance of the Authority's 2011 and 2007 bonds. A resolution will be presented to the Board in December with the adoption of the budget for the defeasance of approximately \$6,000,000 of bonds. Mr. Rabbia said that the 2017 proposed capital plan funded through tipping fees will be \$714,500 which is a decrease of \$375,500 from the 2016 budget. Several charts that indicated revenues and expenses by category and cost centers projected for 2017 were reviewed.

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AUTHORITY MEETING MINUTES

November 21, 2016

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The proposed 2017 budget for the six municipalities in which the Authority administers the respective municipal programs was presented. The City of Utica and the Villages will not require an increase in fees for 2017. Discussion ensued.

There was no one present from the public at the public hearing on the proposed 2017 budget. A motion was made by Mr. D'Onofrio, seconded by Ms. Freeman and passed to close the public hearing.

The regular meeting of the Authority resumed.

There were no speakers for regular public comment period.

Mr. Rabbia said that the Authority just passed the 10-year anniversary since the opening of the Regional Landfill in Ava. Mr. Rabbia reviewed the operation time line of the first ten years of the landfill:

- 2006 Opened October 24, 2006 (3 Cells; 23.6 Acres Lined)
- Estimated Facility Life – 62 Years (1,200[#]/cy; 208,000 Tons Per Year)
- Total of 19 Cells Permitted Per 150 Acres
- 2010 Installed Active Gas Collection 2010 (Skid Flare/Gas Header) 73 Wells to Date
- 2010 Constructed 4th Cell (9.3 Acres)
- 2012 Landfill Gas to Electricity
 - 2012 1st Engine Installed
 - 2013 2nd Engine Installed - Powers 3,300 Houses Annually
- 2014 Constructed 5th Cell (8.95 Acres)
- 2015 5th Cell Operational

After operating 10 years and assuming the current tonnage, Mr. Rabbia stated that the landfill now has a future capacity of over 80 years. This is mainly due to higher waste density (1920[#]/cy) as compared to original estimates.

Mr. Donovan said that the Authority is required to annually review and approve its Investment Policy and Guidelines and said that Resolution No. 16 before the Board would approve the Investment Policy and Guidelines without modification. He reported that the Finance Committee reviewed the Investment Policy and is recommending no modifications at this time. Mr. Donovan said that all Authority investments are in compliance with the Investment Policy.

Resolution No. 16 was introduced by Mr. Bono, seconded by Mr. Hertline and passed to approve the Investment Policy and Investment Guidelines without modification.

Mr. Rabbia reported that Fulton County is interested in formulating an intergovernmental agreement with the Authority for the processing and marketing of their recyclable material. Under the agreement, Fulton County would pay a rate of \$68.98 per ton in 2017 with an annual escalator of 2% for each subsequent year of the five-year term. Mr. Rabbia noted that projected revenue under this agreement was not incorporated into the proposed 2017 budget.

Resolution No. 17 was introduced by Ms. Freeman, seconded by Mr. Bono and passed approving an intergovernmental agreement with Fulton County for the processing and marketing of their recyclables.

Mr. Rabbia said that he and Director of Recycling Emily Albright have been working with the Village of Mohawk on a bid spec for the collection and haul of solid waste and recyclables in the Village. The Village recently awarded the bid to Spohn's Disposal for a three-year term, with two one-year extensions.

AUTHORITY MEETING MINUTES

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Spohn's currently provides service to the Village. Mr. Rabbia noted that the new contract will include a provision for a 64-gallon recycling cart for every participating property in the Village.

Mr. Rabbia reported that the Authority continues working with Barton & Loguidice on fine tuning the organics feasibility study and financial analysis associated with installing a source separated organics processing facility adjacent to the Authority's Utica Transfer Station. Mr. Rabbia said the Authority is also studying other communities that have put in similar facilities and is analyzing the differential between the municipal solid waste tip fee and the organics tip fee to determine how much tonnage would be required to feed a facility.

Mr. Rabbia said that he and Ms. Albright attended a ribbon cutting on November 5th in the Village of Boonville to officially open the park located behind the Erwin Library and Institute and the Dodge-Pratt-Northam Art and Community Center, which was part of the transportation improvement project the Authority funded. Mr. Rabbia said that the community has provided positive feedback on the project. He noted that books were collected for recycling and Confidata provided paper shredding at the ribbon cutting.

Mr. Rabbia said that the solar array project is moving forward again, although there is no start-up date yet. National Grid has provided the Authority with a draft easement for review and the Public Service Commission is doing its part.

Resolution No. 18 was introduced by Ms. Freeman, seconded by Mr. Williams and passed commending the service of Authority employee George James. Mr. James served as the first Operations & Landfill Facility Manager and Manager of the former Oneida County Energy Recovery Facility and Supervisor of the Ash Landfill until closure of those facilities. The Authority Secretary read the Resolution aloud.

Board Members extended their appreciation and praised Mr. James for his exceptional hard work and dedication over the years.

At 5:39 PM a motion was made by Mr. Bono, seconded by Mr. Roberts and passed to go into executive session to discuss personnel matters.

At 6:05 PM a motion was made by Mr. Hertline, seconded by Mr. Williams and passed to come out of executive session.

With no further business, a motion was made by Ms. Freeman, seconded by Mr. Bono and passed to adjourn the meeting.

Respectfully submitted,

Jodi M. Tuttle
Authority Secretary

Preserving the environment through integrated recovery and disposal.

Introductory No.

Resolution No. 19

Introduced by:

Seconded by:

RE: COMMENDING THE UTICA ZOO AS 2016 RECYCLING CHAMPION

WHEREAS, the Utica Zoo has served our region for over 100 years by creating unique experiences and promoting public appreciation of wildlife through education, conservation and recreation; and

WHEREAS, the Utica Zoo is committed to developing and implementing a comprehensive, reliable program to reduce solid waste, increase recycling and conserve energy at its Utica facility; and

WHEREAS, the Utica Zoo has been an advocate for the environment through its dedication to increase recycling and waste reduction, reducing dependency on landfilling and other natural resources; and

WHEREAS, the Utica Zoo has been a strong supporter of the Authority's public education initiatives to promote recycling, reuse and proper waste disposal by partnering with the Authority at annual Earth Day Events; incorporating recycling presentations at Zoo Camps; participating in Authority Zero Waste Lunch Challenges through Utica Zoomobile demonstrations at area schools; and promoting the Authority's RecycleOne program; and

WHEREAS, the Utica Zoo has a long history of environmental stewardship and has been recycling and reusing for decades; and

WHEREAS, the Utica Zoo has incorporated sustainability initiatives into every aspect of its daily operations, including reuse and repurposing of materials for animal care and enrichment as well as composting of spent materials; and

WHEREAS, the Utica Zoo partnered with the Authority to conduct an on-site review of the grounds in an effort to profile types and volumes of waste and recyclables and to identify its origins and handling of such waste and in April 2016 received RecycleOne Business Certification through the Authority; and

WHEREAS, the Utica Zoo is a leading example of how a local business can implement a comprehensive, consistent and sustainable recycling, energy and solid waste reduction program; now, therefore be it

RESOLVED, that the Oneida-Herkimer Solid Waste Management Authority recognizes the outstanding work done by the Utica Zoo by presenting them with the Authority's 2016 Recycling Champion Award to commend their fine example.

Adopted by the following vote:

AYES___ NAYS___

Dated:

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Authority Board Secretary

Introductory No.

Resolution No. 20

Introduced by:

Seconded by:

RE: APPROVAL OF 2017 ONEIDA-HERKIMER SOLID WASTE MANAGEMENT AUTHORITY BUDGET, 2017 RATE SCHEDULE, AND THE SOLID WASTE COLLECTION AND DISPOSAL PERMIT RULES AND REGULATIONS

WHEREAS, the Authority commenced the budget preparation process in August; and

WHEREAS, the Finance Committee of the Board of Directors reviewed financial information, revenue estimates, and expenditure requests and the Committee evaluated alternatives and compiled a proposed budget for 2017; and

WHEREAS, the proposed budget for the Oneida-Herkimer Solid Waste Management Authority for 2017 was distributed on October 28, 2016 in conformance with the Public Authorities Accountability Act, the Authority statute and bylaws; and

WHEREAS, the proposed budget has been available for public comment since October 28, 2016 and it was also the subject of a public briefing at the Authority meeting on November 21, 2016; and

WHEREAS, a public hearing was held on November 21, 2016 to receive and consider public comment on the proposed budget; and

WHEREAS, all other provisions of the Public Authorities Accountability Act, Authority statute and bylaws were met with respect to the proposed budget; and

WHEREAS, the proposed budget for the Authority covers the revenues and expenditures for the Administrative function, the Western Transfer Station, the Eastern Transfer Station, the Green Waste Compost Facility, the Recycling Center, the Household Hazardous Waste Facility, Debt Service, the Regional Landfill Facility, the Utica collection function, the Ilion collection function, the Frankfort collection function, the Mohawk collection function, the Dolgeville collection function and the Herkimer collection function; and

WHEREAS, the Authority is continuing a system of fees and charges which meet all its obligations and support its functions and also provide direct economic incentives to maximize recycling; now, therefore, be it

RESOLVED, that the Authority hereby adopts the 2017 budget as attached; and be it further

RESOLVED, the attached schedule of charges be adopted for Authority Services for 2017; and be it further

RESOLVED, that the Authority hereby approves the Solid Waste Collection and Disposal Permit Rules and Regulations as attached; and be it further

RESOLVED, that the Authority reserves the right to establish or amend fees, as it may deem necessary, at a later date.

Adopted by the following vote:

AYES__ NAYS__

Dated:

2017 PROPOSED FEE SCHEDULE WASTE CLASS	CONTRACT PERMITTED HAULER RATE PER TON OR RATE PER ITEM	NON-CONTRACT PERMITTED HAULER RATE PER TON OR RATE PER ITEM	RESIDENT RATE PER TON OR RATE PER ITEM
Municipal Solid Waste (MSW) [Non-Recyclable Waste]	\$64.00	\$115.00	\$64.00
Local Solid Waste (LSW) [Non-Recyclable Waste]	\$54.00	N/A	N/A
Sludge	\$64.00	\$115.00	N/A
Construction & Demolition (C&D)	\$58.00	\$115.00	\$58.00
C&D Trucking & Disposal Roll-Off	\$73.00	N/A	N/A
C&D Trucking & Disposal Trailer	\$58.00	N/A	N/A
C&D - Trailer Direct Haul	\$50.00	N/A	N/A
Waste Mixed with 25% Recyclables	\$128.00	\$230.00	\$128.00
Select C&D (Clean Fill Only i.e., asphalt, concrete, brick and stone)	\$25.00	N/A	\$25.00
Clean Wood Pallets	\$15.00	\$15.00	\$15.00
Direct Haul Special Waste	\$55.00	\$87.00	N/A
Direct Haul Asbestos (1 ton minimum up to 4,000 tons)	\$80.00	\$159.00	N/A
Direct Haul Bulk Asbestos (> 4,000 tons per year to 8,000 tons per year)	\$70.00	\$159.00	N/A
Direct Haul Bulk Asbestos (> 8,000 tons per year)	\$60.00	\$159.00	N/A
ADC/Contaminated Soil – Regional Landfill Cover	\$15-\$30	N/A	N/A
Single Stream Recyclables(Oneida & Herkimer County)	\$0.00	\$49.00	\$0.00
Out of Region Single Stream Recyclables (Prior Authorization Needed)	TBD	N/A	N/A
Recyclables Mixed with Unacceptable Material	\$64.00	\$115.00	\$64.00
Green Waste/Wood Chip Disposal	\$15.00	\$18.50	\$5.00 Flat Fee P/U Truck
Green Waste/Wood Chip Disposal - Minimum Charge	\$5.00	\$5.00	\$5.00
Bagged Compost Out	N/A	N/A	\$2.00 Per Bag or 3 Bags for \$5.00
Bulk Compost Out - Large P/U Truck [3 buckets] (we load)	N/A	N/A	\$20.00 Flat Fee
Bulk Compost Out - Small P/U Truck [up to 2 buckets] (we load)	N/A	N/A	\$15.00 Flat Fee
Bulk Compost Out - Less than 100 yd. (we load)	N/A	N/A	\$15.00 Per Yard
Bulk Compost Out - Greater than 100 yd. (we load)	N/A	N/A	\$12.00 Per Yard - By Appointment Only
Bulk Compost Out - Greater than 500 yards per year (we load)	N/A	N/A	\$10.00 Per Yard
Stumps, Root Balls & Oversized Limbs	\$15.00	\$18.50	N/A
Tires up to 20" (Per Tire)	\$2.50	\$3.00	\$2.50
Tires 700 to 900 Series (Per Tire)	\$4.50	\$5.50	\$4.50
Tires 900 to 11.20 Series (Per Tire)	\$12.50	\$15.50	\$12.50
Tractor Tires (Per Tire)	\$20.00	\$25.00	\$20.00
Tires Bulk	\$190.00	\$235.00	\$190.00
Tires on a Rim Add for Each	\$2.00	\$2.00	\$2.00
Household White Goods (i.e. Washers) Per Item	\$0.00	\$0.00	\$0.00
Household Items w/CFCs (i.e. Freezers) Per Item	\$10.00	\$15.00	\$10.00
35-Gallon Bag of MSW	N/A	N/A	\$2.00
One Bulk Item (i.e. Chair/Sofa/Table)	N/A	N/A	\$5.00
Minimum Load Charge - MSW 0 to 250 lbs.	\$8.00 Flat Fee	\$15.00 Flat Fee	\$8.00 Flat Fee
Minimum Load Charge - MSW 251 to 500 lbs.	\$16.00 Flat Fee	\$28.75 Flat Fee	\$16.00 Flat Fee
Minimum Load Charge - MSW 501 to 750 lbs.	\$24.00 Flat Fee	\$43.25 Flat Fee	\$24.00 Flat Fee
Minimum Load Charge - MSW 751 to 1,000 lbs.	\$32.00 Flat Fee	\$57.50 Flat Fee	\$32.00 Flat Fee
Minimum Load Charge - LSW 0 to 250 lbs.	\$6.75 Flat Fee	N/A	N/A
Minimum Load Charge - LSW 251 to 500 lbs.	\$13.50 Flat Fee	N/A	N/A
Minimum Load Charge - LSW 501 to 750 lbs.	\$20.25 Flat Fee	N/A	N/A
Minimum Load Charge - LSW 751 to 1,000 lbs.	\$27.00 Flat Fee	N/A	N/A
Minimum Load Charge - C & D 0 to 250 lbs.	\$8.00 Flat Fee	\$15.00 Flat Fee	\$8.00 Flat Fee
Minimum Load Charge - C & D 251 to 500 lbs.	\$14.50 Flat Fee	\$28.75 Flat Fee	\$14.50 Flat Fee
Minimum Load Charge - C & D 501 to 750 lbs.	\$22.00 Flat Fee	\$43.25 Flat Fee	\$22.00 Flat Fee
Minimum Load Charge - C & D 751 to 1,000 lbs.	\$29.00 Flat Fee	\$57.50 Flat Fee	\$29.00 Flat Fee
Penalty for Untarped Loads	\$10.00	\$10.00	\$10.00
Manually Removing Frozen Loads	\$0.00	\$25.00	N/A
Vehicle Weight Fee	\$5.00	\$10.00	\$5.00
MSW = Municipal Solid Waste (Non-Recyclable Waste) LSW = Local Solid Waste (Non-Recyclable Waste) ADC = Alternate Daily Cover C&D = Construction & Demolition Debris T&D = Trucking & Disposal N/A = Non-Applicable			
TBD = To Be Determined			



The Authority
ONEIDA-HERKIMER SOLID WASTE AUTHORITY

**SOLID WASTE
COLLECTION AND DISPOSAL
PERMIT
RULES AND REGULATIONS**

**1600 Genesee Street
Phone: (315) 733-1224**

**Web Site: www.ohswa.org
E-mail: ohswa.org**

**Utica, NY 13502
Fax: (315) 733-2305**

These rules and regulations apply to the collection and disposal of all solid waste and recyclables generated in Oneida County and/or Herkimer County. In addition, the provisions of Local Law #1 of 1990 for Oneida County and Local Law #1 of 1990 for Herkimer County (the “Local Laws”) shall be applicable to all permits issued hereunder and must be fully complied with by the permit holder.

I. Solid Waste Collection and Disposal Permit

All persons, companies, partnerships, municipalities or other entities engaged in the commercial collection, pick-up, transfer, removal, and/or disposal of solid waste and/or recyclables in Oneida County and/or Herkimer County shall obtain a permit issued by the Oneida-Herkimer Solid Waste Management Authority (the “Authority”) (“Permit”) authorizing the Permit holder to engage in the commercial collection, pick-up, transfer, removal, and/or disposal of solid waste and/or recyclables in Oneida County and/or Herkimer County.

- A. Any Permit issued by the Authority shall be in the nature of a privilege and shall not be deemed to create a property interest with respect to said Permit by the Permit holder. Any Permit issued by the Authority shall be subject to the terms, conditions, rules and regulations set forth hereunder, in the Authority’s Facility Rules and Regulations, the Local Laws, as well as any other applicable laws, statutes, ordinances, rules, regulations and procedures.
- B. Failure to obtain a Permit shall prohibit any person, company, partnership, municipality, or other entity from engaging in the commercial collection, pick-up, transfer, removal and/or disposal of solid waste and/or recyclables within Oneida County and/or Herkimer County.
- C. The Authority reserves the right to deny a Permit to any person, company, partnership, municipality or other entity that it deems unfit to engage in the commercial collection, pick-up, transfer, removal and/or disposal of solid waste and/or recyclables in Oneida County and/or Herkimer County based upon prior activities, information submitted in the Permit application or obtained from other reliable sources.

- D. The Authority reserves the right to revoke any Permit for failure to comply with the terms, conditions, rules and regulations set forth hereunder, and/or set forth in the Authority Facility Rules and Regulations, the Local Laws, as well as any other applicable laws, statutes, ordinances, rules, regulations and procedures.
- E. The Authority reserves the right to refuse to renew a Permit in the event the Permit holder has failed or is failing to comply with terms, conditions, rules and regulations set forth hereunder, and/or set forth in the Authority Facility Rules and Regulations, the Local Laws, as well as any other applicable laws, statutes, ordinances, rules, regulations and procedures or, if such renewal conflicts with any other applicable provision of law regulating the commercial collection, pick-up, transfer, removal and/or disposal of solid waste and/or recyclables within Oneida County and/or Herkimer County.

II. Terms and Conditions of Permit

- A. This Permit shall be renewed in accordance with the provisions set forth in these procedures.
- B. The Permit holder shall comply with all Federal, State, County, municipal and Authority requirements, statutes, laws, ordinances, rules and regulations.
- C. The Permit holder shall respond to any notice it receives from the Authority which requests a response in the fashion and within the time set forth in any such notice.
- D. The Permit holder agrees that the Authority shall have the right, but shall in no way be obligated to inspect all collection vehicles and equipment as well as solid waste facilities owned or operated by Permit holder and used for the processing of solid waste and/or recyclables collected in Oneida County and/or Herkimer County at any time without prior notice to determine whether the Permit holder is in compliance with all solid waste and/or recyclable transfer and disposal rules and regulations and Permit conditions.
- E. All loads of solid waste, green waste and recyclables shall be covered and/or tarped at the time of delivery to Authority facilities. Failure to tarp or cover loads arriving at Authority facilities will result in additional fees charged.

- F. Solid waste and recyclables shall not be commingled at any time.
- G. All waste collected in Oneida County and/or Herkimer County shall be delivered to a facility designated by the Authority. All recyclables collected in Oneida County and/or Herkimer County at the curbside or delivered to a transfer station for recycling shall be delivered to a facility designated by the Authority. The facilities currently designated by the Authority include the following:

For Recyclables: **Authority Recycling Center**

80 Leland Avenue
Utica, New York, 13502

For Solid Waste: **Authority's Western Transfer Station**

575 Perimeter Road
Rome, New York 13440; and/or

Authority's Eastern Transfer Station

80 Leland Avenue
Utica, New York 13502; and/or

Authority's Regional Landfill [With Special Approval]

7044 NYS Route 294
Boonville, New York 13309

For Green/Yard Waste: **Oneida-Herkimer Municipal Yard Waste**

Compost Facility

80 Leland Avenue
Utica, New York 13502

Each instance in which solid waste and/or recyclables is delivered to a non-designated facility shall constitute a violation of Local Law #1 of 1990 for Oneida County and/or Local Law #1 of 1990 for Herkimer County.

- H. The Permit holder shall procure and maintain vehicle liability insurance throughout the term of the Permit.

III. Procedure

- A. Any person seeking a Permit for the business of commercial collection, pick-up, transfer, removal and/or disposal of solid waste and/or recyclables shall file an application for a Permit on a form provided by the Authority. The form shall be filled out completely and submitted along with the appropriate fees and additional required documentation, or it will be returned or denied, at the Authority's discretion. Applicants shall supply a Certificate of Insurance to the Authority documenting the insurance required in paragraph II. H. above at the time the Permit application is submitted.
- B. Upon receipt of the Permit application, Authority staff shall review the application for completeness and accuracy. If information presented by the applicant is accurate and complete, and applicant is deemed fit to be issued a Permit, the Permit will be granted.
- C. If a Permit is denied based upon applicant's unfitness, the applicant may be provided an opportunity to be heard as determined by the Authority Board.

IV. Enforcement

Failure to comply with any provision of relevant Federal, State, or Local Law, the terms, conditions, rules and regulations, and requirements of a Permit issued hereunder, the Authority's Facility Rules and Regulations, may subject the Permit holder to Permit revocation as well as any penalties applicable, including, but not limited to the penalties set forth in Section 12 of Local Law #1 of 1990 for Oneida County and Section 13 of Local Law #1 of 1990 for Herkimer County.

V. Severability

If any section or part of a section, paragraph, sentence, clause, phrase or work of these rules and regulations is, for any reason, held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of these Rules and Regulations.

Introductory No.

Resolution No. 21

Introduced by:

Seconded by:

RE: DESIGNATING UNRESTRICTED FUNDS FOR THE PARTIAL REDEMPTION OF BONDS

WHEREAS, the Finance Committee (the “Finance Committee”) of the Oneida-Herkimer Solid Waste Management Authority (the “Authority”) reviews on a semi-annual basis the five-year financial plan that outlines projected revenues, expenses, debt and tipping fees; and

WHEREAS, the Board of Directors of the Authority and the Finance Committee are committed to paying for further capital projects, including equipment and landfill cell expansions, without incurring additional debt; and

WHEREAS, the Finance Committee has reviewed the five-year financial plan of the Authority and has recommended that the Authority reduce its overall outstanding indebtedness; and

WHEREAS, on April 1, 2017 the Authority can exercise the call feature on its outstanding Solid Waste Management System Revenue Bonds, Series 2007 (the “Series 2007 Bonds”); and

WHEREAS, on April 1, 2021 the Authority can exercise the call feature on its outstanding Solid Waste Management System Revenue Bonds, Series 2011 (the “Series 2011 Bonds”); now, therefore, be it

RESOLVED, by the Oneida-Herkimer Solid Waste Management Authority as follows:

Section 1. The Authority hereby designates \$6,000,000 of its unrestricted cash for the partial redemption of the Series 2007 Bonds and the Series 2011 Bonds.

Section 2. The Executive Director of the Authority is hereby authorized, in the name and on behalf of the Authority, to negotiate, execute, deliver and/or approve one or more letters of instructions with the trustee for the Series 2007 Bonds and the Series 2011 Bonds and all such further instruments, agreements, certificates and other documents as are necessary or appropriate to complete the partial redemption of the Series 2007 Bonds and the Series 2011 Bonds as described herein.

Adopted by the following vote:

AYES _____ NAYS _____

Dated:

**BOARD OF
DIRECTORS**

Neil C. Angell
Chairman

Kenneth A. Long
Vice Chairman

Harry A. Hertline
Treasurer

Vincent J. Bono

James M. D’Onofrio

James A. Franco

Barbara Freeman

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Robert J. Roberts, III

James M. Williams

William A. Rabbia

Executive Director

Jodi M. Tuttle

Authority Board Secretary

Introductory No.

Resolution No. 22

Introduced by:

Seconded by:

RE: 2016 BUDGET TRANSFERS

WHEREAS, the Authority Board, by Resolution No. 16 of 2015 adopted the 2016 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 2016 Budget Transfers are approved:

From: 605-8170 ADMIN – Other Fees & Services \$25,000.00
From: 900-8170 ADMIN – Contingency \$ 9,000.00
To: 693-8170 ADMIN – Maintenance & Service Contracts \$34,000.00
Explanation: To cover additional expenses related to credit card fees and new on-line payment portal system.

From: 900-8175 RLF – Contingency \$10,000.00
To: 693-8175 RLF – Maintenance & Service Contracts \$10,000.00
Explanation: To cover additional costs of service contracts for computers and other maintenance contract items.

From: 656-8180 ETS – Gas & Oil \$5,000.00
To: 651-8180 ETS – Automotive Supplies \$5,000.00
Explanation: To cover additional costs of automotive supplies for ETS equipment.

From: 900-8182 WTS – Contingency \$5,000.00
From: 656-8182 WTS – Gas & Oil \$2,000.00
To: 651-8182 WTS – Automotive Supplies \$7,000.00
Explanation: To cover additional costs of automotive supplies for WTS equipment.

Adopted by the following vote:

AYES___ NAYS ___

Dated:

BOARD OF DIRECTORS

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Treasurer

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James A. Franco

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Robert J. Roberts, III

William A. Rabbia
Executive Director

Kenneth A. Long
Vice Chairman

Vincent J. Bono

Barbara Freeman

James M. Williams

Jodi M. Tuttle
Authority Board Secretary

Introductory No.

Resolution No. 23

Introduced by:

Seconded by:

RE: AWARD OF AGREEMENT TO UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) ANIMAL AND PLANT HEALTH INSPECTION SERVICE (APHIS) WILDLIFE SERVICES (WS)

WHEREAS, the Oneida-Herkimer Solid Waste Authority desires to continue to minimize impacts associated with nuisance wildlife, such as gulls, starlings, crows, muskrats, beavers, turkey vultures, woodchucks and pigeons (nuisance wildlife), at the Oneida-Herkimer Regional Landfill and other Authority Facilities; and

WHEREAS, the USDA-APHIS-WS has statutory authority under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426-426b) as amended, and the Act of December 22, 1987 (101 Stat. 1329-331, 7 U.S.C. 426c), to cooperate with states, local jurisdictions, individuals, public and private agencies, organizations, and institutions while conducting a program of wildlife services involving mammal and bird species that are reservoirs of zoonotic diseases, or animal species that are injurious and/or a nuisance to, among other things, agriculture, horticulture, forestry, animal husbandry, wildlife, and human health and safety; and

WHEREAS, the USDA-APHIS-WS employs expert biologists and technicians that conduct nuisance wildlife management services, secure all necessary permits and prepare associated reports; and

WHEREAS, Authority staff have observed and interacted with USDA-APHIS-WS technicians and biologists as they conducted nuisance wildlife management at Authority Facilities for ten years; and

WHEREAS, the USDA-APHIS-WS has fulfilled all its duties and responsibilities and has successfully managed nuisance wildlife at Authority Facilities for ten years; and

WHEREAS, the USDA-APHIS-WS has developed a Cooperative Service Agreement to conduct four days per week, on-site, integral nuisance wildlife control program at the Oneida-Herkimer Solid Waste Management Facilities which will reduce human health and safety risks and property damage associated with nuisance wildlife; and

WHEREAS, Authority staff have negotiated a one-year agreement with USDA-APHIS-WS; and

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**Introductory No.
Resolution No. 23**

Page 2

WHEREAS, the USDA-APHIS-WS offers the unparalleled resources and expertise of the Federal Government in nuisance wildlife management; now, therefore, be it

RESOLVED, that the Authority Board accepts and approves the attached Inter-Governmental Agreement put forth by USDA-APHIS-WS and commencing on January 1, 2017 and continuing for one year from that date; and be it further

RESOLVED, that the Authority Board directs the Executive Director to take all necessary action to implement this Agreement.

Adopted by the following vote:

AYES__ NAYS__

Dated:

Introductory No.

Resolution No. 24

Introduced by:

Seconded by:

RE: CONTRACT FOR TRANSPORTATION OF LEACHATE FROM THE ONEIDA-HERKIMER LANDFILL

WHEREAS, the Oneida-Herkimer Solid Waste Management Authority owns and operates a municipal landfill in Ava, NY, pursuant to a Part 360 permit (the "Permit") issued to the Authority by NYSDEC; and

WHEREAS, the Permit requires that the Oneida-Herkimer Solid Waste Management Authority provide for environmentally sound disposal of all leachate generated at the Oneida-Herkimer Landfill; and

WHEREAS, the Authority, pursuant to Section 103 of the New York General Municipal Law, by a Request for Proposals (RFP) dated October 31, 2016, invited interested respondents to submit proposals for the transportation of leachate for a term commencing on January 1, 2017 and terminating on December 31, 2021; and

WHEREAS, the Authority received proposals from Eggan Excavating & Equipment Co., Inc. (Rome, NY) and Riccelli Enterprises, Inc. (N. Syracuse, NY); and

WHEREAS, Authority staff have reviewed and evaluated credentials, experience, equipment, content and proposed fees for each proposal; and

WHEREAS, Section 103 of the New York General Municipal Law requires that public contracts be awarded to the lowest responsible bidder; and

WHEREAS, Eggan Excavating & Equipment Company, Inc. was determined by Authority staff to be the lowest responsible bidder, therefore, Authority staff recommends that the Authority enter into a service agreement with Eggan Excavating & Equipment Company, Inc. for transportation of leachate from the Oneida-Herkimer Landfill, for the fees per gallon listed in their proposal commencing on January 1, 2017 and ending on December 31, 2021 and hauled to the Rome Water Pollution Control Facility (RWPCF) and the Oneida County Department of Water Quality and Water Pollution Control (OCWQWPCF);and

**BOARD OF
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Authority Board Secretary

WHEREAS, the Authority has determined that an agreement with Eggan Excavating & Equipment Company, Inc. will represent an unlisted action pursuant to 6 NYCRR Part 617, and it is noted that a complete draft and final environmental impact statement were completed for the landfill facility inclusive of all transportation matters including leachate transportation; and

WHEREAS, as required pursuant to the New York State Code of Rules and Regulations, the Authority has prepared an environmental assessment form and has given due consideration to the environmental impacts, if any, that the activities to be undertaken pursuant to the proposed agreement will have and has determined there will be no significant negative environmental impacts; now, therefore, be it

RESOLVED, that the Board directs the Executive Director to prepare and to take all action necessary to enter into a contract with Eggan Excavating & Equipment Company, Inc. for the leachate transportation service.

Adopted by the following vote:

AYES__ NAYS__

Dated:

Introductory No.

Resolution No. 25

Introduced by:

Seconded by:

RE: ESTABLISH REGULAR MEETING DATES FOR 2017 AND DESIGNATE OFFICIAL NEWSPAPERS FOR PUBLICATION OF LEGAL NOTICES

WHEREAS, the Authority customarily adopts a regular meeting schedule for the upcoming year and designates official newspapers for the publication of legal notices; now, therefore, be it

RESOLVED, that the Authority Board of Directors hereby designates the following meeting dates for 2017: March 20, May 15, June 19, September 18, November 20 and December 18. The Chairman may call additional meetings as necessary and after public notice; and further be it

RESOLVED, that the Board of Directors hereby designates the Utica Observer-Dispatch, the Rome Daily Sentinel, and the Times Telegram for publication of all official notices of the Authority and the Board further directs the Authority Secretary to post all official notices on the Authority's web site.

Adopted by the following vote:

AYES__ NAYS__

Dated:

BOARD OF DIRECTORS

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James A. Franco

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Kenneth A. Long
Vice Chairman

Vincent J. Bono

Barbara Freeman

James M. Williams

Jodi M. Tuttle
Authority Board Secretary

Preserving the environment through integrated recovery and disposal.

Introductory No.

Resolution No. 26

Introduced by:

Seconded by:

RE: ELECTION OF OFFICERS AND COMMITTEE MEMBERS FOR 2017

WHEREAS, pursuant to the New York State Public Authorities Accountability Act and the Authority's Bylaws, the following slate of officers has been recommended by the Nominating Committee to serve for 2017:

Ken Long, Chairman
Vincent Bono, Vice Chairman
Harry Hertline, Treasurer

; now, therefore, be it

RESOLVED, that the Authority Board hereby elects the following slate of officers for 2017:

Ken Long, Chairman
Vincent Bono, Vice Chairman
Harry Hertline, Treasurer

; and further be it

RESOLVED, that the Authority Board of Directors hereby appoints the following members to serve on the following committees for 2017:

Audit Committee:

Harry Hertline – Chairman, Audit Committee
Vincent Bono - Vice Chairman, Audit Committee
Robert J. Roberts, III

Finance Committee:

Harry Hertline – Chairman, Finance Committee
Robert J. Roberts, III - Vice Chairman, Finance Committee
Vincent Bono

BOARD OF DIRECTORS

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Chairman

Kenneth A. Long
Vice Chairman

Harry A. Hertline
Treasurer

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James M. D'Onofrio

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William A. Rabbia

Executive Director

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Authority Board Secretary

Introductory No.
Resolution No. 26
Page 2

Governance Committee:

Barbara Freeman – Chairperson
James Williams
Nancy Novak

FOIL Appeals Committee:

James D’Onofrio – Chairman
Barbara Freeman
James Franco

Adopted by the following vote:

AYES__ NAYS__

Dated: