

MEMORANDUM

TO: Authority Board of Directors

FROM: William A. Rabbia, Executive Director

DATE: March 10, 2016

RE: Meeting Notice & Tentative Agenda - Monday, March 28, 2016 - 4:30 PM

1. Pledge of Allegiance
2. Approval of December 21, 2015 Authority Minutes
3. Public Comment Period
4. Independent Audit – Paul Goetz, Partner, SaxBST
5. Reconciliation of 2015 Budget and 2015 Budget Amendments – Resolution
6. Deferred Compensation Plan Amendments – Resolution
7. Issuance of Draft RFP for Transportation of Non-Recyclable Solid Waste – Resolution
8. Mission Statement/Performance Measure Report – Resolution
9. Annual Board of Directors Evaluation – Resolution
10. Reappointment of Contracting Officer and Annual Approval of Property Disposition Policy – Resolution
11. Code of Ethics Policy and Fraud Policy – Resolution
12. Procurement Policy and Designation of Sole Source Vendors – Resolution
13. Public Authorities Reporting Information System (PARIS) Authorization – Resolution
14. Updates:
 - Boonville Dollar General/Transportation Project
 - Facebook – AmIRecyclable? Campaign
 - NYS Electronics Waste Law
 - NYS Solid Waste Regulations – Proposed Changes
15. Motion to go into Executive Session to discuss pending litigation.

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DRAFT

AUTHORITY MEETING MINUTES

December 21, 2015

Board Members Present: Chairman Neil Angell, Vice Chairman Ken Long, Treasurer Harry Hertline, Vincent Bono, James D’Onofrio, James Franco, Barbara Freeman and Jim Williams

Board Members Absent: Nancy Novak and Robert Roberts

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

Others Present: Kevin Martin, Esq.

Chairman Angell called the December 21, 2015 Authority meeting to order at 4:35 PM and opened with the Pledge of Allegiance.

A motion was made by Mr. Hertline, seconded by Mr. Williams and passed to approve the November 16, 2015 Authority Minutes.

Chairman Angell called the public hearing on the proposed 2016 budget to order. There was no one from the general public in attendance, therefore, Chairman Angell declared the public hearing closed. The regular meeting continued.

Resolution No. 16 was introduced by Mr. D’Onofrio, seconded by Ms. Freeman and passed approving the 2016 Authority Budget, 2016 rate schedule, and the solid waste collection and disposal permit rules and regulations.

There were no speakers for regular public comment period.

Comptroller Donovan said that Resolution No. 17 would authorize budget transfers needed for unanticipated expenses to cover additional maintenance/service contracts, temporary labor costs, disposal fees for tires, automotive supplies, professional fees for the landfill, including new monitoring wells and carbon credit verification, and disposal expenses for household hazardous waste.

Resolution No. 17 was introduced by Mr. Bono, seconded by Mr. Hertline and passed approving 2015 budget transfers.

Executive Director William Rabbia stated that Resolution No. 18 before the Board would authorize him to execute an agreement with Lewis County for the processing and marketing of recyclables for a five-year period. He noted that a draft Agreement with Lewis County was fashioned similar to the agreement the Authority has with Oswego County. The Authority has been processing Oswego County’s recyclables for two years. Oswego County is averaging about 6,800 tons which allows for an additional 8,200 tons the Authority could process from outside the region and within fixed operating costs.

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AUTHORITY MEETING MINUTES

December 21, 2015

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Under the Agreement, the Authority would charge Lewis County \$70 a ton for processing and marketing of recyclable material collected and delivered by Lewis County to the Authority, and includes a 2% escalator beginning January 1, 2017.

Lewis County has been averaging approximately 1,200 tons per year. Mr. Rabbia said that the Authority has been working with Lewis County on a trial basis since June of 2015. The Development Authority of the North Country (DANC) oversees Jefferson, St. Lawrence and Lewis Counties and has reached out to the Authority for assistance with some of the public education (i.e., the Authority's RecycleOne message) related to this endeavor. Discussion ensued.

Resolution No. 18 was introduced by Ms. Freeman, seconded by Mr. Williams and passed approving an intergovernmental agreement with Lewis County for the processing and marketing of their recyclables.

Mr. Rabbia explained that Resolution No. 19 would approve an amended community compensation agreement with the Village of Boonville, in lieu of a bypass, and approve an agreement with the Erwin Library and Institute of Boonville. Mr. Rabbia reviewed the provisions of the agreements.

Resolution No. 19 was introduced by Mr. Hertline, seconded by Ms. Freeman and passed approving an amended community compensation agreement with the Village of Boonville and an agreement with the Erwin Library and Institute of Boonville. Chairman Angell cast a nay vote.

Mr. Rabbia said that Resolution No. 20 would award a one-year agreement to the U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) Wildlife Services (WS) to manage bird control and nuisance wildlife at the Authority's regional landfill for one year. The USDA-APHIS-WS has successfully managed nuisance wildlife at Authority facilities for nine years.

Resolution No. 20 was introduced by Mr. Bono, seconded by Mr. Franco and passed approving a one-year inter-governmental agreement between the Authority and USDA-APHIS-WS.

Mr. Rabbia stated that Resolution No. 21 would approve a professional services agreement with environmental consultant, Arcadis. The Authority has utilized Arcadis for site investigation and planning of its Regional Landfill and for environmental monitoring, reporting and permit compliance for the first nine years of its operation, and for the Ash Landfill since its closure. Mr. Rabbia said that he is pleased with the performance of Arcadis and is recommending entering into another four-year professional services agreement with them.

Resolution No. 21 was introduced by Mr. Bono, seconded by Mr. Franco and passed approving a four-year professional services agreement with Arcadis.

Mr. Rabbia said that Resolution No. 22 would authorize the extension of a professional services agreement with the public relations firm, Trainor Associates.

Mr. Rabbia said that the Authority has worked with Trainor Associates since 2010 to improve public information and increase public education opportunities. Mr. Rabbia said that there are a number of ongoing projects where the use of a professional public relations firm for communication consulting and creative services is warranted. Based upon past experience with Trainor Associates, Mr. Rabbia is recommending entering into a two-year professional services agreement with two one-year options. He noted that Trainor would be required to request and receive written authorization from the Authority before proceeding with any work and that the charges for any work would be within parameters for public information set forth in the Authority's annual budget.

AUTHORITY MEETING MINUTES

December 21, 2015

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Resolution No. 22 was introduced by Mr. D'Onofrio, seconded by Mr. Franco and passed approving a two-year Professional Services Agreement with two one-year options with Trainor Associates.

Resolution No. 23 was introduced by Mr. Bono, seconded by Mr. Williams and passed designating the following meeting dates for 2016: March 28, May 9, June 20, September 19, November 21 and December 19; and designating the Utica Observer-Dispatch, the Rome Daily Sentinel, and the Times Telegram (formerly Herkimer Evening Telegram) for publication of all official notices of the Authority; and directing the Authority Secretary to post all official notices on the Authority's web site.

Resolution No. 24 was introduced by Mr. Bono, seconded by Ms. Freeman and passed electing the following slate of officers and committee members for 2016: Slate of Officers: Neil Angell, Chair; Ken Long, Vice Chair; and Harry Hertline, Treasurer; Audit Committee: Harry Hertline (Chair), Ken Long (Vice Chair) and Robert Roberts; Finance Committee: Harry Hertline (Chair); Neil Angell (Vice Chair), Ken Long and Robert Roberts; Governance Committee: Ken Long (Chair); Barbara Freeman and James Williams; and FOIL Appeals Committee: Barbara Freeman (Chair), James D'Onofrio and James Franco.

Resolution No. 25 was introduced by Chairman Angell, seconded by Mr. Bono and unanimously adopted commending Director of Recycling David E. Lupinski for his 25 years of exceptional dedication and service to the Authority and residents of Oneida and Herkimer Counties. Authority Secretary Jodi Tuttle read the resolution aloud.

Mr. Lupinski reflected on the changes he has seen in the solid waste and recycling industry over the years and commented that this Authority has one of the most recognized and respected municipal solid waste management and recycling programs in New York State and the nation. Mr. Lupinski said that he has truly enjoyed working for the Authority and expressed his appreciation to the Board.

Ms. Emily Albright was introduced as the Authority's new Director of Recycling.

At 5:10 PM, with no further business, a motion was made by Ms. Freeman, seconded by Mr. Hertline and passed to adjourn the meeting.

Respectfully submitted,

Jodi M. Tuttle
Authority Secretary

Preserving the environment through integrated recovery and disposal.

Introductory No. 1

Resolution No. 1

Introduced by:

Seconded by:

RE: RECONCILIATION OF 2015 BUDGET AND 2015 BUDGET AMENDMENTS TO REFLECT 2015 ACTUAL

WHEREAS, the Authority Board, by Resolution No. 21 of 2014 adopted the 2015 Budget; and

WHEREAS, the Authority Board approved budget transfers to the 2015 Budget by Resolution No. 10 dated June 15, 2015, Resolution No. 12 dated September 21, 2015 and Resolution No. 17 dated December 21, 2015; and

WHEREAS, the changes to total revenues and expenses for 2015 were included in the completed independent audited financial statements issued in March of 2016 and it is necessary to reconcile the 2015 Budget to the 2015 audited financial statements; now, therefore, be it

RESOLVED, that for purposes of the rate covenant compliance report for the Series 2007 bonds, Series 2006 bonds and Series 2011 bonds, the 2015 Budget shall reflect actual 2015 expenses as audited.

Adopted by the following vote:

AYES___ NAYS___

Dated:

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Introductory No.

Resolution No. 2

Introduced by:

Seconded by:

RE: DEFERRED COMPENSATION PLAN AMENDMENTS

WHEREAS, the Oneida-Herkimer Solid Waste Authority provides a Deferred Compensation Plan for Authority employees; and

WHEREAS, from time to time the Authority review's options of the Plan for its participants; and

WHEREAS, the Authority recently reviewed several Plan options that are available to Plan participants; and

WHEREAS, the Authority has determined that it would be advantageous to offer the options of a ROTH Deferred Compensation Plan and a provision for participants to take loans; and

WHEREAS, these new provisions will provide plan participants with more options and flexibility in their Deferred Compensation Plan; now, therefore, be it

RESOLVED, the Authority Board of Directors approves the addition of a ROTH Deferred Compensation Plan and loan provisions to be part of the Authority's Deferred Compensation Plan, effective immediately.

Adopted by the following vote:

AYES____ NAYS____

Dated:

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Introductory No.

Resolution No. 3

Introduced by:

Seconded by:

RE: AUTHORIZING AND DIRECTING THE ISSUANCE OF A DRAFT REQUEST FOR PROPOSALS FOR THE TRANSPORTATION OF NONRECYCLABLE SOLID WASTE

WHEREAS, the Oneida-Herkimer Solid Waste Management Authority (the “Authority”), pursuant to Title 13-FF, Article 8 of the Public Authorities Law, is empowered to perform, or cause to be performed, solid waste management services on behalf of Oneida and Herkimer Counties; and

WHEREAS, the Authority has issued two RFPs in 2006 and 2011 related to the services of transportation of waste from the Western Transfer Station in Rome and the Eastern Transfer Station in Utica to the landfill facility; and

WHEREAS, the Authority Board awarded its most recent five-year contract to Fred Burrows Trucking in 2011 which will expire in 2016; and

WHEREAS, the Board wishes to consider proposals by private companies to provide such transportation service for a new five-year term; and; and

WHEREAS, Section 120w of the General Municipal Law establishes a fair, open and competitive procedure for entering into an agreement(s) for solid waste transportation; and

WHEREAS, the Board wishes to make a contract award for transportation services in time to allow for the necessary preparations prior to the existing contract expiration; now, therefore, be it

RESOLVED, that the Board hereby directs the Executive Director to issue a draft request for proposals (RFP) in accordance with Section 120w of General Municipal Law for transportation services which submissions and results will be reviewed by the Board prior to issuance of a final RFP and so that the Board may make any necessary decision on the provisions of the transportation service arrangement.

Adopted by the following vote:

AYES__ NAYS__

Dated:

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Introductory No.

Resolution No. 4

Introduced by:

Seconded by:

RE: APPROVAL OF ONEIDA-HERKIMER SOLID WASTE MANAGEMENT AUTHORITY MISSION STATEMENT AND PERFORMANCE MEASURE REPORT FOR 2015

WHEREAS, Section 2824-a of the New York State Public Authorities Law requires that the Oneida-Herkimer Solid Waste Management Authority (the "Authority") develop and adopt a Mission Statement and Performance Measures to assist the Authority in evaluating accomplishments of the mission and goals of the Authority; and

WHEREAS, the Authority was required to file a Mission Statement and Performance Measures with the Authorities Budget Office (ABO) on or before March 31, 2011; and

WHEREAS, the Authority adopted its Mission Statement and Performance Measures with adoption of Resolution No. 36 of 2010 and filed as required; and

WHEREAS, the Authority is also required to annually review its Mission Statement and Performance Measures and publish a Measurement Report; and

WHEREAS, the Governance Committee of the Oneida-Herkimer Solid Waste Management Authority has developed the attached Performance Measure Report for 2015 and recommends adoption by the full Board; now, therefore, be it

RESOLVED, that the Oneida-Herkimer Solid Waste Management Authority Board of Directors has reviewed and hereby approves the Authority's current Mission Statement without modifications at this time; and be it further

RESOLVED, that the Oneida-Herkimer Solid Waste Management Authority Board of Directors hereby approves the attached Performance Measure Report for 2015; and be it further

RESOLVED, that the Authority Board of Directors further directs the Secretary of the Board to file and post the Performance Measure Report for 2015 in accordance with the New York State Public Authorities Law.

Adopted by the following vote:

AYES__ NAYS__

Dated:

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Introductory No.

Resolution No. 5

Introduced by:

Seconded by:

RE: ANNUAL BOARD OF DIRECTORS EVALUATION

WHEREAS, Sections 2800(1)(a)(15), 2800(2)(a)(15) and Section 2824(7) of the New York State Public Authorities Law requires that the Oneida-Herkimer Solid Waste Management Authority Board of Directors (the “Authority”) conduct an annual evaluation of its performance; and

WHEREAS, Board members must be committed to the highest standards of corporate governance and hold itself accountable to the mission of the Authority and the public interest; and

WHEREAS, this annual assessment is a reminder to each Board member of his or her duties, why those responsibilities are important, and whether they are performing those duties appropriately; and

WHEREAS, the evaluation provides an opportunity for Board members to measure their individual collective effectiveness, determine if they are following their own policies and procedures, identify areas for Board improvement, and to compare how their evaluation of the Board’s performance compares to that of other Board members; and

WHEREAS, the Authorities Budget Office (ABO) recommends that each Board member annually perform his/her own evaluation of the whole Board and the evaluation should be conducted confidentially with the results compiled by the Governance Committee; and

WHEREAS, to the extent that the results of the evaluation demonstrate the need for the Board to improve its performance, amend its practices or procedures, or clarify its expectations of Board members, the Board is expected to implement suitable corrective actions immediately; and

WHEREAS, the Oneida-Herkimer Solid Waste Management Authority approved an Evaluation form by Resolution No. 37 of 2010; and

WHEREAS, the Governance Committee of the Oneida-Herkimer Solid Waste Management Authority is required to annually review the Board of Directors Evaluation form and recommends no modifications at this time; and

WHEREAS, Board member comments are protected from disclosure under Article 6 of Public Officers Law, but summary of the results of the assessment are to be provided to the Authorities Budget Office (ABO); now, therefore, be it

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Introductory No.

Resolution No. 5

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RESOLVED, that the Oneida-Herkimer Solid Waste Management Authority Board of Directors hereby approves the attached Confidential Evaluation of Board Performance with no modification at this time; and be it further

RESOLVED, that each Board Member will annually complete such evaluation and that member responses will be confidentially submitted to the Authority Governance Committee and then aggregated; and be it further

RESOLVED, that the Authority Board of Directors directs the Secretary of the Board to submit a summary of results of the Board of Directors Evaluation to the ABO via e-mail on or before March 31st of each year.

Adopted by the following vote:

AYES__ NAYS__

Dated:

Introductory No.

Resolution No. 6

Introduced by:

Seconded by:

RE: RE-APPOINTMENT OF CONTRACTING OFFICER RESPONSIBLE FOR THE DISPOSITION OF AUTHORITY PROPERTY AND APPROVAL OF THE PROCEDURE FOR THE DISPOSITION OF AUTHORITY PROPERTY

WHEREAS, since its formation, the Authority has advertised for the sale of, or placed or public auction, personal and real property no longer needed for Authority operations; and

WHEREAS, the Authority prepares and maintains an inventory of such surplus personal and real property; and

WHEREAS, Section 2896 of the New York State Public Authorities Accountability Act (PAAA) has required that the Authority adopt a procedure for the disposition of personal and real property which provides for inventory of property, public notice, open-competitive bidding, and documentation of property sold and that the Authority appoint a contracting officer to administer that procedure; and

WHEREAS, the PAAA requires that the Procedure for the Disposition of Authority Property be annually reviewed and approved by the Board of Directors; and

WHEREAS, the Authority Board adopted the Procedure for the Disposition of Property by Resolution No. 28 dated October 16, 2006; and

WHEREAS, in 2006, the Authority Board appointed James V. Biamonte, Authority Environmental Coordinator, to be the Contracting Officer as set forth in the Public Authorities Accountability Act; and

WHEREAS James V. Biamonte has been reappointed by the Authority Board as Contracting Officer each year since 2006; and

WHEREAS, the Board approved modifications to the Procedure for the Disposition of Authority Property by Resolution No. 1 dated March 17, 2008, Resolution No. 2 dated March 30, 2009, Resolution No. 4 dated March 29, 2010 and Resolution No. 5 dated March 25, 2013; and

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Introductory No.
Resolution No. 6
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WHEREAS, the Governance Committee reviewed the Procedure and is recommending no modifications be made at this time; now, therefore be it

RESOLVED, the Authority Board re-appoints James V. Biamonte to be the Contracting Officer for the period 2016-2017 and directs the Contracting Officer to take all actions required by Public Authorities Accountability Act and the Procedure for the Disposition of Property; and be it further

RESOLVED, the Authority Board of Directors hereby approves the attached Procedure for the Disposition of Authority Property without modification.

Adopted by the following vote:

AYES__ NAYS__

Dated:

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Introductory No.

Resolution No. 7

Introduced by:

Seconded by:

RE: APPROVAL OF CODE OF ETHICS POLICY AND FRAUD POLICY

WHEREAS, the Authority recognizes that there are certain standards of ethical conduct for employees that must be observed to maintain a high level of public confidence; and

WHEREAS, the Authority has from its inception placed a high priority on conducting all matters in the most ethical fashion and numerous steps have been taken to guard against fraudulent activities; and

WHEREAS, the Authority has in place policies and practices to address potentially fraudulent unethical activities as set forth in, but not limited to, the Authority Code of Ethics and other policies set forth in the Employee Handbook as well as the Authority Annual Ethics Disclosure & Statement of Board Responsibility; and

WHEREAS, the Governance Committee reviewed the Authority's current Code of Ethics Policy and determined that revisions should be made to the Code of Ethics Policy; and

WHEREAS, the Governance Committee reviewed the Authority's current Fraud Policy and is recommending no modifications be made to the Fraud Policy at this time; now, therefore, be it

RESOLVED, that the Board of Directors hereby approves the attached revised Code of Ethics Policy; and further be it

RESOLVED, that the Board of Directors hereby approves the attached Fraud Policy without modification; and further be it

RESOLVED, the Board directs the Executive Director to incorporate the attached policies into the Employee Handbook and to post both policies at all Authority facilities and to provide annual written notices to employees, such as an enclosure with employee paychecks, which notifies employees of their responsibilities in regard to ethical conduct and fraudulent activities; and further be it

RESOLVED, that the Authority Board of Directors will continue to monitor activities and implement improvements in the future to protect against potential fraud and unethical practices.

Adopted by the following vote:

AYES___ NAYS___

Dated:

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Introductory No.

Resolution No. 8

Introduced by:

Seconded by:

RE: APPROVAL OF PROCUREMENT POLICY & DESIGNATION OF SOLE SOURCE VENDORS

WHEREAS, the Authority Board of Directors adopted a Procurement Policy by Resolution No. 3 on March 17, 2008 in compliance with the requirements of the New York State Public Authorities Accountability Act; and

WHEREAS, the Board approved amendments to the Procurement Policy by Resolution No. 6 on April 21, 2008, Resolution No. 6 on March 30, 2009 and Resolution No. 7 on March 23, 2015 ; and

WHEREAS, the Board is required to review the Policy annually; and

WHEREAS, the Governance Committee reviewed the policy and is recommending no modifications at this time; now, therefore be it

RESOLVED, the Board of Directors hereby approves the attached Procurement Policy; and further be it

RESOLVED, that the Authority Board hereby designates and authorizes the following agencies, organizations and companies for sole source purchases, and directs the Executive Director to take all action necessary to implement such actions within the budget allocations approved by the Board and in conformance to the Authority Procurement Policy:

Sole Source

Rome Daily Sentinel (legal notices)
Utica Observer Dispatch (legal notices)
Herkimer Evening Telegram (legal notices)
Applicable Federal, State, County, local governments, including school districts
(payments in lieu of taxes, fees, health insurance, workers' compensation, regulatory
payments/fees and host community payments)
National Grid (electricity and natural gas transmission)
Boonville Municipal Commission (electricity)
Upper Mohawk Valley Regional Water Authority (water)
NYS & Local Employee Retirement System (retirement plan)
City of Utica Comptroller (annual solid waste service charge printing and billing)
US Postal Service (mail)
Landfill Services Corp (methane flares)

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Sole Source - Continued

Creative Information Systems (scale computer software)
SWK Technologies (accounting system software)
Siemens (SCADA software/hardware)
Geologic Computer Systems (GPS software – RLF compaction)
ADP (Payroll/HR software)
Al-Jon Manufacturing (waste compactor)
SAGE (third party credit card processor)
VanDyk Baler Corp (Bollegraaf Balers/Titech Opticals – MRF)
LC Whitford (Morbark Tub Grinder Parts)
Landtec (Landfill Monitoring – calibration /service/data service)
Hustler Conveyor Co. (Sorting Discs, Screens – MRF)
Harris Baler Co. (Double Ram Baler – MRF)
Accent Wire (Baler wire tie parts/service – MRF)
Kinequip (Kaeser Compressor – parts/service – MRF)
Joest (vibrator, screen parts – MRF)
QED (Landfill gas well leachate pumps)
Vermeer Rock and Recycling (trommel screen parts – GWC)
Ingersoll Rand Co. (Regional Landfill compressor – parts/service)
Milton CAT – (late model equipment filters – no after-market available/warranty requirement)

;and be it further

RESOLVED, that additional sole source vendors/purchases will be identified to the Board as outlined in the Procurement Policy.

Adopted by the following vote:

AYES__ NAYS__

Dated:

Preserving the environment through integrated recovery and disposal.

Introductory No.

Resolution No. 9

Introduced by:

Seconded by:

**RE: AUTHORIZING AND DIRECTING THE EXECUTIVE DIRECTOR TO SUBMIT/CERTIFY ALL REPORTS
REQUIRED BY THE PUBLIC AUTHORITIES ACCOUNTABILITY ACT**

WHEREAS, the Public Authorities Accountability Act requires submitting information to the Authority Budget Office through the Public Authority Reporting Information System (PARIS) including a Budget Report, Annual Report, Procurement Report, Investment Report and Certified Financial Audit; and

WHEREAS, the Authority's transparency is evident from its annual budget process that requires a public hearing, its reporting of financial and operating information to the Counties, and various reporting required by New York State; and

WHEREAS, the Authority's financial information and governance policies have been distributed to appointing bodies and distributed to the general public; and

WHEREAS, all such PARIS reporting shall be compiled from the records of the Authority, including the independent audit, annual budget, annual report and any other documents necessary; and

WHEREAS, all such information has been made available to the Authority Board of Directors; now, therefore, be it

RESOLVED, that the Authority Board of Directors hereby authorizes the Executive Director to ensure preparation and submit/certify all reports required by the Public Authorities Accountability Act.

Adopted by the following vote:

AYES__ NAYS__

Dated:

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