

MEMORANDUM

TO: Authority Board of Directors
FROM: William A. Rabbia, Executive Director
DATE: September 5, 2014
RE: Meeting Notice & Tentative Agenda – Monday, September 15, 2014 at 4:30 PM

1. Pledge of Allegiance
2. R. W. Burrows, Jr. – Memorial Resolution
3. Approval of June 16, 2014 Authority Minutes
4. Public Comment Period
5. 2014 Budget Transfers – Resolution
6. U.S. SEC Initiative – Resolution
7. Textile Recovery Campaign – Resolution
8. Regional Landfill – Cell 6 Bid/Construction Update
9. Other Updates
 - 2015 Budget Timeline/Financial Plan
 - Regional Demolition Program
 - Boonville Bypass
 - City of Rome Toter Program
 - CNY Business Expo/Electronics/Business Recycling
9. Request Motion to go into Executive Session to Discuss Pending Litigation

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Preserving the environment through integrated recovery and disposal.

Introductory No.

Resolution No. 14

Introduced by:
 Secoded by:

**MEMORIAL RESOLUTION
 R. W. (BILL) BURROWS, JR.**

It is with great regret that the Oneida-Herkimer Solid Waste Management Authority Board of Directors marks the death of former Board Member R. W. (Bill) Burrows, Jr.

Bill was one of the original Herkimer County appointees to the Authority Board in 1988 and served until 1995. As a founding Board member, Bill provided tremendous insight and leadership in building a strong foundation for the two Counties' integrated solid waste management system and developing the Authority's first Local Solid Waste Management Plan.

Bill was an ambitious businessman, committed to environmental protection and preservation. His philosophy and steady approach were prevalent throughout even the most difficult undertakings of the Authority.

The Oneida-Herkimer Solid Waste Management Authority hereby recognizes the life and contributions of R. W. Burrows, Jr., and extends its sincere sympathy to his family.

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**AUTHORITY MEETING MINUTES
1600 GENESEE ST., UTICA, NY
JUNE 16, 2014**

DRAFT

Board Members Present: Chairman Neil Angell, Vincent Bono, James D’Onofrio, James Franco, Barbara Freeman (via teleconference), Harry Hertline, Ken Long, Robert Roberts and James Williams

Absent: Alicia Dicks

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

Others Present: Kevin Martin, Esq.

Chairman Angell called the June 16, 2014 Authority Board meeting to order at 4:35 PM, and opened with the Pledge of Allegiance.

A motion was made by Mr. D’Onofrio, seconded by Mr. Roberts and passed to approve the May 12, 2014 Authority minutes.

There was no one present for public comment period.

Comptroller Pat Donovan provided an overview of the City of Utica Solid Waste Agreed Upon Procedures Report for the period April 1, 2013 through March 31, 2014, performed by SaxBST. The Report highlights the amount of revenue collected through user fees and the sale of City blue bags, and expenses associated with the Utica Fund. Mr. Donovan reported that total revenues for the 12-month period were \$3,430,213, in comparison to \$3,445,913 for the period April 1, 2012 – March 31, 2013. Expenses were \$3,483,232, in comparison to \$3,677,030 during the same period. The overall deficit was (\$53,019), which was approximately \$178,000 lower than the previous year. Mr. Donovan commented that the City of Utica fund has sufficient cash within its fund to pay expenses.

Mr. Rabbia stated that cost savings within the past two collection contracts have provided for maintenance of the City’s solid waste user fees and price of blue bags. After meeting with the Mayor and DPW, Mr. Rabbia said that he is confident that user fees and the price of blue bags can continue to be maintained over the next couple of years, even with the change in how electronics will be handled. Effective January 1, 2015 the New York State E-Waste Law will kick in for residential electronics in which televisions and computers must be recycled and kept separate from solid waste material.

Director of Recycling David Lupinski reported on the Draft Request for Proposals (RFP) for the purchase and/or marketing of processed paper recyclables. Mr. Lupinski stated that the Board previously awarded a five-year contract to Waste Management, Inc./Recycle America for processed paper marketing service which will expire December 2014. There will be a 60-day comment period following the distribution of the Draft RFP. Written comments will be considered and any necessary revisions will then be made. A Final RFP will be developed and released on September 17, 2014 with final proposals due no later than October 1, 2014.

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AUTHORITY MEETING MINUTES

JUNE 16, 2014

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Proposals will then be evaluated in accordance with Section 120-w of General Municipal Law. A bid award is anticipated for November 2014. Resolution No. 12 before the Board would authorize and direct the issuance of the Draft RFP.

Resolution No. 12 was introduced by Mr. Hertline, seconded by Mr. Franco and passed directing the Executive Director to issue a Draft RFP in accordance with Section 120-w of General Municipal Law for processed paper purchase and/or marketing services. Submissions and results will then be reviewed by the Board prior to award of a new contract.

Executive Director Bill Rabbia said that Resolution No. 13 before the Board would authorize the purchase of a group life insurance policy for all full-time, active, Authority employees. Mr. Rabbia said that the Authority solicited and evaluated competitive proposals from a total of 11 insurance companies. The low quote was from Mutual of Omaha Insurance with a policy that would pay one times an employee's annual salary, up to a maximum of \$50,000 per claim. Mutual of Omaha's rate would be guaranteed for two years. Mr. Rabbia noted that the Finance Committee has reviewed the policy and recommends purchasing the policy through Mutual of Omaha.

Resolution No. 13 was introduced by Mr. Bono, seconded by Mr. Roberts and passed approving a group life insurance policy with Mutual of Omaha Insurance for all full-time active Authority employees, effective July 1, 2014, and directing the Executive Director to take all necessary action for its implementation.

Mr. Rabbia provided an update on landfill construction of cell #6 through a powerpoint presentation. He stated that Kubricky Construction is slightly ahead of schedule and that the liner contractor is scheduled to be on-site this week.

Director of Recycling David Lupinski reported that a total of five businesses have achieved certification under the Authority's Business Recycling Program. Mr. Lupinski said that businesses are required to complete a checklist of recycling and waste reduction criteria followed by an on-site visit by Authority staff, to achieve the certification.

Mr. Rabbia discussed that the Village and Town of Boonville have requested assistance from Herkimer-Oneida Counties Transportation Study (HOCTS) to identify bypass routes for landfill traffic. As part of the Authority's host community agreements, the community is required to identify a route and then vote to determine whether the community wants the bypass. HOCTS and its consultant, Barton & Loguidice, have identified four alternative routes. A public information meeting has been scheduled for June 25th in Boonville. The Authority Secretary will forward the link to the project website for the Board's reference.

Mr. Rabbia reported on electricity procurement for Authority facilities. Currently, the Authority procures most of its fuel and energy (diesel, propane and natural gas) through state contract with the Office of General Services (OGS). Although the OGS has never had a state contract for electricity, it is beginning the process to develop one for the future. Mr. Rabbia noted that since electricity has been deregulated there are many contract options available. The Authority currently purchases electricity for its regional landfill through the Boonville Municipal Commission and directly from National Grid for its Utica and Rome facilities. Mr. Rabbia said that discussions have been held with buyers at the OGS to consider various options for the Authority's Utica and Rome facilities. Authority staff is currently researching electricity suppliers, solar development and funding options through the Municipal Electricity and Gas Alliance, sponsored by NYS Association of Counties; Onondaga-Cortland-Madison BOCES Energy Consortium; Integrys Energy Services of New York, Inc.; and SolarCity. Mr. Rabbia noted that Oneida County has issued an RFQ for solar developers and said that there is the potential for piggybacking on the County's RFQ. Once Authority staff concludes its research, Mr. Rabbia will report to the Finance Committee and then the full Board.

AUTHORITY MEETING MINUTES

JUNE 16, 2014

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Chairman Angell inquired as to when there will be enough gas flaring at the landfill for a third generator. Mr. Rabbia conveyed said that the Authority solicited bids for a specialized driller to install new gas wells and expects drilling to begin in July-August of this year. A total of 15 new vertical wells will be installed. Engineering consultant, Barton & Loguidice, conservatively estimate that the Authority will have enough additional gas for a third engine to be installed by mid-2016.

At 5:17 PM a motion was made by Mr. Roberts, seconded by Mr. Hertline and passed to go into executive session to discuss pending litigation.

At 5:30 PM a motion was made by Mr. D'Onofrio, seconded by Mr. Williams and passed to come out of executive session.

With no further business, a motion was made by Mr. Roberts, 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. 15

Introduced by:

Seconded by:

RE: 2014 BUDGET TRANSFERS

WHEREAS, the Authority Board, by Resolution No. 23 of 2013 adopted the 2014 Operating and Capital Budget; and

WHEREAS, it has been determined that budget transfers are needed for unanticipated expenses as indicated below; and

WHEREAS, other expenses are lower than anticipated or revenue is more than anticipated and both are more than sufficient to cover the additional operating expense; now, therefore, be it hereby

RESOLVED, the following 2014 Budget Transfer is approved:

From: 900-8165 MRF - Contingency \$35,000.00

To: 693-8165 MRF - Maint./Contracted Services \$10,000.00

To: 603-8165 MRF- Overtime \$25,000.00

Explanation: To Cover Additional Overtime Costs, Replacement Fire Detection System Work and Overhead Door Work.

From: 601-8165 MRF - Salaries \$45,000.00

To: 608-8165 MRF - Temp. Labor \$45,000.00

Explanation: To Cover Additional Temp. Labor Costs - Sorter Positions Funded in Salaries Account but Utilizing Temp Agency Personnel.

From: 900-8170 ADMIN - Contingency \$8,000.00

To: 610-8170 ADMIN - Office Equipment \$8,000.00

Explanation: To Cover Costs for Purchase of Computer Hardware and Misc. Office Equipment.

From: 900-8175 RLF - Contingency \$15,000.00

To: 613-8175 RLF - Rent/Lease of Equipment \$15,000.00

Explanation: To Cover Costs Associated with Rental of Long Reach Excavator.

From: 900-8180 ETS - Contingency \$10,000.00

To: 603-8180 ETS - Overtime \$10,000.00

Explanation: To Cover Additional Overtime Costs

AYES _____ NAYS _____

Dated:

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Resolution No.

Introductory No. 16

Introduced by:

Seconded by:

RE: AUTHORIZING ALL NECESSARY ACTION IN CONNECTION WITH THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION'S MUNICIPALITIES CONTINUING DISCLOSURE COOPERATION INITIATIVE

WHEREAS, by Title 13-FF of the Public Authorities Law of the State of New York, as amended (the "Act"), the Oneida-Herkimer Solid Waste Management Authority (the "Authority") was created with the authority and power to issue its revenue bonds for the purpose of, among other things, planning, developing, acquiring, constructing and financing the cost of any facility (as defined in the Act) owned or operated by or for the benefit of the Authority in accordance with the Act; and

WHEREAS, the Authority has previously issued one or more series of revenue bonds (collectively, the "Bonds"); and

WHEREAS, an official statement was prepared in connection with the primary offering of each series of the Bonds ("Official Statement"), which Official Statements included certain information with respect to the Authority's past compliance with its continuing disclosure undertakings (the "Prior Undertakings") entered into pursuant to Rule 15c2-12 (the "Rule") promulgated under the Securities Exchange Act of 1934, as amended; and

WHEREAS, on March 10, 2014, the United States Securities and Exchange Commission (the "SEC") announced a "Municipalities Continuing Disclosure Cooperation Initiative (the "MCDC Initiative") relating to inaccurate statements made in offering documents regarding prior continuing disclosure compliance pursuant to the Rule; and

WHEREAS, the MCDC Initiative is designed to afford favorable treatment terms to municipal issuers, including the Authority, as well as underwriters, who self-report inaccurate statements made in offering documents regarding prior continuing disclosure compliance; and

WHEREAS, to participate in the MCDC Initiative, an issuer must provide to the SEC the Municipalities Continuing Disclosure Cooperation Initiative Questionnaire for Self-Reporting Entities contained in the MCDC Initiative (the "Questionnaire"), and thereafter, as applicable, to undertake to follow certain procedures including, but not limited to: (i) establishing appropriate policies and procedures and training regarding continuing disclosure undertakings, (ii) complying with existing continuing disclosure undertakings, including updating past delinquent filings within 180 days, (iii) cooperating with any subsequent investigation by the SEC, (iv) disclosing in a clear and conspicuous fashion the settlement terms in any official statement for any offering by the issuer within the next five (5) years, and (v) providing the SEC with a compliance certificate regarding the foregoing on the one year anniversary of the date of the institution of proceedings under the MCDC Initiative; and

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WHEREAS, the Authority may determine that it is in the best interests of the Authority to self-report certain statements made in one or more Official Statements with respect to the Authority's compliance with the Prior Undertakings under the MCDC Initiative, either because it is concerned the SEC may view them as material misstatements, because an underwriter has elected to self-report such statements, or because of other valid business considerations;

WHEREAS, the Authority desires to authorize the Executive Director, Chairman, Vice Chairman or the Treasurer of the Authority, after consultation with counsel to the Authority, to self-report under the MCDC Initiative and in so doing to consent to the applicable settlement terms under the MCDC Initiative, including a possible cease and desist proceeding; and

WHEREAS, the deadline for the Authority to report under the MCDC Initiative is December 1, 2014; now, therefore, be it

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

Section 1. The Executive Director, Chairman, Vice Chairman or Treasurer of the Authority are hereby authorized and directed (with the assistance of Authority counsel) to self-report under the MCDC Initiative and to accept the settlement terms under the MCDC Initiative, including a cease and desist proceeding, all under terms and conditions acceptable to the Executive Director, Chairman, Vice Chairman or Treasurer (with the assistance of Authority counsel) if such self-reporting is determined to be in the best interests of the Authority.

Section 2. The Executive Director, Chairman, Vice Chairman or Treasurer of the Authority are hereby authorized to execute and deliver any and all documents and instruments, including the Questionnaire, and to do and cause to be done any and all acts and things necessary or proper for the Authority's participation in the MCDC Initiative. The Executive Director is further authorized to establish policies and procedures regarding the Authority's compliance with its continuing disclosure obligations pursuant to the Rule; to arrange training for appropriate Authority staff regarding the Authority's continuing disclosure obligations; and cause compliance by the Authority with its Prior Undertakings, including updating past delinquent filings. A copy of any such policies and procedures shall be filed with the Secretary of the Authority.

Section 3. This resolution shall take effect immediately. A copy of this resolution, together with its attachments, shall be placed on file in the office of the Authority where the same shall be available for public inspection during business hours.

Adopted by the following vote:

AYES _____ NAYS _____

Dated:

Preserving the environment through integrated recovery and disposal.

Resolution No.

Introductory No. 17

RE: SUPPORTING A STATE-WIDE CAMPAIGN TO RECOVER MORE TEXTILES FROM THE WASTE STREAM

- WHEREAS,** the Oneida-Herkimer Solid Waste Authority operates a successful recycling program for Oneida and Herkimer County residents with a goal to reduce solid waste and recycle those components of the waste stream that may be reused in order to benefit the environment; and
- WHEREAS,** the Oneida-Herkimer Solid Waste Authority is supportive of recycling efforts in New York State that capture and reuse waste items that would otherwise be disposed of as solid waste; and
- WHEREAS,** the United States Environmental Protection Agency estimates that only about 15% of unwanted textiles, including clothing, shoes, hats, linens, towels, and belts, are donated for reuse or recycling; the remaining 85% is disposed of as solid waste, estimated at 70 pounds per citizen per year; and
- WHEREAS,** the Oneida-Herkimer Solid Waste Authority has recognized that the New York State Association for Reduction, Reuse and Recycling (NYSAR³), is teaming up with the Council for Textile Recycling (CTR), and the Association of Wiping Materials, Used Clothing and Fiber Industries, also known as Secondary Materials and Recycled Textiles (SMART), to launch a first-of-its-kind statewide textile recovery campaign in New York State aimed at recovering 1.4 billion pounds of textiles disposed of annually in New York State, with a market value of \$200 million, by:
- increasing awareness for the need to increase textile recovery and recycling and reducing wasteful textile disposal practices;
 - enhancing job development through the recovery of more materials; and
 - promoting collaboration between key textile recovery stakeholders, including collectors, recyclers, retailers, and municipal recycling professionals; and
- WHEREAS,** the Oneida-Herkimer Solid Waste Authority wishes to take a leadership role in recycling efforts to reduce solid waste and recycle those components of the waste stream that may be reused in order to benefit the environment by promoting textile recovery efforts, and communicating the environmental, economic, and social benefits of increased textile recovery; now, therefore, be it
- RESOLVED,** that the Oneida-Herkimer Solid Waste Authority hereby supports a statewide campaign to recover more textiles from the waste stream and thereby reduce waste that would otherwise end up in the solid waste stream by promoting textile recovery efforts and communicating the environmental, economic, and social benefits of increased textile recovery.

Adopted by the following vote:

AYES: ___ NAYS: ___

Dated:

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