

MEMORANDUM

TO: Authority Board of Directors
FROM: William A. Rabbia, Executive Director
DATE: March 10, 2023
RE: Meeting Notice & Tentative Agenda - Monday, March 20, 2023 - 4:30 PM

A regular meeting of the Oneida-Herkimer Solid Waste Management Authority is scheduled for Monday, March 20, 2023, 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.**

1. Pledge of Allegiance
2. Harry A. Hertline Memorial Resolution
3. Approval of December 19, 2022 Authority Minutes
4. Public Comment Period
5. Independent Audit - Brendan Kennedy, Partner, BST & Co.
6. Reconciliation of 2022 Budget and 2022 Budget Amendments – Resolution
7. Approval of Authority Mission Statement and Performance Measures and Performance Measure Report for 2022 – Resolution
8. Annual Board of Directors Evaluation – Resolution
9. Appointment of Contracting Officer and Approval of Property Disposition Policy - Resolution
10. Approval of Procurement Policy and Designation of Sole Source Vendors – Resolution
11. Public Authorities Reporting Information System (PARIS) Authorization – Resolution
12. Approval of Code of Ethics Policy (Modified) and Fraud Policy (No Changes) – Resolution
13. Election of Officers and Committee Members for 2023 – Updated Resolution
14. Bank of New York Mellon – Updated Signatory Resolution
15. Change June Meeting Date to June 12, 2023 – Resolution
16. Knights of Columbus – Temporary Use of Authority Property – Resolution
17. Approval of Modified Professional Services and Lease Agreement with the Law Office of Kevin G. Martin, P.C. – Resolution
18. Updates:
 - City of Rome Demolitions
 - Landfill Gas Utilization BerQ
 - Earth Day Events – Saturday, April 22nd
 - 2023 Capital Plan Updates – Tipping Floors WTS/MRF

**BOARD OF
DIRECTORS**

Kenneth A. Long
Chairman

Harry A. Hertline
Treasurer

James M. D'Onofrio

Nancy A. Novak

William A. Rabbia
Executive Director

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Jodi M. Tuttle
Authority Board Secretary

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AUTHORITY MEETING MINUTES
December 19, 2022

DRAFT

Board Members Present: Chairman Ken Long, Vice Chairman Vincent Bono, Neil Angell, James D’Onofrio, James Franco, Barbara Freeman (via Zoom), Treasurer Harry Hertline (via Zoom), Nancy Novak (via Zoom), Richard Redmond (via Zoom) and James Williams

Authority Staff Present: William Rabbia, Jodi Tuttle, Joshua Olbrys, Emily Albright, Joseph Artessa, Eileen Brinck, Justin Fitch, Pat Lisandrelli and Andrew Opperman

Others Present: Kevin Martin, Authority Counsel; and Twin Rivers Representatives John Bates and Rick Petrie

Chairman Long called the December 19, 2022 Authority Board meeting to order at 4:34 PM and opened with the Pledge of Allegiance.

A motion was made by Mr. Franco, seconded by Mr. Angell, and passed to approve the November 21, 2022 Authority Minutes. [6 Ayes; 0 Nays; Absent for Vote: Messrs. Bono, D’Onofrio, Hertline and Williams]

Authority Secretary Jodi Tuttle relayed that there were no comments received for public comment period.

Recycling Coordinator Eileen Brinck announced that the Authority is honoring Twin Rivers Paper Company as its 2022 Recycling Champion. Ms. Brinck stated that Twin Rivers has gone above and beyond in its recycling, reduction, and reuse efforts and has demonstrated this commitment by implementing sustainability initiatives in its daily operations including conserving water, reusing and reimplementing scraps from manufacturing and properly disposing of hazardous waste. Twin Rivers has also partnered with the local community to beneficially use valuable resources that were formerly landfilled.

Mr. Hertline joined the meeting via Zoom.

Resolution No. 16 was introduced by Mr. Angell, seconded by Mr. Franco, and passed. [7 Ayes; 0 Nays; Absent for Vote: Messrs. Bono, D’Onofrio and Williams]

Authority Secretary Jodi Tuttle read Resolution No. 16 aloud.

Twin Rivers’ representatives John Bates and Rick Petrie were presented with the 2022 Recycling Champion Award to commend their fine example. Mr. Bates and Mr. Petrie thanked the Authority for this recognition.

Mr. Williams joined the meeting at 4:41 PM.

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AUTHORITY MEETING MINUTES

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Mr. Rabbia stated that the Authority's proposed 2023 budget, 2023 rate schedule and Solid Waste Collection and Disposal Permit Rules and Regulations, were presented before a public hearing at the November 21, 2022 Board meeting. Mr. Rabbia said that Resolution No. 17 would approve the 2023 budget, 2023 rate schedule and Solid Waste Collection and Disposal Permit Rules and Regulations; approve the reappointment of Joseph Artessa to the position of Comptroller and authorize the Chairman to sign a new Employment Agreement with Mr. Artessa and a modification to the Authority's current Employment Agreement with Executive Director William Rabbia.

Resolution No. 17 was introduced by Mr. Angell, seconded by Mr. Williams, and passed [8 Ayes; 0 Nays; Absent for Vote: Messrs. Bono and D'Onofrio] approving the proposed 2023 budget, 2023 rate schedule and Solid Waste Collection and Disposal Permit Rules and Regulations; reappointing Joseph Artessa to the position of Comptroller and authorizing the Chairman to sign Employment Agreements with both Comptroller Artessa and Executive Director William Rabbia.

Messrs. Bono and D'Onofrio joined the meeting at 4:43 PM.

Mr. Artessa said that Resolution No. 18 would approve 2022 supplemental appropriations and budget transfers needed for unanticipated expenses and explained the appropriations and budget transfers required within the departments.

Resolution No. 18 was introduced by Mr. Bono, seconded by Mr. Redmond, and passed to approve 2022 supplemental appropriations and budget transfers. [10 Ayes; 0 Nays]

Deputy Executive Director Joshua Olbrys reported on the Regional Landfill Phase II closure construction. Barton & Loguidice completed the design for the Stage 2 closure construction and a request for bids was issued on October 25, 2022. The bid opening was held on November 18th with four bids received. Bids were evaluated for compliance with the specifications for the project and qualifications confirmed. Mr. Olbrys stated that Authority staff is recommending an award to the acceptable low bidder, Powis Excavating & Contracting in the total amount of \$2,940,000.

Resolution No. 19 was introduced by Mr. Bono, seconded by Mr. Franco, and passed to award Contract No. 22-001-General Construction for Regional Landfill Stage 2 Closure Construction to Powis Excavating & Contracting and authorizing the Executive Director and Authority Counsel to take all action necessary to enter into an agreement with Powis. [10 Ayes; 0 Nays]

Mr. Olbrys said that Resolution No. 20 would allow the Authority to enter into a two-year agreement with the US Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) Wildlife Services. USDA-APHIS-WS has successfully managed nuisance wildlife at Authority facilities for the past 16 years.

Resolution No. 20 was introduced by Mr. Williams, seconded by Mr. D'Onofrio, and passed to enter into an inter-governmental agreement with USDA-APHIS-WS, commencing on January 1, 2023, and continuing for two years. [10 Ayes; 0 Nays]

AUTHORITY MEETING MINUTES

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Resolution No. 21 was introduced by Mr. Angell, seconded by Mr. Franco, and passed to establish the following regular meetings dates for 2023: March 20th, May 15th, June 19th, September 18th, November 20th and December 18th, and designating the Utica Observer-Dispatch, the Rome Daily Sentinel, and the Times 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. [10 Ayes; 0 Nays]

Resolution No. 22 was introduced by Mr. D'Onofrio, seconded by Mr. Williams, and passed electing the following slate of officers and committee members for 2023: Slate of Officers: Ken Long, Chairman; Vincent Bono, Vice Chairman; and Harry Hertline, Treasurer; Audit Committee: Harry Hertline, Chair; Vincent Bono, Vice Chair; Neil Angell and Richard Redmond; Finance Committee: Harry Hertline, Chair; Vincent Bono, Vice Chair; Neil Angell and Richard Redmond; Governance Committee: Barbara Freeman, Chair; James Williams and Nancy Novak; and FOIL Appeals Committee: James D'Onofrio, Chair; Barbara Freeman and James Franco. [10 Ayes; 0 Nays]

Mr. Rabbia announced that Jodi Tuttle has submitted her official notice of retirement from the position of Authority Board Secretary to the Authority and the New York State and Local Retirement System, effective December 30, 2022. Resolution No. 23 would reappoint Ms. Tuttle to the position of Authority Board Secretary on a part-time basis.

Resolution No. 23 was introduced by Mr. Bono and unanimously seconded and approved by the full Board reappointing Jodi M. Tuttle to the position of Authority Board Secretary on a part-time basis, effective January 3, 2023. [10 Ayes; 0 Nays]

Mr. Rabbia stated that Resolution No. 24 would update Authority Officers and signatories related to corporate trust transactions and accounts with the Bank of New York Mellon.

Resolution No. 24 was introduced by Mr. Hertline, seconded by Mr. Franco, and passed authorizing an updated Incumbency Certificate/Authorized Callbacks, reflecting updated signatories in connection with corporate trust transactions and accounts with the Bank of New York Mellon. [10 Ayes; 0 Nays]

At 5:00 PM, a motion was made by Mr. D'Onofrio, seconded by Mr. Angell, and passed to move into executive session to discuss personnel matters. The Board Secretary was excused from attending this executive session. Chairman Long declared that no further business would be conducted following executive session.

At 5:11 PM a motion was made by Mr. Bono, seconded by Mr. Williams, and passed to come out of executive session.

With no further business, a motion was made by Mr. D'Onofrio, 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. 1

RE: RECOGNIZING THE ACHIEVEMENTS OF BOARD MEMBER HARRY A. HERTLINE AND DESIGNATING THE AUTHORITY ADMINISTRATIVE OFFICE BUILDING AT 1600 GENESEE STREET, UTICA, NY AS *THE HARRY A. HERTLINE ADMINISTRATIVE BUILDING*

- WHEREAS,** it is with deep sympathy that the Oneida-Herkimer Solid Waste Management Authority Board of Directors marks the death of Board Member Harry A. Hertline; and
- WHEREAS,** Harry was one of the original appointees to the Authority Board in 1988. Throughout his 34 years of dedicated service, he was an active, contributing member of the Board. Harry was involved in all key policy decisions and provided tremendous insight and leadership in developing and maintaining the two Counties integrated solid waste management system; and
- WHEREAS,** Harry played a vital role in guiding the Authority’s actions to implement County Solid Waste Laws and Policies. He was instrumental in guiding the Authority’s actions to implement the Local Solid Waste Management Plan and successful siting, permitting and operation of all Authority facilities; and
- WHEREAS,** throughout his tenure, Harry served as Authority Treasurer and Chairman of both the Finance Committee and the Audit Committee. Harry helped oversee several bond issues of the Authority, always counseling a careful, conservative approach. Likewise, his input on the annual operating budget insured that good business practices are employed. Harry’s involvement played a major role in creating a financially stable and viable organization; and
- WHEREAS,** Harry’s thoughtfulness and sense of humor made even the most difficult and controversial undertakings of the Authority less grueling; and
- WHEREAS,** we will all continue to draw on Harry’s advice and work, and the community will benefit from his contributions for many years to come; now, therefore be it
- RESOLVED,** that the Oneida-Herkimer Solid Waste Management Authority hereby recognizes the life and contributions of Harry A. Hertline and extends its sincere sympathy to the family; and be it further
- RESOLVED,** in recognition of Mr. Hertline’s longstanding commitment and contributions, the Authority Board hereby names the Administrative Office Building at 1600 Genesee Street, Utica, NY the *Harry A. Hertline Administrative Building* and directs that the appropriate sign designating such be permanently placed outside or affixed to the Building.

Kenneth A. Long, Chairman

Nancy A. Novak, Board Member

Vincent J. Bono, Vice Chairman

Richard G. Redmond, Board Member

Neil C. Angell, Board Member

James M. Williams, Board Member

James M. D’Onofrio, Board Member

William A. Rabbia, Executive Director

James A. Franco, Board Member

Jodi M. Tuttle, Authority Secretary

Barbara Freeman, Board Member

Adopted:

BOARD OF DIRECTORS

Kenneth A. Long
Chairman

Harry A. Hertline
Treasurer

James M. D’Onofrio

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Executive Director

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Preserving the environment through integrated recovery and disposal.

Introductory No.

Resolution No. 2

Introduced by:

Seconded by:

RE: RECONCILIATION OF 2022 BUDGET AND 2022 BUDGET AMENDMENTS TO REFLECT 2022 ACTUAL

WHEREAS, the Authority Board, by Resolution No. 17 dated December 20, 2021 adopted the 2022 Budget; and

WHEREAS, the Authority Board approved the designation of Unrestricted Funds toward established Authority Capital Reserve Funds by Resolution No. 14 dated September 12, 2022 and 2022 Supplemental Appropriations and Budget Transfers by Resolution No. 18 dated December 19, 2022; and

WHEREAS, the changes to total revenues and expenses for 2022 were included in the completed independent audited financial statements issued in March of 2023 and it is necessary to reconcile the 2022 Budget to the 2022 audited financial statements; now, therefore, be it

RESOLVED, that for purposes of the rate covenant compliance report for the Series 2006 bonds, the 2022 Budget shall reflect actual 2022 expenses as audited.

Adopted by the following vote:

AYES___ NAYS___

Dated:

BOARD OF DIRECTORS

Kenneth A. Long
Chairman

Harry A. Hertline
Treasurer

James M. D'Onofrio

James A. Franco

Barbara Freeman

Nancy A. Novak

Richard G. Redmond

James M. Williams

William A. Rabbia
Executive Director

Jodi M. Tuttle
Authority Board Secretary

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Introductory No.

Resolution No. 3

Introduced by:

Seconded by:

RE: APPROVAL OF ONEIDA-HERKIMER SOLID WASTE MANAGEMENT AUTHORITY MISSION STATEMENT AND PERFORMANCE MEASURES AND APPROVAL OF PERFORMANCE MEASURE REPORT FOR 2022

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 reviewed the Authority’s current Mission Statement and Performance Measures and is recommending no modifications be made to the Mission Statement and Performance Measures at this time; now, therefore, be it

RESOLVED, that the Oneida-Herkimer Solid Waste Management Authority Board of Directors hereby approves the attached Mission Statement and Performance Measures; and be it further

RESOLVED, that the Oneida-Herkimer Solid Waste Management Authority Board of Directors hereby approves the attached Performance Measure Report for 2022; and be it further

RESOLVED, that the Authority Board of Directors further directs the Secretary of the Board to file and post on its website its Mission Statement and Performance Report, and its 2022 Performance Measure Report, in accordance with the New York State Public Authorities Law.

Adopted by the following vote:

AYES__ NAYS__

Dated:

BOARD OF DIRECTORS

Kenneth A. Long
Chairman

Harry A. Hertline
Treasurer

James M. D’Onofrio

James A. Franco

Barbara Freeman

Nancy A. Novak

Richard G. Redmond

James M. Williams

William A. Rabbia
Executive Director

Jodi M. Tuttle
Authority Board Secretary

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AUTHORITY MISSION STATEMENT AND PERFORMANCE MEASURES

The Oneida-Herkimer Solid Waste Management Authority is a New York public benefit corporation which was created by the State Legislature at the request of Oneida and Herkimer Counties by passage of Article 8, Title 13-FF of the New York Public Authority Law on September 1, 1988. The Authority was created to address environmental problems associated with improper solid waste disposal, to develop new facilities and programs for waste reduction and recycling, and to address the lack of long-term disposal capacity for non-recyclable waste.

With this charge and mandatory recycling laws enacted by both Counties, the Authority has developed a regional, comprehensive, integrated system of facilities to serve all the residents, businesses, industries and institutions of the two Counties. This integrated system promotes reduction, maximizes recycling, and provides safe, economical disposal for non-recyclable waste. The Authority owns and operates a Recycling Center, Household Hazardous Waste Collection Facility, Green Waste Composting Facility, Regional Landfill, three Transfer Stations, and a Source Separated Organics Processing Facility (Food2Energy Facility). Services include recycling, green waste composting, food waste diversion program, providing public education, promoting waste reduction and reuse of materials, and school “Go Green” initiatives, full-scale electronics collection, and sewage sludge management. The Authority developed the region’s first Local Solid Waste Management Plan in 1991. The plan included development of the comprehensive integrated solid waste management system. The original plan has been fully implemented. The Authority’s current Local Solid Waste Management Plan is through 2024.

The Authority is governed by a 10-member Board of Directors, employs approximately 80 people and has an annual operating budget of approximately \$22 million.

In 2007, the Authority won a landmark case in the United States Supreme Court (*United Haulers v. Oneida-Herkimer*) establishing a national precedent for local public solid waste systems.

The Authority revenue structure is primarily a fee for service system. A system tip fee is charged for all non-recyclable waste delivered to the Authority. These fees cover the majority of expenses in the Authority budget. The Authority receives additional revenue from other sources such as investments, sale of landfill gas, sale of carbon credits, sale of recyclables and grants. The Authority receives no funding from the Counties.

MISSION STATEMENT

The Authority’s mission is the management of the region’s solid waste and recyclable material in an environmentally sound, cost-effective, efficient and safe manner. The Authority remains committed to maintaining and enhancing the region’s self-reliant integrated solid waste management system while protecting the health, safety and welfare of the region.

PERFORMANCE MEASURES

- ✓ Implementation of Local Solid Waste Management Plan including continuous review and application of new technologies.
- ✓ Compliance with environmental, employee health and safety, and all other federal and state regulatory requirements.
- ✓ Maintenance of long-term stable rates and prudent fiscal management.
- ✓ 100% compliance with all ABO reporting requirements.
- ✓ Operating with full transparency and good governance.

Adopted: December 20, 2010

Approved with Modifications: March 22, 2021

2022 Performance Measure Report

PERFORMANCE MEASURE

IMPLEMENTATION OF LOCAL SOLID WASTE MANAGEMENT PLAN (LSWMP) INCLUDING CONTINUOUS REVIEW AND APPLICATION OF NEW TECHNOLOGIES FOR ALL SYSTEMS, FACILITIES AND PROCESSES:

- Completed 3rd full year of operation of the Authority's Source-Separated Organics Processing Facility [Food2Energy Facility].
- Utilized a force main pipeline to convey processed organic waste to the Oneida County Water Pollution Control Plant's anaerobic digesters for electrical generation operations.
- Processed 4,584 tons of food waste from local businesses and residents.
- Supported waste reduction through NYS Product Stewardship Council.
- Completed 11th operational year of single stream Recycling Center in Utica.
- Continued to process over 41,000 tons of recyclables at Recycling Center.
- Achieved an overall recycling rate of 52% for Oneida and Herkimer Counties.
- Continued operation of the Landfill Gas (LFG) to Electricity Facility, which utilizes two generators to convert LFG (methane) to electricity. The facility represents a joint venture by the Authority and Waste Management Renewable Energy (WMRE) to provide green energy made from landfill gas to the market.
- Installed 12 new gas collection wells at the Regional Landfill (RLF) continuing to advance the active landfill gas collection system which brings the total number of wells to 195.
- Authority Board authorized/awarded a long-term landfill gas utilization contract to BerQ RNG, after the RFP process. This contract will allow for beneficial use of all landfill gas captured at the Regional Landfill.
- Continued to safely and economically dispose and beneficially reuse over 394,554 tons of waste at RLF.
- Continued to process over 10,520 tons of green waste and converted it into marketable compost at the Green Waste Composting Facility in Utica.
- Continued to safely dispose of over 27,876 gallons of household hazardous waste received from over 15,211 area households at the HHW Facility.
- Recycled 24,755 gallons of paint through the PaintCare program.
- Recycled 356 tons of electronics and computers.
- Continued implementation of a "Go Green" School Recycling Program that assists teachers, students, and staff on the value of recycling, conservation, and environmental stewardship.
- Continued to achieve higher than projected waste densities at Regional Landfill through use of GPS technology and compaction equipment, extending the projected life of the Regional Landfill.

- Continued organics (food waste) recovery programs in schools and colleges and continued to accept spent hops from FX Matt Brewery for composting.

PERFORMANCE MEASURE

COMPLIANCE WITH ENVIRONMENTAL, EMPLOYEE HEALTH AND SAFETY AND ALL OTHER FEDERAL AND STATE REGULATORY REQUIREMENTS.

- Maintained compliance with all Facility Permits and Regulations.
- Completed all necessary actions to comply with the new 6 NYCRR Part 360 Solid Waste Management Facilities regulations that became effective November 4, 2017.
- Developed and submitted the following Annual Reports: Eastern Transfer Station (including the Source-Separated Organics Processing Facility), Western Transfer Station, Green Waste Composting Facility, Spent Hops Organics Composting Project, Waste Transporter, Recycling Center, Regional Landfill, Webb Transfer Station, Webb Recycling Facility, two Land Clearing Debris Facilities, Brush Processing Facility, Pallet Processing Facility, Waste Oil, Household Hazardous Waste Facility and Electronic Waste Collection Site per 6NYCRR Part 360 Permits/Registrations.
- Developed and submitted Title V Permit, Air Regulations Compliance Certifications & Emission Statements for RLF.
- Developed and submitted SPDES (stormwater management) Annual Certifications and DMRs for RLF, Utica Complex, and Western Transfer Station in Rome.
- Developed and submitted NYSDEC required Closure Post-Closure Report for Ash Landfill, Rome, NY.
- Developed and submitted NYSDEC required quarterly Environmental Monitoring Reports for the Regional Landfill, Ava, NY.
- Developed and submitted NYSDEC required State Agency Environmental Audit.
- Conducted NYSDEC required weekly inspections related to RLF SPDES permits.
- Continued annual employee health and safety training and provided regular toolbox talks to supplement safety awareness and training. All training follows New York State Public Employee Safety and Health (PESH). Annual training topics covered include: Hazard Communication, Hearing Conservation, Workplace/Sexual Harassment Prevention, Workplace Violence Protection, Spill Prevention, Lock Out Tag Out, Bloodborne Pathogens, Emergency Response, Confined Space, and Storm Water Pollution Prevention.
- Held regular Safety Committee Meetings with employee representatives from all facilities, including Administrative staff and the Executive Director. The Safety Committee allows employees and supervisory staff to discuss safety issues, operational recommendations, and provide updates on the Authority in general. Notes are compiled from each meeting. Supervisory staff addresses each issue and provides a solution and a written response attached to the meetings notes, which are posted for all employees to review.

- Employees received or renewed Landfill Operator Certifications through the New York State Association for Solid Waste Management (NYSASWM).

PERFORMANCE MEASURE

MAINTENANCE OF LONG-TERM STABLE RATES AND PRUDENT FISCAL MANAGEMENT.

- Tipping fees for municipal solid waste and sludge were lowered by \$2 per ton for 2022. Tipping fees remain lower than tipping fees were in 1992.
- Finance Committee tasked Senior Management to prepare an extensive long-term financial plan that forecasts revenues, expenses, capital purchases and future tipping fees for the next five years.
- For 2022, the Authority earned \$2,630,836 in sales of recyclables. This was a decrease of \$724,923, or 22% from 2021.
- The Authority had a \$6,063,570 addition to its net asset position for 2022.
- Authority continued to make yearly deposits to a Landfill Equipment Replacement Fund.
- The Authority assisted the City of Utica through reduced tipping fees for demolition and cleanup of ongoing industrial development projects at the Utica Harbor.
- The Authority realized \$501,311 in Landfill gas sales for 2022. This was an increase of \$184,024 or 58% in comparison to 2021.
- Authority continued to fund future landfill cell expansions with current tipping fees.
- Authority made all necessary deposits to Landfill Closure Funds as required.
- The Authority processes Oswego, Lewis and Fulton Counties' recyclables. The Authority received \$841,230 in processing fees from these agreements in 2022.
- The Authority entered into a new five-year agreement with Lewis County for the processing and marketing of recyclables.
- Continued to market carbon credits generated through destruction of methane at Regional Landfill. The Authority realized \$808,970 in carbon credit revenue for 2022.
- The Authority paid down \$1,690,000 in scheduled long-term debt for 2022. The Authority has reduced long-term bonded debt by \$13,155,000 over the last five years.
- Completed equipment purchases and capital improvements in the amount of \$3,503,108.
- Authority Board designated \$9,800,000 of unrestricted funds toward established Board restricted capital reserve accounts to help ensure long-term stable rates.

PERFORMANCE MEASURES

100% COMPLIANCE WITH ALL ABO REPORTING REQUIREMENTS AND OPERATING WITH FULL TRANSPARENCY AND GOOD GOVERNANCE.

- Authority filed all necessary reports with ABO on time.
- Authority updated its website to reflect all ABO requirements.

- Authority Board of Directors authorized and approved filing of all reports with ABO office.
- All Authority Board Members and Authority Senior Management have attended mandatory ABO training.
- The Governance Committee and Authority staff reviewed all ABO Policy Guidance and recommendations issued during the year.
- Operating with full transparency and good governance.
- The Governance Committee met and reviewed all Governance Policies and developed recommendations for the full Board.
- Board of Directors and Governance Committee reviewed and approved policies including procurement policy, disposition of property, ethics and whistle blower policy.
- Continued to publicly auction surplus equipment through Authority-approved Property Disposition Policy.
- Board of Directors and Governance Committee updated and approved its Mission Statement and Performance Measures.
- All agendas and minutes of Board meetings and Committee meetings were posted on the Authority's website.
- Submitted 2023 draft budget to Counties, municipalities and the public for review and comment.
- Conducted a public hearing required for adoption of budget.
- Submitted adopted budget to the Counties and State-wide officials.
- Finance Committee conducted four meetings, including one joint Finance Committee-Audit Committee meeting, during 2022 and reviewed and approved the Authority's Investment Policy.
- Finance & Audit Committees met with the Authority's independent auditors to review the 2021 audit.
- The Finance Committee reviewed the Authority's five-year financial plan with staff.

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Introductory No.

Resolution No. 4

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 and 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

BOARD OF DIRECTORS

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Chairman

Harry A. Hertline
Treasurer

James M. D’Onofrio

James A. Franco

Barbara Freeman

Nancy A. Novak

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James M. Williams

William A. Rabbia
Executive Director

Jodi M. Tuttle
Authority Board Secretary

Vincent J. Bono
Vice Chairman

Neil C. Angell

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Introductory No.

Resolution No. 4

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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:

CONFIDENTIAL EVALUATION OF BOARD PERFORMANCE

Criteria	Strongly Agree	Agree	Somewhat Agree	Somewhat Disagree	Disagree	Strongly Disagree	Comments
Board members have a shared understanding of the mission and purpose of the Authority.							
The policies, practices and decisions of the Board are always consistent with this mission.							
Board members comprehend their role and fiduciary responsibilities and hold themselves and each other to these principles.							
The Board has adopted policies, by-laws, and practices for the effective governance, management and operations of the Authority and reviews these annually.							
The Board sets clear and measurable performance goals for the Authority that contribute to accomplishing its mission.							
The decisions made by Board members are arrived at through independent judgment and deliberation, free of political influence, pressure or self-interest.							
Individual Board members communicate effectively with executive/professional staff so as to be well informed on the status of all important issues.							
Board members are knowledgeable about the Authority's programs, financial statements, reporting requirements, and other transactions.							
The Board meets to review and approve all documents and reports prior to public release and is confident that the information being presented is accurate and complete.							
The Board knows the statutory obligations of the Authority and if the Authority is in compliance with state law.							
Board and committee meetings facilitate open, deliberate and thorough discussion, and the active participation of members.							
Board members have sufficient opportunity to research, discuss, question and prepare before decisions are made and votes taken.							
Individual Board members feel empowered to delay votes, defer agenda items, or table actions if they feel additional information or discussion is required.							
The Board exercises appropriate oversight of the CEO and other executive staff, including setting performance expectations and reviewing performance annually.							
The Board has identified the areas of most risk to the Authority and works with management to implement risk mitigation strategies before problems occur.							
Board members demonstrate leadership and vision and work respectfully with each other.							
Board members understand the importance of meeting attendance and interacting with fellow Board members.							

Date Completed: _____

Introductory No.

Resolution No. 5

Introduced by:

Seconded by:

**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, the Authority Board appoints Andrew Opperman, Solid Waste Engineer, to be the Contracting Officer as set forth in the Public Authorities Accountability Act; and further be it

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; Resolution No. 5 dated March 25, 2013; and Resolution No. 5 dated March 20, 2017; and

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

**BOARD OF
DIRECTORS**

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Chairman

Vincent J. Bono
Vice Chairman

Harry A. Hertline
Treasurer

Neil C. Angell

James M. D'Onofrio

James A. Franco

Barbara Freeman

Nancy A. Novak

Richard G. Redmond

James M. Williams

William A. Rabbia

Executive Director

Jodi M. Tuttle
Authority Board Secretary

RESOLVED, the Authority Board appoints Andrew Opperman to be the Contracting Officer for the period 2023-2024 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, with no modifications at this time.

Adopted by the following vote:

AYES__ NAYS__

Dated:



PROCEDURE FOR THE DISPOSITION OF PROPERTY

I. Introduction

From time to time, the Oneida-Herkimer Solid Waste Authority (Authority) disposes of property which no longer has utility for the Authority. The following procedures outline the Authority's guidelines for disposing of such property (the "Procedures"). These Procedures shall be annually reviewed and approved by the Authority Board of Directors (Board). On or before the thirty-first day of March in each year, the Authority will file with the State Comptroller a copy of these Procedures most recently reviewed and approved by the Board. The Procedures will also be posted on the Authority's web site, www.ohswa.org.

II. Legislative Consistency

The Procedures are intended to comply with the Authority's enabling legislation, the Public Authorities Accountability Act of 2005 (the "Act") and any other applicable law for the disposal of Authority property.

III. Contracting Officer

The Authority Board shall appoint by resolution an Authority employee responsible for the disposition of property consistent with the parameters set forth in these Procedures (the "Contracting Officer"). For 2023-2024 the Authority Board has appointed Solid Waste Engineer Andrew Opperman.

IV. Inventory Controls

Not less than annually, the Contracting Officer shall conduct an inventory of Authority property greater than \$5,000 in value and determine which of that property is surplus. The property shall be placed on an inventory list by Authority facility, and contain descriptive information and identification numbers, if any. A determination shall be made by the Contracting Officer as to which property should be disposed of.

V. Disposal of Property

Once property is determined to be surplus, it shall promptly be placed for sale, exchange or transfer. The Authority's policy is to foster an environment of full and free competition consistent with the nature and value of the property. Disposals or contracts for disposal shall normally be made after public advertising and bidding except as described below. The Contracting Officer shall determine which sale method is likely to produce the sale or exchange most advantageous to the Authority, including public auction, sealed bid, set pricing, use of the Commissioner of General Services or other suitable method, and whether to obtain an estimate or appraisal. If a sealed bid sale is implemented, public notification of the sale shall be published on the Authority's website and the legal notices sections of the Utica Observer Dispatch, Rome Sentinel and [Herkimer] Times Telegram. The public notice shall contain descriptive information for each piece of property, instructions for bidders, terms and dates/times when bids are due. The notification period shall be a minimum of 7 business days.

All items posted for sale by the Contracting Officer using a sealed bid shall be sold to the highest responsible bidder as determined by the Contracting Officer. All bids may be rejected by the Authority when it is in the Authority's interest to do so. A bill of sale shall be generated by the Authority and shall be conclusive evidence of compliance with the provisions of the Act.

The Authority shall also have the option to utilize online auction sites such as “E-bay” and other reputable (as researched by Authority staff) on-line auction sites by setting up an account and making direct surplus auction sales.

Additionally, the Contracting Officer may enter into an Authorization to Sell Agreement with the Oneida County Purchasing Department to list and sell Authority surplus items through its auction sites.

The Authority shall annually inform the public through its network of newspaper legal notices of its option to sell certain surplus items through on-line auction sites.

For the sale of any real property (real estate), an appraisal will be obtained. The Board shall direct that bids will be sought through public advertisement as described above unless the Contracting Officer determines that the interests of the Authority will be best served by the retention of a real estate broker licensed by the State of New York. In that event, the Contracting Officer shall evaluate real estate brokers to market the real property. The Executive Director and Contracting Officer will then make a recommendation to the Board regarding selection of a broker. Any such brokerage agreements must be approved by the Authority Board of Directors. Bids shall then be solicited in accordance with the Act. Any and all bids received will be reviewed by the Contracting Officer and a recommendation of award will be made to the Board, which must approve all real property sales.

VI. Reports

Not less frequently than annually, the Authority shall publish a report listing all its real property. The report shall list with full description all Property (as that term is defined in the Act) disposed of during the period of the report. In addition, the report shall contain the price received by the Authority and the name of the purchaser. The Authority will deliver copies of the report to the State Comptroller, Director of Budget, Commissioner of General Services and the New York State Legislature.

Introductory No.

Resolution No. 6

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, Resolution No. 7 on March 23, 2015, Resolution No. 7 on March 20, 2017 and Resolution No. 8 on March 16, 2020; 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

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)

Boonville Municipal Commission (electricity)

City of Utica Comptroller (annual solid waste service charge printing and billing)

National Grid (electricity and natural gas transmission)

NYS & Local Employee Retirement System (retirement plan)

Rome Daily Sentinel (legal notices)

Times Telegram [formerly Herkimer Evening Telegram] (legal notices)

Upper Mohawk Valley Regional Water Authority (water)

US Postal Service (mail)

Utica Observer Dispatch (legal notices)

BOARD OF DIRECTORS

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Authority Board Secretary

Find us on 

Introductory No.

Resolution No. 6

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Accent Wire (Baler wire tie parts/service – MRF)
ADP (Payroll/HR software)
Aljon by C&C Mfg. (Compactor – Aljon parts distributor)
Alta Equipment Co. [previously Vantage Equipment]– Volvo heavy equipment filters, engine components, emission system components
Atlantic Nuclear Corporation (Radiation Monitoring Equipment and calibration– RLF)
Cazenovia Equipment (OEM parts for John Deere agricultural parts when aftermarket isn't available
Vac Truck has a JD power plant and the zero turn lawnmowers – RLF)
CED, Inc. (SCADA system software)
Clean Waters (Defoamer – RLF)
Creative Information Systems (scale computer software)
Cummins Northeast – OEM parts for Cummins parts when aftermarket isn't available for yard trucks with Cummins engines – RLF)
Eagle Truck Equipment (Scarab Windrow Turner parts)
Elkin Earthworks (Landfill Monitoring – calibration/service/data service)
Emery Winslow Scale Company (Compatible Emery Scale Replacement Parts)
Eriez (Eddy current parts – MRF)
Five Star Equipment (John Deere proprietary diagnostic software (local rep) - yearly fee, heavy motor components, filters, emission system components. Topcon Survey Equipment – survey brand used with the rover and the bulldozer - local rep)
Fleet Maintenance (Maintenance software to track and inventory Authority's Assets – Yearly Fee)
Geologic Computer Systems (GPS software – RLF compaction)
GP Jager Inc. (Parts/Supplies for Chopper Pump – in SSO)
Harris Baler Co. (Double Ram Baler – MRF)
Hustler Conveyor Co. (Sorting Discs, Screens – MRF)
Ingersoll Rand Co. (Regional Landfill compressor – parts/service)
Integrated Facility Systems, Inc. (HVAC computer control system – RLF and MRF)
Joest (vibrator, screen parts – MRF)
LC Whitford (Morbark Tub Grinder Parts)
Material Handling Products Corp. (Hyundai forklift parts – MRF)
Milton CAT – (CAT proprietary software - yearly fee, CAT engine components, filters, emission system components, oil sample kits for warranty validation)
Northeast Compressor - Atlas Copco Compressors [Previously Kinequip] (Kaeser Compressor – parts/service – MRF)
Paya Exchange (third party credit card processor)
Penn Power Group – OEM parts for Detroit diesel engine in semi-truck, MTU engine and Allison transmission in yard trucks when aftermarket isn't available – RLF)
Pump Service & Supply - Holland Pump Company (Pumps for Landfill Leachate)
QED (Landfill gas wellheads and well pumps; repair calibration and service and parts for flare gas analyzer – RLF)
R.M. Headlee (Landfill Knife Gate parts)
Recycling Equipment Service Corp. (Harris Baler parts)
Ryan Equipment (Landfill gas flare parts - John Zink distributor)
S&W Services (fuel management system parts and service – MRF, WTS, RLF)
Scott Equipment Co. (Source Separated Organics Processing System – ETS)
Siemens (SCADA software/hardware)
Siewert Equipment (New Loadout Pump – SSO)
SWK Technologies (accounting system software support)

Snyder Technical Services, LLC (service/preventative maintenance on gas blowers – RLF)
Specialty Tire Inc. (solid skid steer tires)
Statewide Aquastore (leachate tanks – RLF)
Tora Screening (McCloskey Trommel Screen parts)
Tracey Road Equipment – Kobelco parts and filters, Western Star over the road trucks, filters,
emission components.
VanDyk Baler Corp (Bollegraaf Balers/Titech Opticals – MRF)
Varitech (Local Distributor for Plasson, manufacturer for electrofusion machine - repairs/
calibrations
Warner Sales & Service (Bobcat parts)
Waste Corp (source separated organics processing pumps – ETS)
Wayne Dalton (commercial overhead doors – all facilities)
Website Pipeline (payment portal software)

; 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:



PROCUREMENT POLICY

ADOPTED MARCH 2008

REVISED/APPROVED APRIL 2008; MARCH 2009; MARCH 2015; MARCH 2017; MARCH 2020; MARCH 2022

APPROVED WITHOUT MODIFICATION MARCH 2010; MARCH 2011; MARCH 2012; MARCH 2013; MARCH 2014; MARCH 2016;
MARCH 2018; MARCH 2019; MARCH 2021

PROCUREMENT POLICY

It is the policy of the Authority that the purchase of all goods and services shall be in strict conformance to the current year operating budget and the current year capital plan approved by the Board of Directors. In order to insure purchasing practices which provide for the delivery of goods and services necessary for the operation of the Authority, to insure that such goods and services are obtained in a manner that provides the maximum value per dollar spent, to insure that purchasing practices are transparent to public scrutiny, to insure that goods and services are obtained at fair and reasonable prices and that they are obtained whenever possible after consideration of alternative suppliers, the Authority shall follow the procedures set forth herein.

PROCEDURES

Competitive Pricing

All purchases of goods and services, other than the provision of professional services as set forth herein, shall be accomplished as follows:

1. a. All purchases from \$0.01 - \$1,000.00 may be made as "open market" purchases where individual employees designated by the Executive Director and the Comptroller may make such purchases so long as they are in conformance with the budget and based upon the individual employee's judgment that the purchase is necessary, and it is approved by the supervisor.
- b. All purchases from \$1,000.01 - \$5,000.00 shall be made as "open market" purchases, where individual employees designated by the Executive Director and the Comptroller may make such purchases so long as they are in conformance with the budget and receive the appropriate supervisor's signature. Quotes will be obtained and recorded when practical and possible using the designated Quote/Requisition form (attached).
2. For all purchases in excess of \$5,000.00:
 - a. Purchases shall be made from the New York State Contract specified vendors; or
 - b. Purchases shall be made through the National Intergovernmental Purchasing Alliance (National IPA) piggyback agreement, or the Sourcewell (formerly National Joint Powers Alliance) piggyback agreement, or the Association of Educational Purchasing Agencies, or other available national piggyback procurement agreement(s) identified by Staff; or
 - c. Purchases shall be made from any New York State Municipal Entity, including School Districts' contract specified vendors; or
 - d. Purchases shall be made from vendors who will provide goods or services at an equal or lower price than the State contract or County contract price; however, this will require the Authority to seek at least (2) additional quotes; or
 - e. Purchases shall be made following the completion of a competitive bid done pursuant to and in full compliance with Section 103 of NYS General Municipal Law; or

- f. Purchases shall be made following the completion of a request for proposals process done pursuant to and in full compliance with Section 120 (w) of NYS General Municipal Law; all such purchases or work shall be done through an agreement approved or authorized by the Board; or
- g. Purchases shall be made following completion of written quotations from at least 3 vendors obtained in response to a common written specification provided by the Authority to prospective vendors providing the same information, the same time frames for response, and providing for confidential receipt and review by the Authority.
- h. Purchase of goods or services other than pursuant to a-g above or other than pursuant to the procedure for professional services contained herein, shall be made only upon the prior written authorization of the Executive Director and the Comptroller, and such purchase must conform to the approved Authority operating and/or capital budget.

RECORDS

All specifications, requests, and submissions made, issued and/or received pursuant to this policy shall be maintained by the Authority and shall be public documents under the New York Freedom of Information Law.

PROFESSIONAL SERVICES

This shall include work by attorneys, engineers, accountants, appraisers and other professional consultants. All such work shall be done through an agreement approved or authorized by the Board. Such professional services consultants shall be selected based on careful consideration of experience, credentials, qualifications, availability, proximity, price and other factors deemed relevant by the Authority.

SOLE SOURCE PURCHASES

Sole source items are those which perform a certain function for which no other suppliers or manufacturers are known to exist. It is possible that either patents or clearly superior products may perform a function that limits availability to a sole source.

Approval: When the employee determines that only one source exists for a specific item or service, a memorandum to that effect, supported by factual data pertinent to one or more of the "Justifications for Sole Source Purchases" as set forth below, must be prepared by the employee's supervisor along with the completed and signed purchase requisition, both of which must be forwarded to the Executive Director for final approval. All such documentation will be forwarded to the Comptroller and kept on file. Sole source purchases will be reported to the Board on a quarterly basis.

Justifications for Sole Source Purchases:

1. Compatibility with existing equipment. Information describing equipment the items will be used with and why it must be purchased from one specific manufacturer must be provided in the written justification.
2. Item is needed for immediate delivery. It is the responsibility of the Executive Director or designee to determine the validity of the immediate need and which vendor is best suited to provide immediate delivery. This situation will not be used as justification for sole source purchases unless there is only one vendor who supplies the needed materials or services within the required time frame.

3. Replacement parts are proprietary in nature and are only available from the original manufacturer. This statement may also be valid and necessary in order to preserve warranties. However, if proprietary parts are necessary to preserve a warranty, this should be stated in the written justification. In cases where the warranty is not in question, data must be included to explain why the original supplier's parts are necessary.
4. Services or parts are critically needed to respond to an emergency. Unusual and uncontrollable situations may arise where the public or the Authority would suffer injury if services or parts are not acquired immediately. A compelling emergency may also justify sole source purchases.

UNAUTHORIZED PURCHASES

Purchases made outside of the purchasing procedures set forth herein are considered unauthorized purchases.

Unauthorized purchases will be brought to the attention of the Executive Director who will conduct an inquiry into any such purchase. Unauthorized purchases may result in disciplinary measures for any employee making such purchases.

Examples of Unauthorized Purchases:

1. Order Splitting: The intentional splitting of a known purchase requirement into smaller lots with the intention of spreading the purchase over a period of days, weeks, or months in order to circumvent bidding requirements is strictly prohibited.
2. Personal Purchases: Authority officers, employees, or their families are prohibited from purchasing goods or services for personal uses through any Authority contract.
3. False Pretense: The purchase of any materials or services for personal use under the pretense of the Authority use is strictly prohibited.
4. Unapproved Purchases: Acquiring goods and services without proper authorization is prohibited.
5. Unauthorized Additions to Purchase Orders: The Comptroller should be contacted immediately if additions, deletions or revisions are needed after the purchase order has been issued. Changes not included on the original request will require a new Purchase Requisition and appropriate authorization. Under no circumstances should the purchaser initiate a change to the purchase order directly with the contractor or vendor without the approval of the Comptroller.

OTHER

This policy shall be reviewed by the Board of Directors on a yearly basis.

Introductory No.

Resolution No. 7

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:

**BOARD OF
DIRECTORS**

Kenneth A. Long
Chairman

Vincent J. Bono
Vice Chairman

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Treasurer

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William A. Rabbia

Executive Director

Jodi M. Tuttle
Authority Board Secretary

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Preserving the environment through integrated recovery and disposal.

Introductory No.

Resolution No. 8

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 is recommending modifications be made to the Code of Ethics Policy; and

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

RESOLVED, that the Board of Directors hereby approves the attached Code of Ethics Policy with modifications; 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 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:

BOARD OF DIRECTORS

Kenneth A. Long
Chairman

Vincent J. Bono
Vice Chairman

Harry A. Hertline
Treasurer

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James M. Williams

William A. Rabbia

Executive Director

Jodi M. Tuttle

Authority Board Secretary

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CODE OF ETHICS POLICY

Policy Statement

The Authority Board recognizes that there are certain standards of ethical conduct for Board Members and Employees that must be observed to maintain a high degree of moral conduct and public confidence. Therefore, the Board adopts the following guidelines:

Definitions

For the purpose of the Authority's Code of Ethics, the following terms shall have the meanings indicated:

- **Board Member** - will mean and refer to all members of the Authority Board of Directors.
- **Employee** - will mean and refer to an employee of the Authority.
- **Conflict of Interest** - will mean a situation in which a direct or indirect financial (monetary or material), familial, or personal interest of the Board Member or Employee comes into actual or perceived conflict with their duties and responsibilities with the Authority, unless the context otherwise requires.

Standards of Ethical Conduct

Board Members and Employees must conduct themselves at all times in a manner that avoids any actual improper or undue influence, or even the appearance that they can be improperly or unduly influenced, or that they could be affected by the position of or relationship with any other party, or that they are acting in violation of their public trust.

Board Members and Employees shall use the resources, property and funds of the Authority judiciously and in the best interest of the Authority. Board Members and Employees shall exercise good faith in all transactions, and shall not use Authority assets or resources, their positions with the Authority, or knowledge gained as a result of their positions for their personal benefit or for the private pecuniary benefit of any other person or organization. The interests of the Authority must be the first priority in all decisions and actions they undertake in connection with the Authority.

- **Gifts** - Board Members and Employees may not directly or indirectly solicit any gift or accept or receive any gift, whether in the form of money, services, loan, travel, entertainment, hospitality, promise or any other form. Awards and plaques which are publicly presented in recognition of service, unsolicited advertising material of low value such as pens, note pads, calendars, and meals and refreshments at a job related professional or educational conference or program are not prohibited by this section.
- **Private Employment** - An Employee may not engage in, solicit, negotiate for, or promise to accept private employment, or render services for private interests, when such employment or service creates a conflict with or impairs the proper discharge of official duties.
- **Confidential Information** - Board Members and Employees may not disclose confidential information acquired in the course of official duties or use such information to further personal interest.

- **Personal or Private Gain** - No Board Member or Employee shall use his or her position or official powers and duties to secure a financial or material benefit for himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

Disclosure of Interest - Whenever a matter requiring the exercise of discretion comes before a Board Member or Employee, and disposition of the matter could result in a direct or indirect financial or material benefit to himself or herself, a relative, or any private organization in which he or she is deemed to have an interest, the municipal officer or employee shall disclose in writing the nature such interest.

No Board Member or Employee may participate in a decision, including discussing the matter and voting on it, when he or she knows or has reason to know the action could confer a direct or indirect material benefit on himself or herself, a relative, or any private organization in which he or she has an interest.

Penalties for Offenses

Any Employee who shall knowingly violate any of the provisions of this Code of Ethics may be disciplined, up to and including suspension or termination of employment; and in the manner provided for in law, rules or regulations, as appropriate.

Any Board Member who knowingly violates any of the provisions of this Code of Ethics may be removed from office, in accordance with the Authority Bylaws or in any manner provided by law.

Conflicts Involving Former Board Members or Employees

All solicitations for bids and requests for proposals for goods or services shall contain a provision requiring the entity submitting the bid or proposal to disclose the name, job title and duties of any former Authority Employee or Board Member. In the event that the Authority becomes aware that any contractor or vendor offering or soliciting business from the Authority has a former Authority Employee or former Authority Board Member in their employ who was an Authority Employee or Authority Board Member within the past three (3) years, the Authority, through the Authority representative communicating with such contractor or vendor, shall procure the employee's name, job title and duties. Any such submission tendered shall be reviewed to determine whether a conflict of interest exists and each such submission shall be brought to the attention of the Finance Committee for review and approval.

Procedure for Reporting

An Employee can report any suspected conflict of interest or unethical behavior to his or her immediate Supervisor at any time. If an Employee would feel more comfortable anonymously reporting the instance, Employees are encouraged to write a description of the activity with enough details for management to proceed with an investigation. The anonymous note can be discretely left with an immediate supervisor or HR Coordinator. If an immediate supervisor is involved in the suspected actions, the Employee can report such action directly to the Executive Director or Chairman of the Authority Board.

Duty to Disclose: All reports of suspected conflict of interest or unethical behavior will be forwarded directly to the Executive Director, Chairman of the Authority Board and the Authority's Governance Committee who will have an investigation performed which gathers all the facts and may include observation of suspected activity to determine whether activity is in fact a violation of Authority policy. All material facts shall then be disclosed in good faith and included in the official record of the proceedings of the Authority.

This **Code of Ethics Policy** is meant to supplement, not replace, any applicable federal, state or local laws governing ethical conduct or conflicts of interest applicable to public authorities and not for profit corporations.

Approved March 2009

Approved Without Modification March 2010; March 2011; March 2012; March 2013; March 2014; March 2015; March 2017; March 2019; March 2020; March 2021; March 2022

Approved With Modifications March 2016 and March 2018

FRAUD POLICY

Policy Statement

It is the policy of the Authority as set forth in Section 406 Code of Ethics to foster and maintain a high degree of moral conduct and public confidence. In accordance with that policy, no fraudulent activities will be tolerated. This includes activities between employees and Authority customers or the general public which involves unethical or fraudulent behavior or even activities that may have the appearance of impropriety. The Authority's policies regarding fraudulent activities and reporting of such activities will be annually posted at Authority facilities and distributed with employee paychecks.

The Oneida-Herkimer Solid Waste Authority Code of Ethics requires directors, officers and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of the Authority, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations.

As part of our ethical responsibility, violation of laws and regulations by employees in the course of their employment for the Authority should be reported to the immediate supervisor, comptroller, director or officer. Violations of laws and regulations may include, but certainly not be limited to, fraud, dishonesty, theft, cheating and misuse of information, property or equipment.

Definition

- **Fraud** - Fraud is the intentional act by an individual or a group of individuals (referred to as collusion) to deceive another by false acts, suggestions or suppression of the truth. It includes all surprises, tricks or dissembling and any unfair way which another individual or the organization is cheated.

Fraud may take the form of misuse or misappropriation of company assets including embezzlement, theft, stealing or the misuse of information for personal benefit. Fraud may also include causing the company to pay for goods or services not received (or pay inflated prices for goods received.)

Standards of Conduct

- **Employee Responsibility** – An Authority Employee is responsible to avoid engaging in any fraudulent activity or activities which may appear unethical or fraudulent. It is also the responsibility of each Authority employee to report such suspected activity or activities.
- **Procedure for Reporting Suspected Fraud** – An employee can report any suspected fraud or unethical behavior to his or her immediate Supervisor at anytime. If an employee would feel more comfortable anonymously reporting the instance, employees are encouraged to write a description of the activity with enough details for management to proceed with an investigation. The anonymous note can be discretely left with an immediate supervisor or HR Coordinator. If an immediate supervisor is involved in the suspected actions, the employee can report such action directly to the Deputy Executive Director, Executive Director or Chairman of the Authority Board.
- **Procedure for Investigating Suspected Fraud** – All reports of suspected fraudulent or unethical behavior will be forwarded directly to the Executive Director or Chairman of the Authority Board who will have an investigation performed which gathers all the facts and may include observation of suspected activity to determine whether activity is in fact a violation of Authority policy.

If the reported activity is a violation, then appropriate disciplinary action will be taken in accordance with section 404 and 406 of the Employee Handbook.

Introductory No.

Resolution No. 9

Introduced by:

Seconded by:

**RE: UPDATES TO ELECTION OF OFFICERS AND COMMITTEE MEMBERS FOR 2023, DUE TO THE
UNTIMELY PASSING OF BOARD MEMBER AND TREASURER HARRY A. HERTLINE**

WHEREAS, pursuant to the New York State Public Authorities Accountability Act and the Authority's Bylaws, and due to the untimely passing of Board Member and Treasurer Harry A. Hertline, the following slate of officers has been recommended by the Nominating Committee to serve for 2023:

Ken Long, Chairman
Vincent Bono, Vice Chairman
Richard Redmond, Treasurer

; now, therefore, be it

RESOLVED, that the Authority Board hereby elects the following slate of officers for 2023:

Ken Long, Chairman
Vincent Bono, Vice Chairman
Richard Redmond, Treasurer

; and further be it

RESOLVED, that the Authority Board of Directors hereby appoints the following members to serve on the following committees for 2023:

Audit Committee:

Richard Redmond - Chairman, Audit Committee
Vincent Bono - Vice Chairman, Audit Committee
Neil Angell
James Franco

**BOARD OF
DIRECTORS**

Kenneth A. Long
Chairman

Vincent J. Bono
Vice Chairman

Harry A. Hertline
Treasurer

Neil C. Angell

James M. D'Onofrio

James A. Franco

Barbara Freeman

Nancy A. Novak

Richard G. Redmond

James M. Williams

William A. Rabbia
Executive Director

Jodi M. Tuttle
Authority Board Secretary

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Introductory No.

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Finance Committee:

Richard Redmond - Chairman, Finance Committee

Vincent Bono - Vice Chairman, Finance Committee

Neil Angell

James Franco

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:

Introductory No.

Resolution No. 10

Introduced by:

Seconded by:

RE: BANK OF NEW YORK MELLON - SIGNATORY RESOLUTION

WHEREAS, the Oneida-Herkimer Solid Waste Authority utilizes the Bank of New York Mellon in connection with corporate trust transactions and accounts; and

WHEREAS, authorization to update Authority officers and signatories is required; now, therefore, be it

RESOLVED, that the Oneida-Herkimer Solid Waste Authority authorizes the attached updated Incumbency Certificate/Authorized Callbacks, reflecting updated signatories, in connection with corporate trust transactions and accounts with the Bank of New York Mellon.

Adopted by the following vote:

AYES__ NAYS__

Dated:

**BOARD OF
DIRECTORS**

Kenneth A. Long
Chairman

Vincent J. Bono
Vice Chairman

Harry A. Hertline
Treasurer

Neil C. Angell

James M. D'Onofrio

James A. Franco

Barbara Freeman

Nancy A. Novak

Richard G. Redmond

James M. Williams

William A. Rabbia

Executive Director

Jodi M. Tuttle

Authority Board Secretary

Find us on 

Introductory No.

Resolution No. 11

Introduced by:

Seconded by:

RE: RESCHEDULE THE JUNE 2023 AUTHORITY BOARD OF DIRECTORS MEETING FROM JUNE 19TH TO JUNE 12TH

WHEREAS, the Authority adopted a regular meeting schedule for the 2023 calendar year per Resolution No. 21, dated December 19, 2022; and

WHEREAS, the Authority Board of Directors designated the following meeting dates for 2023: March 20, May 15, June 19, September 18, November 20 and December 18; and

WHEREAS, Juneteenth is a Federal Holiday and will be observed on Monday, June 19, 2023; now, therefore, be it

RESOLVED, that the Authority hereby designates that the previously scheduled Board of Directors meeting for June be rescheduled from June 19, 2023 to June 12, 2023 at 4:30 PM in the Authority Public Meeting Room, 1600 Genesee St., Utica, NY.

Adopted by the following vote:

AYES____ NAYS____

Dated:

BOARD OF DIRECTORS

Kenneth A. Long
Chairman

Vincent J. Bono
Vice Chairman

Harry A. Hertline
Treasurer

Neil C. Angell

James M. D'Onofrio

James A. Franco

Barbara Freeman

Nancy A. Novak

Richard G. Redmond

James M. Williams

William A. Rabbia

Executive Director

Jodi M. Tuttle

Authority Board Secretary

Find us on 

Introductory No.

Resolution No. 12

Introduced by:

Seconded by:

RE: AUTHORIZATION FOR TEMPORARY, LIMITED USE OF DESIGNATED AUTHORITY PROPERTY ON THE NORTH SIDE OF NYS ROUTE 294 IN THE TOWN OF AVA FOR THE PURPOSE OF HARVESTING AND MANAGING EVERGREEN TREES ON THE PROPERTY IDENTIFIED AS PARCELS 1 THROUGH 8 THROUGH APRIL 2028

WHEREAS, in 2006 the Authority acquired a 198-acre property on the North side of NYS Route 294 for the purpose of providing a residence for the Landfill Facility Manager and to provide additional buffer area; and

WHEREAS, the property contains numerous evergreen trees planted and maintained by the prior owner for the purpose of harvesting Christmas trees; and

WHEREAS, the Authority initiated a program to work with local community groups to manage these evergreen trees, including harvesting Christmas trees, transplanting trees for nursery stock, and in some cases replanting new seedlings; and

WHEREAS, the Authority developed a plan for management of the property in question and the Plan was approved by the Authority Board on April 21, 2008 by Resolution No. 8; and

WHEREAS, pursuant to the approved Plan the Authority published public notices seeking proposals from community groups to participate, and four such proposals were received and agreements authorized with the following organizations:

	<u>Parcels</u>
Ava Ecology Center	7,4
Boonville Knights of Columbus	6,3
West Leyden Youth Baseball	8,5
Tug Hill Eco Institute	1,2

;and

WHEREAS, in 2009 the Ava Ecology Center was no longer interested in utilizing Parcels 7 and 4, therefore, the Authority Board of Directors through Resolution No. 23 of 2009 authorized the Knights of Columbus temporary use of Parcel 7, and the West Leyden Youth Baseball temporary use of Parcel 4, for the purpose of managing the evergreen trees on these plots pursuant to the approved Land Management Plan; and

BOARD OF DIRECTORS

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Chairman

Harry A. Hertline
Treasurer

James M. D'Onofrio

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Jodi M. Tuttle
Authority Board Secretary

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WHEREAS, in 2011, the Tug Hill Eco Institute was no longer interested in utilizing Parcels 1 and 2 and, therefore, through Resolution No. 19 of 2011 the Board of Directors authorized the Knights of Columbus temporary use of Parcel 1, and the West Leyden Youth Baseball temporary use of Parcel 2, for the purpose of managing the evergreen trees on these plots pursuant to the approved Land Management Plan and the Authority Board of Directors authorized temporary use of Parcels 1, 3, 6 and 7 to the Boonville Knights of Columbus and Parcels 2, 4, 5 and 8 to West Leyden Youth Baseball; and

WHEREAS, West Leyden Youth Baseball disbanded and the Boonville Knights of Columbus expressed interest in also managing Parcels 2, 4, 5 and 8; and

WHEREAS, the Authority Board of Directors authorized temporary use of Parcels 1 through 8 to the Boonville Knights of Columbus through April 2023 through Resolution No. 13 of 2017; and

WHEREAS, the Boonville Knights of Columbus has done an excellent job managing their parcels, including replanting approximately 200 trees annually; now, therefore, be it

RESOLVED, the Authority Board of Directors authorizes temporary use of Parcels 1-8 to the Boonville Knights of Columbus through April 2028.

Adopted by the following vote:

AYES__ NAYS__

Dated:

Introductory No.

Resolution No. 13

Introduced by:

Seconded by:

RE: APPROVAL OF MODIFIED PROFESSIONAL SERVICES AND LEASE AGREEMENT WITH THE LAW OFFICE OF KEVIN G. MARTIN, P.C.

WHEREAS, Kevin G. Martin has been providing professional legal services as Authority Council since 2006, and has a long-term relationship with the Authority; and

WHEREAS, the Authority entered into a Professional Services and Lease Agreement with The Law Office of Kevin G. Martin, P.C. for a three-year period commencing June 1, 2022 through May 31, 2025; and

WHEREAS, in consideration for services performed by Kevin G. Martin, the Authority pays a monthly retainer fee to Kevin G. Martin; and

WHEREAS, both the Authority and Kevin G. Martin wish to modify the term of the current Professional Services and Lease Agreement and include a modification to the monthly retainage fee for services provided by Kevin G. Martin, P.C., effective April 1, 2023; now, therefore, be it hereby

RESOLVED, that the Authority Board of Directors hereby authorizes the Executive Director to renegotiate and sign a modification to the Authority's current Professional Services and Lease Agreement with the Law Office of Kevin G. Martin, P.C. for a 50-month period commencing April 1, 2023 through May 31, 2027 and directs the Executive Director to take the action necessary to execute the Agreement.

Adopted by the following vote:

AYES___ NAYS___

Dated:

**BOARD OF
DIRECTORS**

Kenneth A. Long
Chairman

Vincent J. Bono
Vice Chairman

Harry A. Hertline
Treasurer

Neil C. Angell

James M. D'Onofrio

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