

Preserving the environment through integrated recovery and disposal.

MEMORANDUM

TO: Authority Board of Directors
FROM: William A. Rabbia, Executive Director
DATE: April 30, 2021
RE: Meeting Notice & Tentative Agenda - Monday, May 10, 2021 - 4:30 PM

This meeting will be conducted via video conference and will be livestreamed through the Authority's YouTube channel at <https://www.youtube.com/user/OHSWA>. **Board Members will be emailed a private Zoom link to participate, prior to the meeting.**

1. Pledge of Allegiance
2. Approval of March 22, 2021 Authority Minutes
3. Public Comment Period
4. Transportation RFP – Award Resolution
5. 2021 First Quarter Financial Report
6. Updates:
 - Cell 4 Construction
 - Landfill Gas System
 - SSO Force Main/Hydrant Project
 - Recycling Markets

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AUTHORITY MEETING MINUTES
March 22, 2021

Board Members Present (Zoom/Video Conference): Chairman Ken Long, Vice Chairman Vincent Bono, James D’Onofrio, Barbara Freeman, Nancy Novak and Richard Redmond; In-Person: Neil Angell, Treasurer Harry Hertline and James Williams

Board Members Absent: James Franco

Authority Staff Present: William Rabbia, Jodi Tuttle, James Biamonte, Joseph Artessa (via Zoom) and Andrew Opperman

Others Present: Authority Counsel Kevin Martin and Brenden Kennedy, BST (via Zoom)

Due to the pandemic, this meeting was conducted via video conference.

Chairman Long called the March 22, 2021 Authority Board meeting to order at 4:32 PM and opened with the Pledge of Allegiance.

A motion was made by Mr. Bono, seconded by Ms. Freeman, and passed to approve the December 21, 2020 Authority Minutes.

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

Brendan Kennedy, Partner at BST & Co. presented the audited financial statements of the Authority for the years ended December 31, 2020 and 2019. He met with the Authority’s Audit and Finance Committees prior to this meeting to review the Independent Auditor’s Report and Statement of Net Position. Mr. Kennedy reviewed the Independent Auditor’s Report and explained the required communications to the Board through a PowerPoint presentation. He noted that Authority Management is responsible for preparation and presentation of the financial statements and that there were no disagreements with Management in preparing the audit. The Authority received an unmodified opinion on the financial statements which is the highest level of assurance one can receive from an auditing firm. There were no control matters to report and no significant deficiencies, material weaknesses or compliance findings noted. In accordance with Governmental Auditing Standards, the Authority was issued a clean report. Mr. Kennedy stated that the 2020 financial report continues to reflect the strong operating results of the Authority. The Authority has increased its net position by \$5.85 million and \$5.50 million for the years ended December 31, 2020 and 2019, respectively. Capital asset additions were \$6.0 million; and the Authority paid down \$2.5 million in debt (principal).

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Overall expenses decreased \$972,498, in comparison to 2019. The Authority's tipping fee revenues exceeded budget by \$4,319,126. The Authority exceeded budget expectations for asbestos, source separated organics, soil/cover, sludge, municipal solid waste and construction and demolition debris. The Authority earned \$1,571,951 in recycling sales during 2020, which was \$244,207 more than 2019. The Authority sold Landfill Gas and shared in a Power Purchase Agreement, per its contract with Waste Management Renewable Energy, and generated \$324,694 in revenue. The Authority sold carbon credits resulting in \$589,694 of revenue during 2020. In 2020, the Authority processed recyclables for Oswego, Lewis and Fulton Counties and earned \$868,613 in processing fees. Operating expenses decreased \$898,745 or 3.74% in comparison to 2019, mainly due to a decrease in fuel expense and leachate disposal. Interest expenses decreased by \$73,753 from 2019, resulting from scheduled debt principal payments. The Authority also funded reserves for landfill equipment in the amount of \$550,000 for 2020 and for the extension of the landfill liner in the amount of \$1,550,000. The Authority, once again, fully funded its closure and post-closure funds for the Ash Landfill and Regional Landfill. Mr. Kennedy stated that liquidity of unrestricted net position of the Authority remains very strong. He commented that BST received full cooperation of the Authority in conducting the audit with no significant issues or adjustments noted.

Comptroller Joseph Artessa said that Resolution No. 1 is an annual resolution necessary to reconcile the 2020 budget and 2020 budget amendments to the 2020 audited financial statements and for the purposes of the rate covenant compliance report.

Resolution No. 1 was introduced by Mr. Angell, seconded by Mr. Hertline, and passed reconciling the 2020 budget and 2020 budget amendments to reflect 2020 actual activity.

Executive Director William Rabbia explained that the next four resolutions are related to Board policies and that the policies were reviewed by the Governance Committee at its December meeting.

Resolution No. 2 was introduced by Mr. Williams, seconded by Mr. Bono, and passed approving a revised Mission Statement and Performance Measures and approving the Performance Measure Report for 2020; and directing the Board Secretary to file and post the Performance Measure Report in accordance with the New York State Public Authorities Law.

Resolution No. 3 was introduced by Ms. Freeman, seconded by Mr. Bono, and passed approving the current Confidential Evaluation of Board Performance form, without modifications. Board members were asked to submit their evaluation in a timely manner in order that the Board Secretary could submit a summary of the results to the Authority Budget Office before the March 31st deadline.

Resolution No. 4 was introduced by Mr. Hertline, seconded by Ms. Novak, and passed re-appointing James Biamonte as the Authority's Contracting Officer responsible for the disposition of Authority property and approving the Procedure for the Disposition of Authority Property, without modification.

Resolution No. 5 was introduced by Mr. Angell, seconded by Ms. Freeman, and passed approving the Authority's Procurement Policy, with no modifications, and designating sole source vendors/purchases.

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Resolution No. 6 was introduced by Mr. D'Onofrio, seconded by Ms. Novak, and passed authorizing and directing the Executive Director to certify and submit all reports required under the Public Authorities Accountability Act.

Resolution No. 7 was introduced by Mr. Redmond, seconded by Ms. Freeman, and passed approving the Authority's current Code of Ethics Policy and Fraud Policy, without modifications. As in the past, both policies will be posted at all Authority facilities and all employees will be provided copies.

Environmental Coordinator James Biamonte provided an update on beneficial use of biosolids and RFP responses. Mr. Biamonte said that biosolids were identified as a waste stream for evaluation in the extension to the Local Solid Waste Management Plan (LSWMP). Both he and Mr. Rabbia have had discussions with representatives from the Oneida County Wastewater Treatment Plant in Utica and the City of Rome Wastewater Treatment Plant, the local primary generators of biosolids. Mr. Biamonte said that the Authority Board authorized release of the Draft RFP on September 21, 2020 and the Draft was released on October 14, 2020 with one set of comments received. Respective respondents were given tours of both wastewater treatment plants. The Final RFP was released on January 20, 2021 with responses due February 10, 2021. Two responses were received; one from Casella Major Account Services; and the other from Denali Water Solutions. He noted that both respondents proposed land spreading on agricultural land which brought forth the issue of PFAS (polyfluoroalkyls). Mr. Biamonte stated that PFAS are in the environment as well as the human body and there are some potential health concerns associated with them. In addition to discussing PFAS with the respondents and the generators, Messrs. Rabbia and Biamonte had a video conference with the NYS Department of Environmental Conservation (NYSDEC). Currently, there are no EPA or NYS PFAS limits or regulations that set a safe level for groundwater. NYSDEC is waiting on the Environmental Protection Agency (EPA) to come up with a limit for groundwater. The next step is to sample the biosolids from the two plants to determine what the PFAS levels are and then hold discussions with the generators and respondents to determine which direction to go. As there is a potential liability issue related to spreading on agricultural land, the matter of beneficial use of biosolids may be postponed until a limit is established. It was noted that land spreading on agricultural lands would be limited to the spring and fall. The solid waste, drinking water, and wastewater industries are all closely following EPA action on PFAS.

Discussion ensued.

Related to Part 360, Mr. Rabbia said that when NYS modified solid waste permit conditions, it started requiring sampling of PFAS and other emerging contaminants in leachate. NYS is currently gathering data from landfill leachate and several wastewater treatment plants. He is hopeful that once more data is gathered, and the Federal government develops recommendations on limits, that there may still be some potential to beneficially utilize sludge and biosolids.

As was previously discussed at the joint Audit Committee/Finance Committee meeting, Mr. Rabbia reported that the Authority had applied for a NYSDEC landfill capping assistance grant back in 2008. The grant was structured to help municipal landfills close, cap or help with gas recovery systems. The Authority applied for funding toward its active gas collection system at the Regional Landfill. NYSDEC recently notified the Authority that it is now eligible for grant funding.

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The application submitted totaled \$2,048,644, of which a 50% grant in the amount of \$1,024,322 would be funded by NYSDEC. A recommendation was made to the Audit/Finance Committees that grant proceeds be designated toward a system-wide capital reserve.

Mr. Artessa reported that in 2016, the Board passed a resolution designating \$6 million toward exercising a call feature for the 2007 Series Bonds. The Board exercised that feature in 2017 and paid off the 2007 series bonds. As part of that resolution, the Board also authorized the Authority to exercise the call feature on the 2011 series bonds. That call feature can be exercised as of April 1, 2021. Mr. Artessa relayed that the funds have been transferred to the trustees to retire, redeem, and pay off the 2011 series bonds. The 2011 series bonds were used to finance the retrofitting of the MRF for the single stream recycling equipment. At the end of 2012, the Authority had \$48 million in debt. When the payment is made in April 2021, it will reduce the Authority's debt down to \$11 million. Mr. Artessa stated that the Authority budget has incorporated the interest savings for the remainder of this year on the 2011 series which will result in a savings of \$100,000 and in future years will save \$1.1 million that the Authority will not have to budget any more for principal and interest. The final bond issue is the 2006 series that was refinanced in 2015. The remaining \$11 million will be paid off in 2026. Once paid off, the Authority will be debt free.

Mr. Rabbia provided an update on the transportation RFP. The Board authorized releasing a Draft RFP at December Board meeting. The Authority released the Draft RFP on January 6, 2021, under 120-w. Comments were due March 8, 2021, with no formal comments received. A total of seven transportation companies have expressed interest. A Final RFP will be issued on March 31, 2021. Mr. Rabbia noted that there may be one amendment to the RFP related to designating Route 294 as a designated truck access highway, if approved by NYSDOT. Final responses will be due April 14, 2021, with interviews to follow. Mr. Rabbia hopes to have a recommendation for Board approval at the May 10, 2021 Board meeting. The current transportation contract expires October 2021.

Mr. Biamonte provided an update on the state mandated LSWMP Compliance Report Extension. He stated that the reporting period is for the past two years and this will be the Authority's second extension for 2023 and 2024. The Authority will provide updated recycling and waste disposal data (projections versus actuals) taken from annual reports, changes to its solid waste management practices (i.e., source separated organics) and information on Authority outreach and education campaigns. Recycling market obstacles (i.e., China Sword and COVID-19) and their effect on the Authority programs will also be addressed. In addition, the Authority is required to provide market information and quantities of recyclables by commodity and evaluate different alternatives for managing each sector of the waste stream. An actual municipal solid waste composition analysis and revised implementation schedule will also be reported. The Plan is due May 1, 2021. As in the past, Mr. Biamonte anticipates that the state will provide comments and request additional information from the Authority.

Mr. Rabbia noted that in the past, the LSWMP was a ten-year plan which included holding public hearings. The new Part 360 was designed to lighten the burden on planning units to make it more of a living document. Mr. Rabbia stated that LSWMP updates will be posted on the Board portal for the Board's review and comments.

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Mr. Rabbia reported that NYS has passed several EPR [Extended Producer Responsibility] laws and, most recently, is considering new packaging and paper legislation which would require producers and sellers of paper products and packaging material, to take responsibility for recycling it. NYS has already passed some EPR laws related to E-Waste and paint. Discussion ensued.

Mr. Rabbia will continue to follow current and proposed EPR legislation and the potential impacts on the Authority's system.

Mr. Rabbia said that the Board had previously authorized use of some reserves to put in a new flare at the Regional Landfill. The new candlestick flare has since been delivered and will run in concert with the two existing flares. He commended the landfill crew for doing a great job expanding the flare skid building and said the concrete work is done and the conduit is in place. He said that this project is ahead of schedule. The Title V air permit has been modified and he anticipates having a new flare operational within three weeks. Within the next few weeks or so, the Authority will also be installing 10 to 12 additional gas wells.

Mr. Rabbia reported that Solid Waste Engineer Andrew Opperman has been working with both the Authority's engineers and Oneida County's engineer to finalize the design of the source separated organics force main and plans to release a bid over the next few weeks. Within the same bid, Mr. Opperman will incorporate the hydrant project which was authorized by the Board in December 2020.

At 5:54 PM, 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