

MEMORANDUM

TO: Authority Board of Directors
FROM: William A. Rabbia, Executive Director
DATE: June 10, 2022
RE: Meeting Notice & Tentative Agenda - Monday, June 20, 2022 - 4:30 PM

A regular meeting of the Oneida-Herkimer Solid Waste Management Authority is scheduled for Monday, June 20th, 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.** This meeting will be livestreamed through the Authority's YouTube channel at <https://www.youtube.com/user/OHSWA>.

1. Pledge of Allegiance
2. Approval of May 16, 2022 Authority Minutes
3. Public Comment Period
4. City of Utica Agreed Upon Procedures Report
5. Approval of Investment Policy and Guidelines w/No Modifications – Resolution
6. Approval of Reduced Tip Fee for Utica Harbor Point Cleanup/Development Project – Resolution
7. Updates:
 - Plastic Film Challenge/KMVB Clean-Up
 - Household Hazardous Waste – PaintCare Program
 - Landfill Gas Beneficial Use RFP

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AUTHORITY MEETING MINUTES

DRAFT

May 16, 2022

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

Authority Staff Present: William Rabbia, Jodi Tuttle, Joseph Artessa, Eileen Brinck, Joshua Olbrys and Andrew Opperman

Others Present: Authority Counsel Kevin Martin

Vice Chairman Vincent Bono called the May 16, 2022 Authority Board meeting to order at 4:30 PM and opened with the Pledge of Allegiance.

A motion was made by Ms. Freeman, seconded by Mr. Hertline, and passed to approve the March 21, 2022 Authority Minutes.

There were no comments received for public comment period.

Executive Director William Rabbia explained that Resolution No. 8 before the Board would authorize an extension of the Solid Waste Management Collection and Disposal Agreement between the Authority and the City of Utica. The City and the Authority initially entered a 25-year intermunicipal agreement dated as of April 1, 1996, wherein the Authority took on management of the City’s curbside collection program and the Utica Solid Waste Fund, as a separate enterprise account. The Authority and the City subsequently entered into an extension of that agreement in 2018, which is set to expire on March 31, 2023. Both the Authority and the City have mutually benefited from the Agreement and now wish to extend the terms for an additional 10-year period. Mr. Rabbia relayed that the Mayor and Common Council have already approved the Extension Agreement as well as blue bag and user fee increases necessary to cover the cost of the new collection contact, effective April 1, 2023. Mr. Rabbia noted that all other terms and conditions unchanged and that the agreement simply extends the term through March 31, 2033.

Resolution No. 8 was introduced by Mr. Angell, seconded by Mr. Williams, and passed [9 AYES; 0 NAYS – Mr. D’Onofrio was not present at the time of the vote] approving an Extension of the Solid Waste Management collection and Disposal Agreement with the City of Utica.

Mr. D’Onofrio joined the meeting via Zoom.

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Mr. Rabbia stated that the Authority has provided the City with collection service on a continuous basis from April 1, 1996, to date through private subcontractors and Authority staff. The current subcontract expires March 31, 2023. The Authority commenced a process to solicit bids for the collection of solid waste and recyclables in the City of Utica and the Authority Board initiated a bid solicitation under General Municipal Law on January 21, 2022. A mandatory pre-bid meeting was held on February 23, 2022, with five contractors in attendance. Final sealed bids were received, with the bid opening on March 18, 2022. Mr. Rabbia noted that this bid was released one year early because of issues facing contractors (i.e., securing equipment during the current supply chain crisis). Mr. Rabbia said that the lowest bid received was from the current contractor, Controlled Waste Systems, Inc. (CWSI), Utica in the amount of \$11,869,000. Syracuse Haulers Waste removal, Inc. submitted the second lowest bid in the amount of \$17,039,930. A canvass of the bids submitted was performed and contractors' qualifications have been confirmed based on the bids and the canvass. Authority staff is recommending an award to the acceptable lower bidder and current contractor, CWSI.

Resolution No. 9 was introduced by Mr. Franco, seconded by Mr. Hertline, and passed [10 AYES; 0 NAYS] awarding the contract to Controlled Waste Systems, Inc. for \$11,869,000 for the collection and haul of solid waste and recyclables in the City of Utica.

Mr. Rabbia stated that Resolution No. 10 would approve a Professional Services and Lease Agreement with the Law Office of Kevin G. Martin, P.C. Mr. Rabbia stated that Kevin Martin has been providing legal services as Authority Council since 2006. In November 2020, the Authority entered into a Professional Services and Lease Agreement with Martin & Rayhill, P.C. The law firm of Martin & Rayhill, P.C. has since dissolved and Mr. Martin is now the sole proprietor of the Law Office of Kevin G. Martin, P.C. Mr. Martin would like to continue leasing an office at the Authority's 1600 Genesee Street, Utica. Mr. Rabbia noted that the Professional Services and Lease Agreement is for a three-year period, through May 31, 2025, at the same amount as the current agreement.

Resolution No. 10 was introduced by Mr. D'Onofrio, seconded by Ms. Freeman, and passed approving a Professional Services and Lease Agreement with the Law Office of Kevin G. Martin, P.C. commencing June 1, 2022, through May 31, 2025, and directing the Executive Director to take the action necessary to execute the Agreement.

Comptroller Joseph Artessa presented the Authority's First Quarter 2022 Financial and Investment Report through a PowerPoint presentation. Mr. Artessa said that the Authority's operations (exclusive of the City of Utica and the Villages of Ilion, Mohawk, Dolgeville, Herkimer, and Frankfort) have generated an operating surplus in the amount of \$946,503 for the quarter ended March 31, 2022. This is an increase of \$670,969 in comparison to 2021 first quarter results. The increase in operating surplus is related to an increase in material received. Overall material received in the first quarter of 2022 was 91,512 tons in comparison to 61,391 tons in 2021. The percentage of material received compared to budgeted tonnage was 31.87% for 2022 compared to 20.81% for 2021. The Authority has generated \$5,857,614 of revenues for the first three months of 2022. This is 26.77% of the 2022 budgeted revenues and represents an increase of \$877,698 from 2021 revenues. System Tipping Fees and Sales of Recyclables are the revenue lines that have increased in comparison to 2021. System Tip Fees are \$803,273 more than 2021 even though there was a \$2.00 per ton decrease in MSW, LSW, and Sludge effective January 1, 2022. Overall material received in first quarter 2022 was 91,512 tons vs. 61,391 tons in 2021.

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The percentage of material received compared to the budgeted tonnage was 31.87% for 2022 compared to 20.81% for 2021. Authority expenses for the three months are \$4,911,111, an increase of \$206,729 or 4.39% in comparison to 2021 first quarter. Mr. Artessa highlighted expenses for the first three months of 2022, in comparison to 2021 first quarter. He also reviewed revenues and expenses for the City of Utica and Villages of Ilion, Mohawk, Dolgeville, Herkimer, and Frankfort, managed by the Authority. Each municipality is accounted for separately to ensure revenues and expenses are charged according to the respective community.

Mr. Rabbia updated the Board on the Landfill Gas Utilization RFP. In December 2022, the Board authorized release of a Draft RFP to procure an agreement with a developer for utilization of landfill gas that is not currently utilized for energy production and is currently being destroyed through use of flares. The draft RFP was released on January 12, 2022, a mandatory pre-bid meeting held, and the final RFP developed and released on April 6th. Proposals were due April 25, 2022. Six proposals were received from large RNG [renewable natural gas] and energy companies in which each would clean the landfill gas and bring it to market either through a virtual or physical pipeline. The Authority is now in the process of interviewing five of the developers. A matrix will be developed to analyze the risks, pros and cons for the Board. Mr. Rabbia said that the goal is to have a potential recommendation of award for the Board's consideration at the September meeting.

Deputy Executive Director Josh Olbrys updated the Board on the Regional Landfill gas system expansion through a PowerPoint presentation. Mr. Olbrys reported that every Spring the Authority evaluates the landfill gas field to see if there are any critical spots and, if so, develops a drilling plan. This year the Authority drilled 11 new extraction vertical wells. Recovery Drilling (Massachusetts) who specializes in landfill drilling, was awarded the bid for \$27,028. Recovery Drilling drilled a total of 592' and the wells ranged from 30' to 90' in depth. Currently 10 of the 11 wells are hooked up. The wells are dewatered, and quality is checked daily. Mr. Olbrys stated that since April 1, 2022, gas flow and quality have increased greatly.

Discussion ensued.

Next, Mr. Rabbia provided some updates on the April 23rd event wherein the Authority worked in conjunction with Senator Griffo, in recognition of Earth Day. Senator Griffo mailed post cards to residents within his district advertising this event. Mr. Rabbia said that the event was very successful with a total of 825 vehicles that visited the Authority's Utica's facility. The Authority took in more than 18 tons [1 ¾ tractor trailer loads of palletized electronics], a little over 10 tons of paper, and 760 pounds of pharmaceuticals. NYSDEC assisted in the receipt of the pharmaceuticals which were then shipped to the Oswego County Energy Recovery Facility. In conjunction with this event and pursuant to the Local Solid Waste Management Plan, the Authority offered discounted pricing on composters and rain barrels. A total of 57 composters and 85 rain barrels were sold. The Oneida County Sewer District partnered with the Authority on the selling of the rain barrels.

Mr. Rabbia requested that the Board move its September 19, 2022 meeting to September 12, 2022, due to a scheduling conflict related to the New York State Association for Solid Waste Management (NYSASWM) Fall Conference in which Messrs. Rabbia and Olbrys sit on the NYSASWM Board. Mr. Rabbia said that the Finance Committee would also meet on September 12th and be provided a draft of the 2023 Authority budget.

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A motion was made by Mr. Angell, seconded by Mr. Hertline and passed to change the date of the September Board meeting from the 19th to the 12th (4:30 PM).

Mr. Rabbia introduced new Recycling Coordinator Eileen Brinck. Eileen joined the Authority in January 2022. She has a Master's in Environmental Studies and Sustainability from Unity College and a B.S. in environmental Studies from Syracuse (SUNY Environmental Science & Forestry).

At the June Board meeting, Mr. Rabbia will have Superintendent of Waste Collection Justin Fitch, who manages our household hazardous waste program, update the Board on a new contract with PaintCare. Mr. Rabbia stated that there is a new environmental producer responsibility bill in which the American Coatings Association would take all the paint at the Authority's site, as well as from some local businesses, at no charge. Recycling Coordinators Samantha Brown and Eileen Brinck will also provide an update on the schools' plastic film challenge at the meeting.

At 5:20 PM, with no further business, a motion was made by Mr. D'Onofrio, seconded by Ms. Freeman, 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. 11

Introduced by:

Seconded by:

RE: APPROVAL OF INVESTMENT POLICY AND INVESTMENT GUIDELINES

WHEREAS, the Authority Board of Directors adopted an Investment Policy with a comprehensive set of investment guidelines by Resolution No. 42 on August 20, 1990 in compliance with the requirements of the Public Authorities Law and the Authority's Bylaws; and

WHEREAS, these investment guidelines detail the Authority's operative policy and instructions to officers and staff regarding the investing, monitoring and reporting of funds of the Authority; and

WHEREAS, pursuant to the Public Authorities Accountability Act, this Investment Policy will be reviewed annually and from time to time the Authority may amend such Investment Guidelines; and

WHEREAS, the Board approved amendments to the Investment Policy by Resolution No. 13 on May 18, 2009, Resolution No. 12 on May 17, 2010, Resolution No. 24 on November 21, 2011 and Resolution No. 15 on June 17, 2019; and

WHEREAS, the Authority's Finance Committee has reviewed the existing Investment Policy and Investment Guidelines and is recommending no further modifications be made to the Investment Policy and Investment Guidelines at this time; now, therefore, be it

RESOLVED, that the Authority approves the attached Investment Policy and Investment Guidelines without modification.

Adopted by the following vote:

AYES __ NAYS __

Dated:

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Introductory No.

Resolution No. 12

Introduced by:

Seconded by:

RE: APPROVAL OF REDUCED TIP FEE FOR THE CITY OF UTICA FOR UTICA HARBOR DEMOLITION/CLEAN-UP

WHEREAS, the Authority Board of Directors adopted a Policy for Reduced Tip Fee Programs per Resolution No. 20 on December 21, 2020 to assist local municipalities and Oneida-Herkimer Counties with reduced tipping fees for Brownfield/Industrial Development projects; and

WHEREAS, the City of Utica is working with Utica Harbor Point Development Corporation, a New York State recognized Local Development Corporation; and

WHEREAS, the City of Utica and the Utica Harbor Point Development Corporation are working to redevelop and clean-up the Utica Harbor; and

WHEREAS, the City of Utica will demolish two abandoned structures, estimated to generate 486 tons of debris, as part of the redevelopment plan; and

WHEREAS, the City of Utica has submitted an Application for the Reduced Tip Fee Program for Brownfield Clean-Up/Industrial Development Agency Projects to the Authority for its consideration; and

WHEREAS, the Authority Executive Director and staff evaluated the application submitted by the City of Utica and recommended approval by the Finance Committee; and

WHEREAS, the Finance Committee has reviewed the application submitted by the City of Utica and is now recommending approval by the full Authority Board of Directors; now, therefore, be it

RESOLVED, that the Oneida-Herkimer Solid Waste Authority Board of Directors approves the Application for the Reduced Tip Fee Program for Clean-Up/Disposal of Demolition Debris at a rate of \$42.00 per ton resulting from the work at the Utica Harbor; and be it further

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Introductory No. 12

Resolution No.

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RESOLVED, that the Authority Board authorizes and directs the Executive Director to take all necessary action to assist the City of Utica with its clean-up.

AYES__ NAYS__

Dated: