

MEMORANDUM

TO: Authority Board of Directors
FROM: William A. Rabbia, Executive Director
DATE: March 11, 2022
RE: Meeting Notice & Tentative Agenda - Monday, March 21, 2022 - 4:30 PM

A regular meeting of the Oneida-Herkimer Solid Waste Management Authority is scheduled for Monday, March 21, 2022, 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. Approval of December 20, 2021 Authority Minutes
3. Public Comment Period
4. Independent Audit - Brendan Kennedy, Partner, BST & Co.
5. Reconciliation of 2021 Budget and 2021 Budget Amendments – Resolution
6. Approval of Authority Mission Statement and Performance Measures and Performance Measure Report for 2021 – Resolution
7. Annual Board of Directors Evaluation – Resolution
8. Appointment of Contracting Officer and Approval of Property Disposition Policy - Resolution
9. Approval of Procurement Policy and Designation of Sole Source Vendors – Resolution
10. Public Authorities Reporting Information System (PARIS) Authorization – Resolution
11. Approval of Code of Ethics Policy and Fraud Policy – Resolution
12. Updates:
 - Landfill Gas Utilization RFP
 - City of Utica Collection Bid
 - NYS Packaging EPR Proposed Legislation
 - Earth Day Events – Saturday, April 23rd
 - KMVB Great American Clean-Up

cc: Joshua Olbrys, Deputy Executive Director

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AUTHORITY MEETING MINUTES
December 20, 2021

DRAFT

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

Board Members Absent: Richard Redmond

Authority Staff Present: Bill Rabbia, Jodi Tuttle, Joe Artessa, Jim Biamonte, Joshua Olbrys and Andrew Opperman

Others Present: Kevin Martin, Authority Counsel

Chairman Long called the December 20, 2021 Authority meeting to order at 4:30 PM and opened with the Pledge of Allegiance.

A motion was made by Mr. Bono, seconded by Mr. Williams, and passed to approve the November 15, 2021 Authority Minutes. [9 Ayes; 0 Nays; 1 Absent]

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

Executive Director William Rabbia announced that the Authority is honoring Harbor Point Mineral Products as its 2021 Recycling Champion. Harbor Point has gone above and beyond in its recycling, reduction, and reuse efforts, including working with suppliers to reduce environmental impacts. Mr. Rabbia reported that Harbor Point has consistently baled multiple tons of supersacks and office paper which are then marketed for recycling.

Resolution No. 16 was introduced by Ms. Freeman, seconded by Mr. Hertline, and passed [9 Ayes; 0 Nays; 1 Absent], commending Harbor Point Mineral Products as 2021 Recycling Champion. Ms. Tuttle read Resolution No. 16 aloud.

Due to COVID restrictions, Harbor Point Mineral Products will be presented with a plaque commemorating its achievement at a future date.

Mr. Rabbia stated that the Authority’s proposed 2022 budget, 2022 rate schedule and Solid Waste Collection and Disposal Permit Rules and Regulations, were presented before a public hearing at the November 15, 2021 Board meeting. He stated that the proposed budget includes a \$2.00 per ton tipping fee reduction for municipal solid waste, local solid waste, and sludge. The budget also includes the promotion of Landfill Operations Manager Joshua Olbrys to the position of Deputy Executive Director.

Resolution No. 17 was introduced by Mr. Hertline, seconded by Mr. Bono, and passed [9 Ayes; 0 Nays; 1 Absent] approving the Authority’s proposed 2022 budget, 2022 rate schedule and Solid Waste Collection and Disposal Permit Rules and Regulations.

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December 20, 2021

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Vice Chairman Bono congratulated the Finance Committee, Executive Director, and staff for putting together a sound, solvent budget.

Comptroller Joe Artessa said that Resolution No. 18 would approve a supplemental appropriation for additional funding for disposal of tires as there was an extraordinary number of tires to be disposed of this year. The second supplement appropriation is related to new Regional Landfill flares and blower skid; a fire hydrant loop at the Utica complex; and a force main for the Source Separated Organics Processing Facility. Mr. Artessa said that most of the work on these projects was done in 2021 and, therefore, he was requesting to roll unexpended funds from the 2020 budget into 2021 to pay for these projects.

Resolution No. 18 was introduced by Mr. Franco, seconded by Mr. Williams and passed to approve 2021 supplemental appropriations. [9 Ayes; 0 Nays; 1 Absent]

Mr. Artessa said that budget transfers are needed for unanticipated expenses for maintenance and service contracts, a SCADA upgrade, transportation due to additional demolition activity and Green Waste overtime and automotive supplies.

Resolution No. 19 was introduced by Mr. Angell, seconded by Ms. Freeman, and passed approving 2021 budget transfers. [9 Ayes; 0 Nays; 1 Absent]

Mr. Rabbia said that a portion of the landfill gas not utilized for energy production is currently being destroyed through use of flares and requested that the Authority solicit proposals to procure an Agreement with a developer for utilization of the landfill gas.

Resolution No. 20 was introduced by Mr. Bono, seconded by Mr. Franco, and passed authorizing and directing the issuance of a Draft Request for Proposals for Landfill Gas Utilization, under Section 120-w. [9 Ayes; 0 Nays; 1 Absent]

Mr. Rabbia reported that Resolution No. 21 would approve a Professional Services Agreement with Trainor Associates to assist the Authority in its ongoing public information/education efforts. The Authority has worked with Trainor Associates since 2010. He said that the use of the professional public relations firm will continue to enhance the Authority's website and social media efforts. Based upon past experience with Trainor Associates, Mr. Rabbia recommended entering into a professional services agreement for the period January 1, 2022 through December 31, 2023. He said that Trainor would be required to request and receive written authorization from the Authority before proceeding with any work and that the work would be within the annual budget.

Resolution No. 21 was introduced by Mr. Hertline, seconded by Mr. Angell and passed to approve a Professional Services Agreement with Trainor Associates for the period January 1, 2022 through December 31, 2023. [9 Ayes; 0 Nays; 1 Absent]

Resolution No. 22 was introduced by Mr. Bono, seconded by Mr. Williams and passed to establish the following regular meetings dates for 2022: March 21st, May 16th, June 20th, September 19th, November 21st and December 19th, 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. [9 Ayes; 0 Nays; 1 Absent]

AUTHORITY MEETING MINUTES

December 20, 2021

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Resolution No. 23 was introduced by Mr. Franco, seconded by Ms. Freeman, and passed electing the following slate of officers and committee members for 2022: 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. [9 Ayes; 0 Nays; 1 Absent]

Resolution No. 24 was introduced by Mr. Bono and unanimously seconded and approved commending the service of Environmental Coordinate James V. Biamonte for his 32 years of service to the Authority and recognizing his exception leadership, dedication, and accomplishments. [9 Ayes; 0 Nays; 1 Absent]

At 4:49 PM, with no further business, a motion was made by Mr. Bono, seconded by Mr. Williams, 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

Introduced by:

Seconded by:

RE: RECONCILIATION OF 2021 BUDGET AND 2021 BUDGET AMENDMENTS TO REFLECT 2021 ACTUAL

WHEREAS, the Authority Board, by Resolution No. 19 dated December 21, 2020 adopted the 2021 Budget; and

WHEREAS, the Authority Board approved budget transfers and/or amendments and/or supplemental appropriations to the 2021 Budget by Resolutions No. 11 dated September 20, 2021, No. 15 dated November 15, 2021 and No. 18 and No. 19 dated December 20, 2021; and

WHEREAS, the changes to total revenues and expenses for 2021 were included in the completed independent audited financial statements issued in March of 2022 and it is necessary to reconcile the 2021 Budget to the 2021 audited financial statements; now, therefore, be it

RESOLVED, that for purposes of the rate covenant compliance report for the Series 2006 bonds, the 2021 Budget shall reflect actual 2021 expenses as audited.

Adopted by the following vote:

AYES__ NAYS__

Dated:

**BOARD OF
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Vice Chairman

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Treasurer

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James A. Franco

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Nancy A. Novak

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James M. Williams

William A. Rabbia

Executive Director

Jodi M. Tuttle

Authority Board Secretary

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Introductory No.

Resolution No. 2

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 2021

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 2021; 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 2021 Performance Measure Report, in accordance with the New York State Public Authorities Law.

Adopted by the following vote:

AYES__ NAYS__

Dated:

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Introductory No.

Resolution No. 3

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

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

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

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

Adopted by the following vote:

AYES__ NAYS__

Dated:

Introductory No.

Resolution No. 4

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

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RESOLVED, the Authority Board appoints Andrew Opperman to be the Contracting Officer for the period 2022-2023 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:

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Introductory No.

Resolution No. 5

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 further modifications at this time; now, therefore be it

RESOLVED, the Board of Directors hereby approves the attached modified 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)

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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 heavy motor components, filters, emission system components)
Geologic Computer Systems (GPS software – RLF compaction)
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)
Kinequip (Kaeser Compressor – parts/service – MRF)
LC Whitford (Morbark Tub Grinder Parts)
Material Handling Products Corp. (Hyundai forklift parts – MRF)
Milton CAT – (CAT engine components, filters, emission system components, oil sample kits for warranty validation)
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)
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)
Snyder Technical Services, LLC (service/preventative maintenance on gas blowers – RLF)
Specialty Tire Inc. (solid skid steer tires)
Statewide Aquastore (leachate tanks – RLF)
SWK Technologies (accounting system software support)
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)
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:

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Introductory No.

Resolution No. 6

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

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Introductory No.

Resolution No. 7

Introduced by:

Seconded by:

RE: APPROVAL OF CODE OF ETHICS POLICY AND FRAUD POLICY

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

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

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

WHEREAS, the Governance Committee reviewed the Authority's current Code of Ethics Policy and is recommending no further modifications be made to the Code of Ethics Policy at this time; 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 without 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
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