

MEMORANDUM

TO: Authority Board of Directors
FROM: William A. Rabbia, Executive Director
DATE: May 6, 2022
RE: Meeting Notice & Tentative Agenda - Monday, May 16, 2022 - 4:30 PM

A regular meeting of the Oneida-Herkimer Solid Waste Management Authority is scheduled for Monday, May 16th, 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 March 21, 2022 Authority Minutes
3. Public Comment Period
4. Authorization for Extension of Agreement with City of Utica – Resolution
5. City of Utica Collection and Disposal Contract – CWSI – Resolution
6. Agreement with The Law Office of Kevin G. Martin, P.C. – Resolution
7. 2022 First Quarter Financial Report
8. Updates:
 - Landfill Gas Utilization RFP/Regional Landfill Gas System
 - Earth Day Events
 - Request to Change September 19th Board Meeting to September 12th – Motion

cc: Joshua Olbrys, Deputy Executive Director

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DRAFT

AUTHORITY MEETING MINUTES **March 21, 2022**

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

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

Others Present: Authority Counsel Kevin Martin and Brenden Kennedy, Partner-BST & Co.

Vice Chairman Vincent Bono called the March 21, 2022 Authority Board meeting to order at 4:30 PM and opened with the Pledge of Allegiance.

A motion was made by Mr. Williams, seconded by Mr. Franco, and passed to approve the December 20, 2021 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, 2021 and 2020. 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 internal 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 opinion. Mr. Kennedy stated that the Authority’s liquidity is strong and that the 2021 financial report continues to reflect the strong operating results of the Authority. He noted that the Authority has increased its net position by \$6.4 million for the year ended December 31, 2021.

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AUTHORITY MEETING MINUTES

March 21, 2022

Page 2

This was the result of several factors, including overall revenues increased \$1,062,987; tipping fee revenues exceeded budget by \$1,669,327; \$3,355,759 earned in increased recycling sales, which was \$1,783,808 more than in 2020; the Authority completed the redemption of the 2011 revenue bonds; the Authority sold landfill gas and shared in a Power Purchase Agreement, per its contract with Waste Management Renewable Energy, and generated \$317,287 in revenue; the Authority sold carbon credits resulting in \$590,538 of revenue during 2021; the Authority earned \$922,748 in processing fees for out of county recyclables; interest expense decreased by \$232,238 from 2020, resulting from scheduled debt principal payments and the redemption of the 2011 Revenue Bond issue; the Authority funded reserves for landfill equipment in the amount of \$800,000 for 2021 and for the extension of the landfill liner in the amount of \$1,600,000; and fully funded its closure and post-closure funds for the Ash Landfill and Regional Landfill. Operating expenses increased 2.1% from 2020 due to increases in salaries, wages and benefits, and modest increases in various line items. Mr. Kennedy stated that the Authority's audit is a model audit throughout the state. The Agreed Upon Procedures Report for the City of Utica Solid Waste Fund will be presented at the May 2022 Board meeting.

Comptroller Joseph Artessa said that Resolution No. 1 is an annual resolution necessary to reconcile the 2021 budget and 2021 budget amendments to the 2021 audited financial statements and for the purposes of the rate covenant compliance report.

Resolution No. 1 was introduced by Mr. Long, seconded by Ms. Novak, and passed [10 Ayes; 0 Nays] reconciling the 2021 budget and 2021 budget amendments to reflect 2021 actual activity.

Executive Director William Rabbia explained that the following 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. Hertline, seconded by Ms. Freeman, and passed [10 Ayes; 0 Nays] approving the Authority's current Mission Statement and Performance Measures with no modifications and approving the Performance Measure Report for 2021; 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 Mr. Redmond, seconded by Mr. Franco, and passed [10 Ayes; 0 Nays] approving the current Confidential Evaluation of Board Performance form, without modifications. Board members were asked to submit their evaluation in a timely manner so that the Board Secretary could submit a summary of the results to the Authorities Budget Office before the March 31st deadline.

Resolution No. 4 was introduced by Mr. D'Onofrio, seconded by Ms. Freeman, and passed [10 Ayes; 0 Nays] appointing Andrew Opperman, Solid Waste Engineer, 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.

Mr. Rabbia reported that the Governance Committee reviewed the current Procurement Policy and is recommending raising the threshold for "open market" purchases from \$750.00 to \$1,000.00. He noted that Oneida County's current threshold is \$1,000 and Herkimer County's is \$2,000.

AUTHORITY MEETING MINUTES

March 21, 2022

Page 3

Resolution No. 5 was introduced by Mr. Angell, seconded by Ms. Freeman, and passed [10 Ayes; 0 Nays] approving the Authority's Procurement Policy, with the recommended modification, and designating sole source vendors/purchases.

Resolution No. 6 was introduced by Ms. Freeman, seconded by Mr. Franco, and passed [10 Ayes; 0 Nays] authorizing and directing the Executive Director to certify and submit all reports required under the Public Authorities Accountability Act.

Related to the Authority's Ethics and "Whistleblowers" Report of Fraud Policies, Mr. Rabbia conveyed that there were no reports of fraud in the past year, nor violations of the Ethics Policy.

Resolution No. 7 was introduced by Mr. Angell, seconded by Mr. Franco, and passed [10 Ayes; 0 Nays] 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.

Mr. Rabbia provided an update on the Landfill Gas Utilization RFP, stating that the Authority released a Draft RFP on January 12, 2022, soliciting proposals 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. A mandatory pre-bid meeting was held on February 10, 2022, with eight companies (primarily large bio-gas developers) in attendance. The deadline for submittal of comments on the Draft RFP was March 12, 2022. A final RFP will be developed and released on April 6, 2022. The Authority will review and evaluate proposals in accordance with Section 120-w followed by potential award at the September Board meeting.

Mr. Rabbia updated the Board on the City of Utica Collection Bid. The current intermunicipal agreement for curbside collection within the City expires March 21, 2023. Due to equipment delays and labor shortages, it was determined that it was in everyone's best interest to solicit bids one year in advance. The Draft RFP was released on January 26, 2022. A mandatory pre-bid meeting was held on February 23, 2022, with five companies in attendance. Bids were due and opened on March 18, 2022. Two companies submitted bids and the current contractor, CWSI, was the lowest bidder. The next step will be to meet with the City to analyze pricing. Before an award can be made, the City will have to renew its current contract with the Authority.

Mr. Rabbia reported on Governor Hochul's proposed NYS packaging EPR [Extended Producer Responsibility] legislation in which producers would pay for the collection and recycling of packaging materials they distribute. Mr. Rabbia said that the New York State Association for Solid Waste Management (NYSASWM), for which he was appointed President, and Deputy Executive Director Joshua Olbrys is a Board member, is currently working with NYSAC to ensure that owners/operators of MRFs have the right of first refusal. Mr. Rabbia will continue to follow and report on the proposed legislation and the potential impacts on the Authority's system.

Mr. Rabbia said that once again, the Authority is partnering with Senator Griffo to hold an electronics recycling event in celebration of Earth Day at the Oneida-Herkimer Recycling Center. The event will take place on Saturday, April 23, 2022, between 10 AM and 2 PM, and will include free electronics (E-waste) recycling, paper shredding and collection and disposal of unused medication and pharmaceuticals.

AUTHORITY MEETING MINUTES

March 21, 2022

Page 4

Lastly, Mr. Rabbia said that the Authority is combining efforts with Keep Mohawk Valley Beautiful (KMVB). The KMVB Regional Clean & Green Effort is an opportunity for volunteer groups and individuals to participate in beautifying the Mohawk Valley region throughout the month of April. A press conference on this event will be held at the Recycling Center on April 4, 2022.

At 5:19 PM, with no further business, a motion was made by Mr. D’Onofrio, seconded by Mr. Hertline, and passed to adjourn the meeting.

Respectfully submitted,

Jodi M. Tuttle
Authority Secretary

Introductory No.

Resolution No. 8

Introduced by:

Seconded by:

**RE: EXTENSION OF SOLID WASTE MANAGEMENT COLLECTION AND DISPOSAL AGREEMENT
WITH CITY OF UTICA**

WHEREAS, there has been a long-standing, cooperative working relationship between the Authority and the City of Utica on a number of services and projects; and

WHEREAS, the Authority and the City of Utica previously entered into a 25-year intermunicipal Agreement dated as of April 1, 1996 wherein the Authority would provide solid waste management collection and disposal services to the City; and

WHEREAS, the Authority and the City of Utica entered into an Extension of the Solid Waste Management Collection and Disposal Agreement on or about January 16, 2018; and

WHEREAS, the Extension by its terms is set to expire on March 31, 2023; and

WHEREAS, the parties have each performed pursuant to the terms and conditions of the Agreement and the parties have each mutually benefited from the terms and conditions of the Agreement; and

WHEREAS, the Authority and the City of Utica wish to extend the terms of the Solid Waste Management Collection and Disposal Agreement for an additional 10-year period; now, therefore be it

RESOLVED, the Authority Board of Directors hereby approves the attached Agreement with the City of Utica, to be effective April 1, 2023 and terminating March 31, 2033, upon the signature of Utica Mayor Robert Palmieri and Executive Director William Rabbia; and further be it

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Resolution No. 8

Page 2

RESOLVED, the Board hereby directs the Executive Director and Authority Counsel to take all necessary action to execute the Agreement, including any adjustments or other related agreements, which may be necessary.

Adopted by the following vote:

AYES__ NAYS__

Dated:

Preserving the environment through integrated recovery and disposal.

Introductory No.

Resolution No. 9

Introduced by:

Seconded by:

RE: AWARD OF 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

WHEREAS, the Authority assumed responsibility for the collection of all solid waste and recyclables generated in the City of Utica pursuant to the Solid Waste Collection and Disposal Agreement made as of April 1, 1996 between the City of Utica and the Authority; and

WHEREAS, the Authority has provided this collection service on a continuous basis from April 1, 1996 to date through private subcontractors and Authority staff; and

WHEREAS, the current subcontract expires March 31, 2023; and

WHEREAS, 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 Section 103 on January 21, 2022; and

WHEREAS, the Official Notice issued by the Authority seeking bids was published in the Observer-Dispatch (Utica); the Rome Daily Sentinel; and the Times Telegram (Herkimer); and

WHEREAS, a mandatory pre-bid meeting was held at 1:00 PM on February 23, 2022; final sealed bids were received, as specified in the bid solicitation, prior to 3:00 PM on March 18, 2022; and the bid opening was conducted at 3:00 PM on March 18, 2022 at the Authority Offices at 1600 Genesee St., Utica, New York and a summary of the bids submitted with the results as follows:

Bidder & Address	Total
Controlled Waste Systems, Inc. (CWSI), Utica, NY	\$11,869,000
Syracuse Haulers Waste Removal, Inc., Syracuse, NY	\$17,039,930

; and

WHEREAS, a canvass of all bids submitted was made by the Authority to verify compliance with all requirements of the bid solicitation; each contractor’s qualifications have been confirmed based on the bids and the canvass, Authority staff has recommended an award to the acceptable low bidder, CWSI; now, therefore, be it

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Resolution No. 9

Page 2

RESOLVED, that the Authority Board approves and awards the bid for the collection of solid waste and recyclables in the City of Utica for the five-year period commencing April 1, 2023, and continuing thru March 31, 2028, to Controlled Waste Systems, Inc. (CWSI) at the price not to exceed those indicated in the attached draft contract; and further be it

RESOLVED, that the Authority Board authorizes and directs the Authority Counsel to prepare and the Executive Director to sign all necessary contracts, agreements, and other instruments necessary to implement this award, and to take all other action necessary to continue service on April 1, 2023.

Adopted by the following vote:

AYES___ NAYS___

Dated:

Preserving the environment through integrated recovery and disposal.

Introductory No.

Resolution No. 10

Introduced by:

Seconded by:

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

WHEREAS, the Authority entered into a Professional Services and Lease Agreement with Martin & Rayhill, P.C., commencing November 1, 2020; and

WHEREAS, the law firm of Martin & Rayhill, P.C. has since been dissolved and Kevin G. Martin is now the sole proprietor of The Law Office of Kevin G. Martin, P.C.; and

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

WHEREAS, the Authority wishes to continue to retain the services of Kevin G. Martin, P.C.; and

WHEREAS, Martin & Rayhill, P.C. has leased an office at the Authority's 1600 Genesee St., Utica, New York location since November 1, 2020 and Kevin G. Martin, P.C. wishes to continue to lease an office at this location; now, therefore, be it hereby

RESOLVED, that the Authority Board of Directors hereby approves 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 directs the Executive Director to take the action necessary to execute the Agreement.

Adopted by the following vote:

AYES ___ NAYS ___

Dated:

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