

AUTHORITY MEETING MINUTES
December 21, 2020

APPROVED

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

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

Others Present: Kevin Martin, Authority Counsel

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

Chairman Long called the December 21, 2020 Authority meeting to order at 4:32 PM and opened with the Pledge of Allegiance.

A motion was made by Mr. Bono, seconded by Mr. Franco, and passed to approve the November 16, 2020 Authority Minutes. [9 Ayes; 1 Absent [Mr. D’Onofrio absent for vote]

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 the Resource Center for Independent Living, Inc. (RCIL) as its 2020 Recycling Champion. RCIL has been an advocate for the environment for years and is committed to recycling and waste reduction, conservation of natural resources, and other sustainability efforts. Mr. Rabbia noted that RCIL’s conservation efforts include installation of a geothermal heating and cooling system at its Dorothy Smith Center in Utica.

Resolution No. 18 was introduced by Mr. Hertline, seconded by Mr. Angell, and passed [9 Ayes; 0 Nays (Mr. D’Onofrio absent for vote)], commending the Resource Center for Independent Living as 2020 Recycling Champion.

Mr. Rabbia said that ordinarily, Recycling Champion recipients are invited to an Authority Board Meeting where they are presented with a plaque commemorating their achievement. Due to COVID restrictions, RCIL will be presented with a plaque in a different manner this year. Chairman Long suggested that RCIL be invited to a future meeting where they can be recognized in-person.

Mr. Rabbia said that Resolution No. 19 would approve the Authority’s proposed 2021 budget, 2021 rate schedule and Solid Waste Collection and Disposal Permit Rules and Regulations, as presented at the November 2020 Board meeting. He stated that the proposed budget includes a new reduced tipping fee for municipal natural disaster debris clean-up and Brownfield Clean-Up/Industrial Development Inducted Projects fee program to assist Oneida-Herkimer Counties and its municipalities. The proposed tonnage limit for Brownfield/IDA projects is limited to 5,000 tons for 2021. There are no tip fee increases being proposed for 2021.

BOARD OF DIRECTORS

Kenneth A. Long
Chairman

Harry A. Hertline
Treasurer

James M. D’Onofrio

Nancy A. Novak

William A. Rabbia
Executive Director

Vincent J. Bono
Vice Chairman

Neil C. Angell

James A. Franco

Richard G. Redmond

Jodi M. Tuttle
Authority Board Secretary

Barbara Freeman

James M. Williams

AUTHORITY MEETING MINUTES

December 21, 2020

Page 2

Resolution No. 19 was introduced by Mr. Williams, seconded by Mr. Bono, and passed [9 Ayes; 0 Nays (Mr. D’Onofrio absent for vote)] approving the Authority’s proposed 2021 budget, 2021 rate schedule and Solid Waste Collection and Disposal Permit Rules and Regulations.

Mr. Rabbia stated that Resolution No. 20 would approve a Board policy related to the two new reduced tip fee programs. Under the policy, applications would be reviewed and verified by the Executive Director and then referred to the Finance Committee for its consideration. The Finance Committee would then review and present its recommendation(s) to the full Board for its consideration. Rate structure and tonnage would be established through the Board’s annual budget process.

Resolution No. 20 was introduced by Mr. Franco, seconded by Mr. Hertline, and passed [9 Ayes; 0 Nays (Mr. D’Onofrio absent for vote)] approving the Policy for Reduced Tip Fee Programs.

Comptroller Joe Artessa said that the Recycling Center requires additional funding in the amount of \$20,000 for tire disposal. Resolution No. 21 would authorize a 2020 supplemental appropriation/budget amendment in that amount.

Resolution No. 21 was introduced by Mr. Angell, seconded by Mr. Redmond, and passed [9 Ayes; 0 Nays (Mr. D’Onofrio absent for vote)] approving a 2020 supplemental appropriation/budget amendment in the amount of \$20,000 for tire disposal at the Recycling Center.

Mr. Artessa stated that budget transfers are needed for unanticipated expenses to cover additional funds for Cyber Liability Insurance; Regional Landfill Cell #7 road material, raising of caisson wells and leachate disposal; Western Transfer Station overtime; and Household Hazardous Waste fees and services. He said that Resolution No. 22 would authorize the required budget transfers.

At approximately 4:40 PM, Mr. D’Onofrio joined the meeting. Mr. D’Onofrio inquired as to the level of liability insurance and coverage related to cyber security.

Mr. Artessa said that it would provide for getting the Authority up and running in the event of a cyber-attack and covers expenses related to theft and equipment damage.

Mr. Rabbia said that the insurance company that holds the policy has a firm that would assist the Authority in a case of ransom ware or other cyber-attack event, equipment shut down, identity theft, credit card theft, etc.

Resolution No. 22 was introduced by Mr. D’Onofrio, seconded by Ms. Freeman, and passed approving 2020 budget transfers.

Environmental Coordinator Jim Biamonte explained that Resolution No. 23 would authorize a two-year agreement for bird and nuisance wildlife management at Authority facilities with the U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) Wildlife Services (WS).

Resolution No. 23 was introduced by Mr. Franco, seconded by Mr. Williams, and passed [10 Ayes] awarding a two-year intergovernmental agreement to USDA-APHIS-WS for nuisance wildlife management.

Mr. Rabbia explained that Resolution No. 24 would authorize the issuance of a Draft Request For Proposals (RFP) for the transportation of non-recyclable solid waste from the Authority’s Western Transfer Station and Rome and the Eastern Transfer Station in Utica to the Regional Landfill. The Authority’s current contract with Fred Burrows Trucking expires in October 2021.

AUTHORITY MEETING MINUTES

December 21, 2020

Page 3

Resolution No. 24 was introduced by Mr. Redmond, seconded by Mr. Angell, and passed [10 Ayes] authorizing and directing the issuance of a Draft RFP for solid waste transportation services, under Section 120w of General Municipal Law.

Authority Contracting Officer Jim Biamonte reported that there is a potential conflict of interest regarding the professional services agreement between Authority Executive Director Bill Rabbia and the engineering firm of Barton & Loguidice. Therefore, if the Board approves another professional services agreement with B&L [Resolution No. 25], Mr. Biamonte stated that he and Authority Counsel Kevin Martin would take the necessary action required to execute the agreement.

Chairman Long said that Mr. Rabbia had previously disclosed to the Board that his son was offered an internship at B&L which resulted in a full-time job offer.

Governance Committee Chair Barbara Freeman reported that the Governance Committee convened, reviewed all the legal material provided by Authority Counsel, and discussed the matter. She conveyed that the Committee agrees that there is absolute full disclosure by Mr. Rabbia, just as before, when his son was offered the internship. She commented that the Authority's relationship with B&L precedes the birth of Mr. Rabbia's son. Ms. Freeman said that the language within Resolution No. 25 is final transparency. She stated that the Governance Committee concluded that, as long as Mr. Rabbia's son's employment with B&L is not dependent upon Authority business; his son does not receive any extra remuneration for Authority projects; and the Executive Director Rabbia is not involved in contract negotiations with B&L, other than discussion at the Board level, the Governance Committee unanimously believes there is no ethics issue.

Authority Counsel Martin offered his opinion. He stated that B&L often recruits at Clarkson, where Mr. Rabbia's son attended. He noted that Mr. Rabbia's son will be working full-time for B&L in its solid waste division and that B&L is considering opening a local office. Counsel Martin confirmed that Mr. Rabbia was not involved in negotiations on the proposed new contract and that he [Counsel] and Contracting Officer Jim Biamonte will work directly with B&L on any future contracts.

Mr. Biamonte reported that the proposed B&L agreement mirrors the prior two agreements. Mr. Biamonte outlined the components of the agreement and said that fees are based on time and materials, versus a fixed price per project. B&L's services include environmental monitoring and reporting, permit compliance, data management and reporting, stormwater management, air emissions, landfill plans, fill progression, cell construction and post-closure services. Mr. Biamonte recommended that the Authority enter into a three-year agreement with B&L.

Resolution No. 25 was introduced by Ms. Freeman, seconded by Mr. Hertline, and passed [10 Ayes] approving the Proposal for Engineering Services with Barton & Loguidice, P.C., and directing the Contracting Officer and Authority Counsel to take the action necessary to execute the Agreement.

At approximately 5:04 PM, Mr. D'Onofrio excused himself from the meeting.

Mr. Rabbia reported that Resolution No. 26 would approve a Professional Services Agreement with Total Solutions. He stated that the Authority has worked with Total Solutions to provide comprehensive IT management since 2010. He said that Total Solutions has agreed to hold its 2020 monthly pricing for the next three years.

Resolution No. 26 was introduced by Mr. Franco, seconded by Mr. Williams, and passed [9 Ayes; 0 Nays (Mr. D'Onofrio absent for vote)] approving a Professional Services Agreement with Total Solutions, Inc. for the period January 1, 2021 through December 31, 2023 and directing the Executive Director to take the action necessary to execute the Agreement.

AUTHORITY MEETING MINUTES

December 21, 2020

Page 4

Mr. Rabbia said that Resolution No. 27 would authorize a new five-year intergovernmental agreement with Lewis County for the processing and marketing of recyclable material collected and delivered by Lewis County to the Authority. The current agreement with Lewis County expires December 31, 2020.

Resolution No. 27 was introduced by Mr. Redmond, seconded by Mr. Bono, and passed [9 Ayes; 0 Nays (Mr. D'Onofrio absent for vote)] approving an intergovernmental agreement with Lewis County for the processing and marketing of recyclables material collected and delivered by Lewis County to the Authority.

Resolution No. 28 was introduced by Mr. Hertline, seconded by Mr. Angell, and passed [9 Ayes; 0 Nays (Mr. D'Onofrio absent for vote)] to establish the following regular meetings dates for 2021: March 22nd, May 10th, June 21st, September 20th, November 15th and December 20th; 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.

Mr. Rabbia noted that the next joint meeting of the Audit and Finance Committees is also scheduled for March 22, 2021.

Resolution No. 29 was introduced by Mr. Franco, seconded by Ms. Freeman, and passed [9 Ayes; 0 Nays (Mr. D'Onofrio absent for vote)] electing the following slate of officers and committee members for 2021: Slate of Officers: Ken Long, Chairman; Vincent Bono, Vice Chairman; and Harry Hertline, Treasurer; Audit Committee: Harry Hertline, Chair; Vincent Bono, Vice Chair; and Neil Angell; Finance Committee: Harry Hertline, Chair; Vincent Bono, Vice Chair; and Neil Angell; Governance Committee: Barbara Freeman, Chair; James Williams and Nancy Novak; and FOIL Appeals Committee: James D'Onofrio, Chair; Barbara Freeman and James Franco.

Lastly, Mr. Rabbia reported on the status of the Draft Biosolids RFP. He relayed that four firms asked for a copy of the RFP and comments were received from one of the four. Messrs. Rabbia and Biamonte are currently working on the final RFP for release. Mr. Rabbia anticipates bringing a recommendation to the Board at a future meeting, providing any proposal received is worthwhile.

At 5:14 PM, with no further business, a motion was made by Mr. Bono, seconded by Mr. Franco, and passed to adjourn the meeting.

Respectfully submitted,

Jodi M. Tuttle
Authority Secretary