

MEMORANDUM

TO: Authority Board of Directors
FROM: William A. Rabbia, Executive Director
DATE: September 2, 2022
RE: Meeting Notice & Tentative Agenda - Monday, September 12, 2022 - 4:30 PM

A regular meeting of the Oneida-Herkimer Solid Waste Management Authority is scheduled for Monday, September 12, 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.** This meeting will be livestreamed through the Authority's YouTube channel at www.youtube.com/user/OHSWA.

1. Pledge of Allegiance
2. Approval of June 20, 2022 Authority Minutes
3. Public Comment Period
4. Landfill Gas Utilization Agreement with BerQ RNG - Resolution
5. Designation of Unrestricted Funds Toward Established Capital Reserve Funds - Resolution
6. Lewis County Intergovernmental Agreement for Processing and Marketing of Recyclables - Resolution
7. Updates:
 - Regional Landfill Capping Project
 - Part 360 Proposed Revisions
 - Regional Demolition Program
 - 2023 Budget Timeline/Financial Plan/Public Hearing Date (November 21st) – Motion
8. Request a Motion to Go Into Executive Session to Discuss Contract Negotiations

AUTHORITY MEETING MINUTES
June 20, 2022

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

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

Others Present: Authority Counsel Kevin Martin

Chairman Long called the June 20, 2022 Authority Board meeting to order at 4:31 PM and opened with the Pledge of Allegiance.

A motion was made by Mr. Bono, seconded by Mr. Williams and passed to approve the May 16, 2022 Authority Minutes.

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

Comptroller Joe Artessa presented the City of Utica Solid Waste Fund Agreed Upon Procedures Report for the fiscal year ended March 31, 2022 and reported that there were no exceptions noted. Mr. Artessa provided highlights from the revenue and expense summary. He stated that solid waste service charge revenue is \$71,590 more than it was in the prior fiscal year. The primary reason is that the Authority experienced improved collections on both the re-levied amounts and the current year’s user fee amounts. Sales of City blue bags is up \$36,000. A total of 93 more cases of bags were sold in 2021-2022 than in 2020-2021. Total revenues increased by \$115,000 from the prior fiscal year. Expenses for waste tipping was down \$174,669 from the prior fiscal year as there were 776 less tons of municipal solid waste, 1,100 less tons of green waste and 112 less tons of select construction and demolition (C&D). Also, there were three months of the reduced tipping fee that the Board approved when the Authority put forth its 2022 budget, which helped lead to the decrease. Waste collection fees are in line with the prior year. Salaries and benefits are up \$22,000 which has to do with Union contract wages. Other fees and services expense was up \$88,215, which is related to the cost of the City blue bags and the price of petroleum. Mr. Artessa noted that there was a refund of prior year surplus of \$230,396 requested by the City of Utica to purchase a leaf truck. Total expenses equal \$4,522,658 and total revenue is \$4,554,925. The surplus this year was \$32,267.

Mr. Artessa said that the NYS Authorities Budget Office requires public authorities to annually review their Investment Policy and Investment Guidelines. The Authority is not proposing or recommending any modifications be made to its current Policy and Guidelines at this time.

Resolution No. 11 was introduced by Mr. Hertline, seconded by Mr. Angell, and passed [10 Ayes; 0 Nays] approving the Authority’s Investment Policy and Investment Guidelines without modification.

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

June 20, 2022

Page 2

Executive Director William Rabbia explained that Resolution No. 12 would approve reduced tipping fees under the Board's Brownfield/IDA clean-up relief program. The City of Utica is currently working with the Utica Harbor Point Development Corporation to clean-up the Harbor by demolishing some properties. The Authority received an application from the City for the reduced tipping fee rate of \$42 per ton for approximately 486 tons of construction and demolition debris (C&D). Mr. Rabbia stated that the buildings are abated, and the C&D is clean. He reported that the Finance Committee reviewed the application at its meeting preceding this meeting and that this project meets the intent of the Board's Policy.

Resolution No. 12 was introduced by Mr. Franco and seconded by Mr. Bono to approve the application submitted by the City of Utica for the Reduced Tip Fee Program for Clean-Up/Disposal of Demolition Debris at a rate of \$42 per ton resulting from the work at the Utica Harbor.

Following discussion, Resolution No. 12 was approved. [9 Ayes; 0 Nays; and 1 Abstention (Mr. Redmond)]

Recycling Coordinator Samantha Brown reported on this year's plastic film recycling challenge. Ms. Brown reported that after a two-year delay due to COVID restrictions, the Authority resumed its annual plastic film recycling challenge for local schools to promote and re-educate youth and the community on proper recycling of plastic film (i.e., plastic bags, zip top storage bags, bubble wrap, plastic wrap, bread bags) which cannot be recycled through the Authority's regular curbside recycling program. Fourteen schools participated in the challenge and had six weeks to collect plastic film for recycling. Participating schools partnered with local grocery/retail stores and delivered the plastic film directly to them for proper recycling. The initiative focused on collecting clean, dry, plastic film to keep it out of our region's landfill. With the efforts of these schools combined, over 4,511 pounds of plastic film was collected. Since the onset of the program in 2016, approximately 1.8 million plastic bags were collected. The 2022 first-place winners were E.R. Hughes Elementary School of New Hartford with 1,443 pounds of plastic film and Remsen Jr./Sr. High School with 694 pounds of plastic film. E.R. Hughes was awarded a visit from the Utica Zoomobile and Remsen received a Trex Decking Cornhole Set made from recycled plastic film. All participating schools received a Trex board made from recycled plastic film with the school's name engraved.

Ms. Brown continued with an update on the 2022 Keep Mohawk Valley Beautiful (KMVB) Clean & Green program. Once again, the Authority helped promote this year's KMVB Great American Clean Up and hosted the sign-up page on the Authority's website and through social media. There was a total of 2,200 registrants this year, compared to approximately 250 in 2021 (an increase of more than 800%) with 1,500 volunteers and 1,800 bags of litter collected.

Mr. Rabbia introduced Superintendent of Waste Collection Justin Fitch. Mr. Fitch joined the Authority in 2016 as its Environmental Compliance Coordinator. He now manages the Authority's household hazardous waste and electronics program along with his responsibilities for the coordination and management of region-wide compliance activities at the Regional Landfill. He holds a B.S. from Paul Smith's college of Arts and Sciences.

Mr. Fitch highlighted some of the services provided through the Authority's household hazardous waste (HHW) collection program for residents and small quantity hazardous waste generators (i.e., small businesses, municipalities). Under this program, the Authority accepts paints, chemicals, pesticides, fluorescent bulbs, and other hazardous wastes. These materials are accepted Monday through Friday, 8 AM to 4 PM and Saturday 7 AM to 2 PM, April 1st through September 30th at its Utica Facility. There is no fee charged to residents for this material. Small quantity generators require an appointment and are charged a disposal fee. The Authority currently utilizes Clean Harbors for transportation and disposal services of the HHW. This program is partially funded through a NYSDEC grant reimbursement at 50%. Mr. Fitch said that in an effort to comply with New York State's Paint Stewardship Law, the American Coatings Association created PaintCare, a program to manage leftover paint.

AUTHORITY MEETING MINUTES

June 20, 2022

Page 3

In May 2022, the Authority became a registered PaintCare drop-off site. By doing so, PaintCare will cover the costs associated with the disposal of any paint (including packing material, shipping costs and final disposal of all paint collected). PaintCare is post-consumer funded by a fee that is applied to each container of paint that is purchased and applied toward the disposal fee. Fee structure varies by state and container size. The main paint products the Authority sees are both latex and oil-based, primers, stains, urethanes, and polyurethanes. Paint products the Authority receives and but are not included through PaintCare include aerosol paint cans, automotive paints, roofing coating, driveway sealants, etc. Prior to participating with PaintCare, any paint [can] received at the Authority's facility that was less than 75% full was poured into 55-gallon drums to deter costs for shipping. Paint cans were packaged in large bins and shipped out. Mr. Fitch stated that this process was very labor intensive. The cost of paint disposal (over 19,000 gallons recycled) in 2021, before the NYS Paint Stewardship Law and PaintCare became operational, was \$74,428. The NYSDEC grant reimbursement will be \$37,214.

Vice Chairman Bono inquired about the possibility of giving collected paint away.

Mr. Rabbia said that the Authority has studied this option and found that many times residents deliver latex paints mixed with oil-based paints or other contaminants and, therefore, there could be some liability issues. Storage space would also be a factor.

Mr. Fitch said that with the PaintCare arrangement, operations are less time consuming, not as labor-intensive and that there is a financial savings to the Authority. PaintCare also provides additional options such as large volume pick-up services (minimum of 100 gallons or more) and drop-off sites through local paint retailers.

Mr. Rabbia said that the goal of the producer responsibility legislation helps take the burden off municipalities and noted that the 2023 budget will reflect fees for paint disposal differently than in the past.

Mr. Rabbia continued with an update on the Landfill Gas Beneficial use Request For Proposals. Six proposals were received from large energy companies/developers that would like to utilize the landfill's excess gas and potentially turn it into renewable natural gas. Authority staff and consultants have been interviewing respondents with additional meetings scheduled the week of June 20th. Five of the six firms that submitted proposals have been interviewed. The Authority is now down to two or three that it is considering. Mr. Rabbia said that the long-term, most sustainable development would be a physical pipeline. The Authority is doing its due diligence and Mr. Rabbia will continue to keep the Board apprised. He stated that the goal is to have a recommendation for Board award at the September Authority meeting.

At 5:10 PM, with no further business, a motion was made by Mr. D'Onofrio, seconded by Mr. Bono, and passed to adjourn the meeting. The next meeting of the Authority is scheduled for September 12, 2022 [4:30 PM].

Respectfully submitted,

Jodi M. Tuttle
Authority Secretary

Preserving the environment through integrated recovery and disposal.

Introductory No.

Resolution No. 13

Introduced by:

Seconded by:

RE: AUTHORIZING AND DIRECTING THE EXECUTIVE DIRECTOR TO ENTER INTO A LANDFILL GAS UTILIZATION AGREEMENT WITH BERQ RNG AND DETERMINING THAT THE LANDFILL GAS UTILIZATION PROJECT WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT

WHEREAS, the Authority wishes to continue to maximize the environmental benefits associated with its facilities, including the Regional Landfill which generates landfill gas, a valuable resource when properly utilized; and

WHEREAS, the Authority proactively collects and manages landfill gas generated at the Regional Landfill in Ava, NY; and

WHEREAS, a portion of the landfill gas not utilized for energy production is destroyed through the use of flares and the Authority desires to beneficially utilize all, or a portion of the landfill gas and thereby benefit the environment, produce green energy, and reduce greenhouse gas generation; and

WHEREAS, through Resolution No. 20 dated December 20, 2021, the Authority Board directed the issuance of a Request For Proposals (RFP) in accordance with Section 120-w of the General Municipal Law to explore additional landfill gas utilization options, consistent with the Authority's approved Landfill Gas Utilization Study, Local Solid Waste Management Plan and regulatory permits; and

WHEREAS, on January 12, 2022, the Authority released a Draft RFP; on February 10, 2022; a mandatory pre-bid meeting was held, followed by a 60-day comment period following the distribution of the Draft RFP; respondents submitted comments on the Draft RFP, which were due on March 12, 2022; and a final RFP was released on April 6, 2022; and

WHEREAS, the Authority had six respondents to its RFP; and

WHEREAS, Authority staff has reviewed the proposals, interviewed five of the respondents and verified qualifications and toured facilities; and

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

Barbara Freeman

James M. Williams

Authority Board Secretary

Find us on 

WHEREAS, the Finance Committee has also reviewed the options associated with the respondents; and

WHEREAS, the Authority Executive Director recommends entering into a landfill gas utilization agreement with BerQ RNG, based upon their financial proposal and technical experience in developing, constructing, and operating renewable natural gas projects; and

WHEREAS, the Oneida-Herkimer Solid Waste Management Authority owns and, pursuant to New York State Department of Environmental Conservation Permit Number 6-3024-00009/00007 (the "Permit"), operates the Oneida-Herkimer Regional Landfill in Ava, NY (the "Landfill"); and

WHEREAS, prior to issuance of the Permit, the Oneida-Herkimer Solid Waste Management Authority completed a comprehensive landfill siting process, including compliance with all the requirements of the New York State Environmental Quality Review Act (SEQRA) and the New York State Part 360 Solid Waste Regulations; and

WHEREAS, all applicable and necessary permits have been issued for the landfill facility including US Army Corps of Engineers Wetlands Permit, US Environmental Protection Agency Title V Air Emissions Permit, NYS Part 360 Solid Waste Management Permit, NYS Article 15-Title 5 Protection for Water Permit, NYS Part 608 Water Quality Certification, NYS Article 24 Freshwater Wetlands Permit, and the NYS Department of Transportation Highway Work Permit; and

WHEREAS, the Authority has reviewed and evaluated the Environmental Assessment Form and such other information as it has deemed appropriate in order to make a determination as to the potential environmental significance of operating a landfill gas to renewable natural gas facility; and

WHEREAS, the Authority has undertaken a coordinated review in accordance with the requirements of SEQRA and indicated its intention to be designated as lead agency for purposes of the SEQRA review; and

WHEREAS, there have been no objections from involved agencies, to the Authority serving as lead agency; and

WHEREAS, the proposed landfill gas utilization project, including contracts related thereto, is an unlisted action pursuant to the SEQRA regulations; now, therefore, be it

RESOLVED, the Authority hereby declares itself to be lead agency for purposes of this action which constitutes an unlisted action pursuant to the SEQRA regulations; and be it further

RESOLVED, based on its review of the Environmental Assessment Form and based on the Authority's knowledge and such further review as it has deemed appropriate, the Authority finds that, with respect to developing a renewable natural gas facility, no potentially significant adverse impacts on the environment are noted in the Environmental Assessment Form and none are known to the Authority; and be it further

RESOLVED, the Authority Board determines that the action will not result in any significant adverse effect on the environment and the Authority will not require the preparation of an environmental impact statement and a negative declaration has been filed; and be it further

RESOLVED, that the Authority Board of Directors hereby directs the Executive Director and Authority Counsel to take all necessary actions to negotiate and enter into a landfill gas utilization agreement with BerQ RNG and execute any required documents as necessary.

Adopted by the following vote:

AYES___ NAYS___

Dated:

Preserving the environment through integrated recovery and disposal.

Introductory No.

Resolution No. 14

Introduced by:

Seconded by:

RE: DESIGNATION OF UNRESTRICTED FUNDS TOWARD ESTABLISHED AUTHORITY CAPITAL RESERVE FUNDS

WHEREAS, the Authority established three Capital Reserve Funds in 2007, including a Regional Landfill Equipment Reserve, a Regional Landfill Liner Extension Reserve, and a System-Wide Capital Reserve; and

WHEREAS, the designated capital reserves were developed to ensure that the Authority Board's goal to fully fund capital needs without borrowing was met; and

WHEREAS, the Authority annually develops a five-year Capital Plan and five-year Financial Plan; and

WHEREAS, the five-year Capital Plan includes major rehabilitation/improvements of Authority facilities; and

WHEREAS, the cost of equipment and facilities' improvements has steadily increased over time;

WHEREAS, the Board wishes to allow for consistent budgeting without major increases due to capital expenditures; and

WHEREAS, the Board wishes to designate additional unrestricted Authority funds toward the capital reserves; now, therefore be it

RESOLVED, that the Authority Board designates an additional:

\$1,800,000 to the Regional Landfill Equipment Reserve Fund
\$1,000,000 to the Regional Landfill Liner Extension Reserve Fund
\$7,000,000 to the System-Wide Capital Reserve Fund

Adopted by the following vote:

AYES _____ NAYS _____

Dated:

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

Preserving the environment through integrated recovery and disposal.

Introductory No.

Resolution No. 15

Introduced by:

Seconded by:

RE: APPROVAL OF AN INTERGOVERNMENTAL AGREEMENT WITH LEWIS COUNTY FOR PROCESSING AND MARKETING OF RECYCLABLES

WHEREAS, the Authority has invested in a state-of-the-art single stream processing facility to process recyclables from Oneida and Herkimer Counties; and

WHEREAS, the Authority has proven it has excess capacity which will allow more recyclables to be processed within its fixed operating labor; and

WHEREAS, the Authority is authorized under its enabling legislation, to take out-of-region recyclables; and

WHEREAS, the Authority has taken out-of-region recyclables while charging a fee to cover the cost of processing such recyclables; and

WHEREAS, the Authority entered into an intergovernmental agreement with Lewis County on January 1, 2016, our current intergovernmental agreement will expire on December 31, 2022, and Lewis County is interested in entering into a new five-year agreement with the Authority for the processing and marketing of recyclable material collected and delivered by Lewis County to the Authority; now, therefore, be it

RESOLVED, that the Authority Board authorizes and directs the Executive Director and Authority Counsel to take all necessary actions to finalize an intergovernmental agreement with Lewis County.

Adopted by the following vote:

AYES__ NAYS__

Dated:

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