

Preserving the environment through integrated recovery and disposal.

MEMORANDUM

TO: Authority Board of Directors
FROM: William A. Rabbia, Executive Director
DATE: September 8, 2023
RE: Meeting Notice & Tentative Agenda - Monday, September 18, 2023 - 4:30 PM

A regular meeting of the Oneida-Herkimer Solid Waste Management Authority is scheduled for Monday, September 18, 2023, 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 12, 2023 Authority Minutes
3. Public Comment Period
4. Designation of Unrestricted Funds Toward Established Capital Reserve Funds - Resolution
5. Oswego County Intergovernmental Agreement for Processing and Marketing of Recyclables - Resolution
6. Updates:
 - Regional Landfill Capping Project
 - Regional Demolition Program - Dolgeville
 - 2024 Budget Timeline/Financial Plan/Public Hearing Date (November 20th) – Motion
8. Request a Motion to Go Into Executive Session to Discuss Contract Negotiations

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AUTHORITY MEETING MINUTES
June 20, 2023

DRAFT

Board Members Present: Chairman Kenneth Long, Vice Chairman Vincent Bono, Treasurer Richard Redmond, Neil Angell, Steven Boucher, James D’Onofrio, James Franco, Barbara Freeman (via Zoom), Nancy Novak (via Zoom) and James Williams

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

Others Present: Authority Counsel Kevin Martin

Chairman Long called the June 12, 2023 Authority Board 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 May 15, 2023 Authority Minutes.

There were no speakers or comments received for the 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, 2023, and reported that there were no exceptions noted. Mr. Artessa provided highlights from the revenue and expense summary. Total revenues for the fiscal year ended March 31, 2023 totaled \$4,347,828, compared to \$4,554,925 in 2022. Total expenses for year ended March 31, 2023 totaled \$4,209,311, compared to \$4,522,658 in the prior year. He noted that in 2023, the City of Utica Solid Waste Fund had a \$138,517 surplus, in comparison to the \$32,267 surplus in 2022. Contributing to the surplus for 2023 was a decrease in tipping fees/tonnages expense, decrease in employee benefits and no return of \$230,396 of prior year surplus which occurred in 2022.

Mr. Artessa said that the NYS Authorities Budget Office requires public authorities to annually review their Investment Policy and Investment Guidelines. The Finance Committee and staff have reviewed the Authority’s existing Investment Policy and Guidelines and are not proposing or recommending any modifications at this time.

Resolution No. 15 was introduced by Mr. Angell, seconded by Mr. Franco, and passed approving the Authority’s Investment Policy and Investment Guidelines without modification. [9 Ayes; 0 Nays; Absent for vote: Mr. D’Onofrio]

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AUTHORITY MEETING MINUTES

June 20, 2023

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Executive Director William Rabbia said that the New York State Department of Environmental Conservation (NYSDEC) requires and relies upon Local Solid Waste Management Planning Units to provide comprehensive waste reduction, recycling, and disposal services to communities throughout the state. He stated that Local Solid Waste Management Planning Units have collectively invested billions of dollars in their comprehensive solid waste management systems and are responsible to set rates to support such systems, including the implementation of their Local Solid Waste Management Plans that are approved by the NYSDEC. Mr. Rabbia said that these Planning Units face constant pressures by the local communities they serve to operate as efficiently as possible, such that they have the lowest possible operating costs, including the waste disposal fees charged to waste haulers and residents. The Climate Action Council's Final Scoping Plan recommends that the state "enact legislation in 2023 to establish a disposal disincentive (fee per ton) on all waste generated in New York to provide financial support for reduction, reuse, and recycling;" and New York State's 2023 Draft Solid Waste Management Plan also recommends a per-ton disposal disincentive surcharge on all waste disposal, in the state. [At 4:40 PM, Mr. D'Onofrio arrived at this meeting.] Mr. Rabbia said that most Local Solid Waste Management Planning Units already implement fee structures that support their waste reduction, reuse, and recycling programs and disincentivize disposal because recycling programs are generally offered at no cost or at a fee significantly lower than disposal fees. He said that the implementation of statewide per ton fees essentially undermines and penalizes the efforts by Local Solid Waste Management Planning Units to provide cost effective comprehensive systems. Mr. Rabbia said that Resolution No. 16 before the Board is a resolution opposing waste disposal surcharges and requests an exemption for Local Solid Waste Management Planning Units. He added that both Oneida and Herkimer Counties' Legislatures will enact similar resolutions. Discussion ensued.

Resolution No. 16 was introduced by Ms. Freeman, seconded by Mr. Bono, and passed opposing waste disposal surcharges and requesting that Local Solid Waste Management Planning Units receive an exemption from such surcharges, should New York State choose to implement them at other facilities. Copies of this resolution will be forwarded to Governor Kathy Hochul, the New York State Legislature, NYSDEC Commissioner Basil Seggos, and all others deemed necessary. [10 Ayes; 0 Nays]

Chairman Long asked Board Secretary Jodi Tuttle to read the Memorial Resolution recognizing the life and contributions of former Board Member Robert McLaughlin.

Resolution No. 17 was introduced by Messrs. Angell and Bono, seconded by Mr. Redmond and Ms. Novak, and passed recognizing the life and contributions of Robert McLaughlin and extending its sincere sympathy on his passing to his family. [10 Ayes; 0 Nays]

Deputy Executive Director Joshua Olbrys provided an update on NYSDEC Part 360 regulations that were revised and adopted on June 7, 2023. One major change to the rules states that a landfill cannot be built or expanded within 1000' of a school or residence. Mr. Olbrys said that this excludes residences or schools that are owned by, or which have entered into a legal agreement with the landfill owner or operator and excludes schools and residences built after a Part 360 application is deemed complete. The other major change is an adjustment to the landfill construction requirement that the primary HDPE geomembrane [liner] will increase from 60 mil to 80 mil and that the minimum for the secondary liner will be 60 mil. Mr. Olbrys said that this Authority will incur substantial costs when construction begins in 2024 with the 80-mil liner requirement.

AUTHORITY MEETING MINUTES

June 20, 2023

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Mr. Olbrys said that another set of regulations is related to Resolution No. 16 that the Board just adopted opposing a waste disposal surcharge. He said that Authority staff has drafted comments on the proposal and will be submitting its comments on the proposal to NYSDEC before the June 29th due date.

Mr. Olbrys said that the NYSDEC Bureau of Solid Waste Management held a web meeting on June 7th and presented plans to combat emerging contaminants in landfill leachate. The NYSDEC is proposing that all landfills must treat leachate on-site or solidify it and put it back in the landfill. NYSDEC wants a plan in place by the start of 2024. The state is currently looking for comments on how solidification and treatment will affect cost, operations, odor, storage capacity and a time frame needed to implement. Discussion ensued.

Mr. Rabbia said that standards have not yet been set at the federal level and that new technology is emerging. This Authority currently ships its leachate to the Oneida County and Rome Wastewater Treatment Facilities. He stated that the cost of pre-treatment of leachate will increase the cost of operations at a landfill. The New York State Association for Solid Waste Management is considering hiring a consultant to analyze practical systems for landfills and wastewater treatment facilities.

At 4:58 PM, with no further business, a motion was made by Mr. Bono, seconded by Mr. Franco, and passed to adjourn the meeting. The next meeting of the Authority is scheduled for September 18, 2023 [4:30 PM].

Respectfully submitted,

Jodi M. Tuttle
Authority Secretary

Preserving the environment through integrated recovery and disposal.

Introductory No. 18

Resolution No.

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 based upon recent regulatory changes increasing the cost of landfill equipment and cell construction and prospective regulations related to changes in leachate management; now, therefore be it

RESOLVED, that the Authority Board designates an additional:

\$1,000,000 to the Regional Landfill Liner Extension Reserve Fund
\$10,000,000 to the System-Wide Capital Reserve Fund

Adopted by the following vote:

AYES____ NAYS____

Dated:

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Introductory No. 19

Resolution No.

Introduced by:

Seconded by:

RE: APPROVAL OF AN INTERGOVERNMENTAL AGREEMENT WITH OSWEGO 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 a five-year intergovernmental agreement with Oswego County on December 19, 2013 through December 31, 2018 and both parties executed an Extension of the original agreement and the Extension will expire on December 31, 2023 and Oswego 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 Oswego 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 Oswego County.

Adopted by the following vote:

AYES__ NAYS__

Dated:

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