

MEMORANDUM

TO: Authority Board of Directors
FROM: William A. Rabbia, Executive Director
DATE: March 6, 2019
RE: Meeting Notice & Tentative Agenda - Monday, March 18, 2019 - 4:30 PM

1. Pledge of Allegiance
2. Approval of December 18, 2017 Authority Minutes
3. Public Comment Period
4. Independent Audit - Brendan Kennedy, Partner, BST & Co.
5. Reconciliation of 2018 Budget and 2018 Budget Amendments – Resolution
6. Regional Landfill Stage 1 Closure Construction Contract – Resolution
7. Collective Bargaining Agreement – Resolution
8. Updated Employee Handbook – Resolution
9. Mission Statement/Performance Measure Report – Resolution
10. Annual Board of Directors Evaluation – Resolution
11. Reappointment of Contracting Officer and Approval of Property Disposition Policy - Resolution
12. Approval of Procurement Policy and Designation of Sole Source Vendors – Resolution
13. Public Authorities Reporting Information System (PARIS) Authorization – Resolution
14. Approval of Code of Ethics Policy and Fraud Policy – Resolution
15. Honoring Former Oneida County Attorney Richard A. Frye - Resolution
16. Updates:
 - Source Separated Organics Project Update
 - Regional Demolition Program
 - NYS Solid Waste Management Plan/Local Solid Waste Management Plan
 - NYS Single Use Plastic Bag Ban/Bigger Better Bottle Bill
 - Recycling Markets
 - Earth Day Events - April 13th
 - New Website
17. Request a motion to go into executive session to discuss proposed litigation.

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DRAFT

AUTHORITY MEETING MINUTES
December 17, 2018

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

Authority Staff Present: Bill Rabbia, Jodi Tuttle, Emily Albright, Joe Artessa, Jim Biamonte, Pat Lisandrelli, Andy Opperman, Joshua Olbrys, Bill Schrader and Jamie Tuttle

Others Present: Kevin Martin, Esq.

Chairman Long called the December 17, 2018 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 19, 2018 Authority Minutes.

There were no speakers for public comment period.

Director of Recycling Emily Albright stated that the Authority annually recognizes individuals, institutions or industries that have taken the initiative to reduce their solid waste stream through reduction, recycling and proper disposal. This year, the Authority is honoring Revere Copper Products as its 2018 Recycling Champion. Ms. Albright said that Revere Copper Products has a long history of environmental stewardship. Revere was chosen based on their impressive recycling and energy conservation efforts, including recycling trace copper that is extracted and reclaimed from waste water, mud, grindings, dust, and oil used in its plant; recycling over two tons of baled cardboard every month; cleaning and re-using 300,000 to 400,000 gallons (per day) of cache water, which is used in the plant for cooling and heating of various machinery; and recycling over 700 hundred tons of scrap metal (iron, steel, nickel, brass) every year. Ms. Albright said that Revere Copper Products is very deserving of this award. Representatives from Revere Copper Products were unable to attend the presentation but expressed their appreciation for this recognition.

Resolution No. 15 was introduced by Ms. Freeman, seconded by Mr. Williams and passed commending Revere Copper Products, Inc. as 2018 Recycling Champion.

Resolution No. 16 was introduced by Mr. Hertline, seconded by Mr. Bono and passed, adopting the Authority’s proposed 2019 budget, 2019 rate schedule and the Solid Waste Collection and Disposal Permit Rules and Regulations.

Comptroller Joe Artessa said that Resolution No. 17 would authorize budget transfers needed for unanticipated expenses to cover temporary labor and/or overtime costs, tire disposal and other expenses at the Recycling Center; supplemental appropriations for transportation of material and other expenses at the Regional Landfill; overtime costs and other expenses at the Green Waste Compost Facility; and additional expenses in the Administrative Department, Eastern Transfer Station, Western Transfer Station, Household Hazardous Waste Facility and the Utica Waste Collection Department.

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AUTHORITY MEETING MINUTES

December 17, 2018

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Resolution No. 17 was introduced by Mr. Bono, seconded by Mr. Roberts and passed approving 2018 budget transfers.

Mr. Rabbia said that Resolution No. 18 would authorize another one-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. 18 was introduced by Mr. Angell, seconded by Mr. Williams and passed awarding a one-year intergovernmental agreement to USDA-APHIS-WS for nuisance wildlife management.

Resolution No. 19 was introduced by Mr. Bono, seconded by Ms. Novak and passed designating the following meeting dates for 2019: March 18, May 13, June 17, September 16, November 18 and December 16; 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.

Resolution No. 20 was introduced by Ms. Freeman, seconded by Mr. Franco and passed electing the following slate of officers and committee members for 2019: 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.

Resolution No. 21 was introduced by Mr. D'Onofrio, seconded by Mr. Angell and passed commending the service of Board Member, Robert J. Roberts, III.

At 4:55 PM a motion was made by Mr. D'Onofrio, seconded by Mr. Bono and passed to go into executive session to discuss personnel matters.

At 5:16 PM, a motion was made by Ms. Freeman, seconded by Mr. Franco and passed to go back into open session.

With no further business, a motion was made by Mr. Hertline, seconded by Mr. Angell 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 2018 BUDGET AND 2018 BUDGET AMENDMENTS TO REFLECT 2018 ACTUAL

WHEREAS, the Authority Board, by Resolution No. 20 dated December 18, 2017 adopted the 2018 Budget; and

WHEREAS, the Authority Board approved budget transfers to the 2018 Budget by Resolution No. 11 dated June 18, 2018 and Resolution No. 17 dated December 17, 2018; and

WHEREAS, the changes to total revenues and expenses for 2018 were included in the completed independent audited financial statements issued in March of 2019 and it is necessary to reconcile the 2018 Budget to the 2018 audited financial statements; now, therefore, be it

RESOLVED, that for purposes of the rate covenant compliance report for the Series 2006 bonds and Series 2011 bonds, the 2018 Budget shall reflect actual 2018 expenses as audited.

Adopted by the following vote:

AYES__ NAYS__

Dated:

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Introductory No.

Resolution No. 3

Introduced by:

Seconded by:

RE: APPROVAL OF COLLECTIVE BARGAINING AGREEMENT BETWEEN AUTHORITY AND UNITED PUBLIC SERVICE EMPLOYEES UNION

WHEREAS, the current collective bargaining agreement between the Authority and the United Public Service Employees Union (UPSEU) expired December 31, 2018; and

WHEREAS, the Authority and UPSEU members and representatives have negotiated a new agreement; and

WHEREAS, a proposed new agreement was the subject of a vote on February 17, 2019 and the proposal was approved by the Union; now, therefore, be it

RESOLVED, that the Authority Board of Directors approves the attached Agreement for 2019, 2020, 2021, 2022 and 2023 and the Board directs the Executive Director to take all action necessary to implement the terms of the contract.

Adopted by the following vote:

AYES__ NAYS__

Dated:

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Introductory No.

Resolution No. 4

Introduced by:

Seconded by:

RE: APPROVAL OF UPDATED EMPLOYEE HANDBOOK

WHEREAS, the Authority seeks to provide Authority employees with updated policies and procedures through an Employee Handbook which serves as a comprehensive guide for employees throughout their employment with the Authority; and

WHEREAS, the Employee Handbook sets forth employment policies and procedures for employees and from time to time requires updates to ensure compliance with federal and state legislation governing personnel issues, current standards of the Authority's operations, employee benefits, and Authority expectations of employee performance and conduct; and

WHEREAS, through Resolution No. 3 of 2019, the Authority Board of Directors approved a new collective bargaining agreement between the Authority and the United Public Service Employees Union (UPSEU), which language, for consistency, needed to be incorporated into the current Employee Handbook; and

WHEREAS, the Authority's Governance Committee reviewed the attached updated Employee Handbook and recommends adoption by the full Board; and

WHEREAS, Authority Council has reviewed the Employee Handbook related to regulatory requirements; now, therefore, be it

RESOLVED, that Authority Board of Directors hereby approves the attached updated Employee Handbook, dated March 2019.

Adopted by the following vote:

AYES _____ NAYS _____

Dated:

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Introductory No.

Resolution No. 5

Introduced by:

Seconded by:

RE: APPROVAL OF ONEIDA-HERKIMER SOLID WASTE MANAGEMENT AUTHORITY MISSION STATEMENT AND PERFORMANCE MEASURE REPORT FOR 2018

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 of the Oneida-Herkimer Solid Waste Management Authority has developed the attached Performance Measure Report for 2018 and recommends adoption by the full Board; now, therefore, be it

RESOLVED, that the Oneida-Herkimer Solid Waste Management Authority Board of Directors has reviewed and hereby approves the Authority’s current Mission Statement without modifications at this time; and be it further

RESOLVED, that the Oneida-Herkimer Solid Waste Management Authority Board of Directors hereby approves the attached Performance Measure Report for 2018; and be it further

RESOLVED, that the Authority Board of Directors further directs the Secretary of the Board to file and post the Performance Measure Report for 2018 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. 6

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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Introductory No.
Resolution No. 6
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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. 7

Introduced by:

Seconded by:

RE: 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, in 2006, the Authority Board appointed James V. Biamonte, Authority Environmental Coordinator, to be the Contracting Officer as set forth in the Public Authorities Accountability Act; and

WHEREAS James V. Biamonte has been reappointed by the Authority Board as Contracting Officer each year since 2006; and

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

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WHEREAS, the Governance Committee reviewed the Procedure and is recommending no modifications at this time; now, therefore be it

RESOLVED, the Authority Board re-appoints James V. Biamonte to be the Contracting Officer for the period 2019-2020 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 modified Procedure for the Disposition of Authority Property.

Adopted by the following vote:

YES__ NAYS__

Absent:

Dated:

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Introductory No.

Resolution No. 8

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 and Resolution No. 7 on March 23, 2015 ; and Resolution No. 7 on March 20, 2017; and

WHEREAS, the Board is required to review the Policy annually; and

WHEREAS, the Governance Committee reviewed the policy and is recommending no modifications at this time; now, therefore be it

RESOLVED, the Board of Directors hereby approves the attached 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

Rome Daily Sentinel (legal notices)
Utica Observer Dispatch (legal notices)
Herkimer Evening Telegram (legal notices)
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)
National Grid (electricity and natural gas transmission)
Boonville Municipal Commission (electricity)
Upper Mohawk Valley Regional Water Authority (water)
NYS & Local Employee Retirement System (retirement plan)
City of Utica Comptroller (annual solid waste service charge printing and billing)
US Postal Service (mail)

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Sole Source - Continued

Creative Information Systems (scale computer software)
SWK Technologies (accounting system software support)
Siemens (SCADA software/hardware)
Geologic Computer Systems (GPS software – RLF compaction)
ADP (Payroll/HR software)
Paya Exchange (third party credit card processor)
VanDyk Baler Corp (Bollegraaf Balers/Titech Opticals – MRF)
LC Whitford (Morbark Tub Grinder Parts)
Elkin Earthworks (Landfill Monitoring – calibration /service/data service)
Hustler Conveyor Co. (Sorting Discs, Screens – MRF)
Harris Baler Co. (Double Ram Baler – MRF)
Accent Wire (Baler wire tie parts/service – MRF)
Kinequip (Kaeser Compressor – parts/service – MRF)
Joest (vibrator, screen parts – MRF)
QED (Landfill gas well leachate pumps)
Ingersoll Rand Co. (Regional Landfill compressor – parts/service)
Milton CAT – (late model equipment filters – no after-market available/warranty requirement, oil sample kits for warranty validation)
Vantage Equipment (Volvo late model equipment filters – no after-market available/warranty requirement)
Integrated Facility Systems, Inc. (HVAC computer control system – RLF and MRF)
S&W Services (fuel management system parts and service – MRF, WTS, RLF)
Specialty Tire Inc. (solid skid steer tires)
Website Pipeline (payment portal software)
Wayne Dalton (commercial overhead doors – all facilities)
Ryan Equipment (Landfill gas flare parts - John Zink distributor)
Tri County Equipment (Compactor - Al-Jon parts distributor)
CED, Inc. (SCADA system software)
Emery Winslow Scale Company (Compatible Emery Scale Replacement Parts)

; 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. 9

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:

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Introductory No.

Resolution No. 10

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:

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Introductory No.

Resolution No. 11

Introduced by:

Seconded by:

**MEMORIAL RESOLUTION
RICHARD A. FRYE, FORMER ONEIDA COUNTY ATTORNEY**

It is with great regret that the Oneida-Herkimer Solid Waste Management Authority Board of Directors marks the death of Former Oneida County Attorney Richard A. Frye.

Mr. Frye served as Oneida County Attorney from 1963 through 1972. Mr. Frye also represented Oneida County in other matters after his tenure as County Attorney.

Representing Oneida County, Mr. Frye worked tirelessly with the Authority's legal team and helped in a successful defense at the United States Supreme Court in the case of "United Haulers versus Oneida-Herkimer Solid Waste Authority". As a result, in 2007 the Supreme Court issued a Decision that upheld the Solid Waste Laws of Oneida and Herkimer Counties and validated the regional integrated system. This Decision established a national precedent for local public solid waste systems across the United States.

Our community benefitted from Mr. Frye's wisdom and work, and the community will continue to benefit from his contributions for many years to come.

The Oneida-Herkimer Solid Waste Management Authority hereby recognizes the life and contributions of Richard A. Frye and extends its sincere sympathy to the family.

Adopted by the following Vote:

____AYES ____NAYS

Dated:

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