

APPROVED

AUTHORITY MEETING MINUTES

March 16, 2020

Board Members Present (Via Teleconference): Chairman Ken Long, Vice Chairman Vincent Bono, Treasurer Harry Hertline, James D’Onofrio, James Franco, Barbara Freeman, Nancy Novak, Richard Redmond and James Williams

Board Members Absent: Neil Angell

Authority Staff Present: William Rabbia and Jodi Tuttle

Others Present (Via Teleconference): Authority Counsel Kevin Martin

Due to the public health emergency related to the Coronavirus pandemic, this meeting was conducted via teleconference. Authority Secretary Jodi Tuttle took attendance by roll call to identify all Board Members participating.

Vice Chairman Bono called the March 16, 2020 Authority Board meeting to order at 4:31 PM.

A motion was made by Mr. Williams, seconded by Mr. Long and passed to approve the December 16, 2019 Authority Minutes.

There were no speakers for public comment period.

Agenda item number 4 [Independent Audit presentation by BST & Co.] was postponed. BST & Co. will provide an overview of the audited financial statements for the years ended December 31, 2019 and 2018 at the May 11, 2020 Authority Board meeting.

Executive Director William Rabbia said that Resolution No. 1 is an annual resolution necessary to reconcile the 2019 budget and 2019 budget amendments to the 2019 audited financial statements and for the purposes of the rate covenant compliance report.

Resolution No. 1 was introduced by Mr. Hertline, seconded by Mr. Franco and passed reconciling the 2019 budget and 2019 budget amendments to reflect 2019 actual activity.

Mr. Rabbia said that Resolution No. 2 would award a contract to Kubricky Construction for the Cell 4 liner system construction at the Regional Landfill. Sealed bids for Cell 4 construction were solicited in

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

compliance with General Municipal Law, a pre-bid meeting was held with prospective bidders and on March 6, 2020 five bids were received.

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Each bid was evaluated by Barton & Loguidice and Authority staff for compliance with the specifications. The bid price received by Kubricky Construction has been determined to be an acceptable low bid.

Resolution No. 2 was introduced by Mr. D'Onofrio, seconded by Mr. Hertline and passed awarding the contract to Kubricky Construction for the Cell 4 liner system construction in the amount of \$5,643,000 and directing the Executive Director and Authority Counsel to take all action necessary to implement this award and complete work.

Mr. Rabbia stated that Resolution No. 3 would authorize the filing of an application for state assistance for the landfill gas management project. Mr. Rabbia noted that in 2010 the Authority began the installation and implementation of its active landfill gas collection and management system at its Regional Landfill. At that time, the Authority submitted a pre-application for the grant. The Authority has since been notified that it is next on the list for funding. Under the NYSDEC state assistance program, the Authority could be eligible to receive up to 50% of the cost of the project. The grant is capped at \$2 million.

Resolution No. 3 was introduced by Ms. Freeman, seconded by Ms. Novak and passed authorizing the filing of an application for state assistance for the landfill gas management project and signing of the associated State contract, pursuant to Title 5 of Article 54 and Title 4 of Article 56 of the New York State Environmental Conservation Law.

Mr. Rabbia said that Resolution No. 4 would approve a Professional Services Agreement (PSA) with Environmental Attribute Advisors, LLC for carbon credit advisory services; would authorize the Authority to apply for approval under a new US Landfill Project Protocol Version 5 which allows projects to generate an additional ten years of carbon credits if they meet certain criteria; and would allow the Authority to enter into a new Delivery Schedule A with Google for the sale of carbon credits for the generation period July 15, 2020 through July 15, 2024. Mr. Rabbia noted that the Authority previously had a contract with Environmental Capital for financial advisory services related to the sale of carbon credits. President of Environmental Attribute Advisors Denise Farrell previously worked with former President of Environmental Capital Richard McCarthy. Ms. Farrell has much experience and has maintained a good working relationship with the Authority.

Resolution No. 4 was introduced by Mr. Williams, seconded Mr. Mr. Hertline and passed approving a PSA with Environmental Attribute Advisors, LLC for carbon credit advisory services, a new protocol and a new delivery schedule with Google.

Mr. Rabbia explained that the remaining resolutions before the Board are annual governance resolutions that have been reviewed by the Governance Committee.

Resolution No. 5 was introduced by Ms. Freeman, seconded by Mr. Franco and passed to approve the Authority's current Mission Statement, without modifications, and the Performance Measure Report for 2019; and directing the Board Secretary to file and post the Performance Measure Report in accordance with the New York State Public Authorities Law.

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Resolution No. 6 was introduced by Mr. Williams, seconded by Mr. Redmond and passed approving the Confidential Evaluation of Board Performance form, without modifications. Board members were asked to submit their evaluation in a timely manner in order that the Board Secretary could submit a summary of the results to the Authority Budget Office before the March 31st deadline.

Resolution No. 7 was introduced by Ms. Freeman, seconded by Mr. Hertline and passed re-appointing James Biamonte 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.

Resolution No. 8 was introduced by Ms. Novak, seconded by Mr. D'Onofrio and passed approving the Authority's Procurement Policy, with modifications, and designating sole source vendors/purchases. The modifications will allow the Authority make purchases through additional New York State or national piggyback procurement agreements, for purchases in excess of \$5,000.

Resolution No. 9 was introduced by Mr. Williams, seconded by Mr. Franco and passed authorizing and directing the Executive Director to submit/certify all reports required under the Public Authorities Accountability Act.

Resolution No. 10 was introduced by Ms. Freeman, seconded by Mr. Long and passed approving the Authority's current Code of Ethics Policy and Fraud Policy, without modifications.

Mr. Rabbia said that although the Authority is not required to livestream its public meetings, it is easy to do and very economical. Resolution No. 11 would authorize livestreaming/videoconferencing of Authority public meetings and/or public hearings.

Ms. Freeman, Chair of the Authority's Governance Committee, stated that livestreaming its meetings would provide for even more Authority transparency.

Resolution No. 11 was introduced by Mr. D'Onofrio, seconded by Ms. Novak and passed to livestream/videoconference its public meetings and public hearings on its website and/or through other social media in real-time. The Authority Secretary will inform the public that livestreaming/videoconferencing will be used during such meetings and/or hearings and inform the public of the internet address of the website streaming.

Mr. Rabbia said that Resolution No. 12 would approve an amendment to the Authority Bylaws to permit Members of the Board to participate in meetings of the Board by means of a videoconferencing which would allow for all persons participating in the meeting to hear and see each other at the same time. Participation by such means would constitute presence in-person at such meeting. However, if a member is only able to call in to a meeting, participation would be allowed but the member could not actually vote.

Resolution No. 12 was introduced by Mr. Long, seconded by Mr. Williams and passed approving and amendment to the Authority Bylaws and directing the Secretary of the Board to file the Bylaws in accordance with the Public Authorities Accountability Act.

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Mr. Rabbia updated the Board on the Western Transfer Station renovation project. Contractors are on-site and construction is well underway.

Mr. Rabbia noted that once again, the Authority is planning on combining efforts with Senator Griffo on this year's Earth Day events. However, considering the current health crisis, the event, tentatively scheduled for April 18th, is being postponed.

In response to the current health crisis, Mr. Rabbia stated that the Authority is trying to follow all recommendations of the Centers for Disease Control and Prevention (CDC) and New York State guidelines with its workforce while minimizing disruption of Authority operations. Management has been communicating with its employees and recommending that all employees abide by the guidelines set by the CDC. In addition, the Authority has implemented new health/safety and sanitation (i.e., supplying disinfectants and encouraging more handwashing) including requesting that sick employees stay home; allowing employees to work remotely from home, if feasible; limiting visitation from the outside; segregating employees and requiring social distance; requesting that employees take lunch/breaks in their cars; dedicating certain equipment/vehicles/machines to specific employees (without alternating/rotating); and no longer requiring individuals to manually punch in. Mr. Rabbia said that from a health standpoint it will be important to continue collecting and accepting trash but that future adaptations will be made but as recommendations/guidelines change. Mr. Rabbia noted that the Utica solid waste user fee bills will be mailed on or about April 1st. In the past many citizens chose to hand-deliver payments to the office. This year the Authority will do a press release advising City of Utica residents that all user fee payments be paid with a credit card over the phone or by mailing a check.

Regarding the recent plastic bag ban, Mr. Rabbia said that there is some talk of revoking the ban due to the Coronavirus outbreak.

Mr. Rabbia said that he has posted communications to the Board portal from the Wladis Law Firm to both the Attorney General's Office and the New York State Comptroller's office regarding the Authority's inquiry to reduce published fees or set special rates for natural disaster relief (i.e., Halloween flooding event). The Comptroller's office responded that they wish to hold a conference call to further discuss.

At 4:59 PM, with no further business, a motion was made by Mr. Long, seconded by Mr. D'Onofrio and passed to adjourn the meeting.

Respectfully submitted,

Jodi M. Tuttle
Authority Secretary