



Tioga County Worksession Minutes **November 19, 2020 – 10:00 a.m.**

Legislators present:

Legislator Balliet
Legislator Hollenbeck
Legislator Mullen
Chair/Legislator Sauerbrey
Legislator Standinger
Legislator Sullivan
Legislator Weston

Legislators absent:

Legislator Monell
Legislator Roberts

Staff present:

Peter DeWind, County Attorney
Cathy Haskell, Clerk of Legislature
Diane Stephens, Secretary to County Attorney
Denis McCann, Director of Admin. Services Public Health (*departed @ 10:40 a.m.*)
Gary Hammond, Commissioner of Public Works (*departed @ 10:40 a.m.*)
Ellen Pratt, Sustainability Manager (*departed @ 10:40 a.m.*)

Call Meeting to Order:

Chair Sauerbrey called the meeting to order at 10:00 a.m.

Seventh Special Legislature Meeting:

Chair Sauerbrey said a prayer and lead the pledge.

On motion of Legislator Standinger, seconded by Legislator Sullivan and unanimously carried, the Public Health resolution to create and fill two temporary full-time public health educator positions in Public Health was brought forward.

Public Health Director of Administrative Services McCann reported on this resolution. Mr. McCann stated funding was awarded to Public Health from the State to assist in COVID-19 efforts. This funding came from the CDC to the State Health Department and passed through to the County. Mr. McCann reported \$255,487 was appropriated via resolution in August. The funding is very specific for what it can and cannot be used for (case investigation and tracing). It was cleared with the State that the funding could be used for hiring staff or contracting staff. The staffing could be provided through the State, with the State contracting with and paying the person directly. The grant money received would then be reduced by this amount. It is

much more advantageous financially, as well as other reasons, for Public Health to create and fill these positions themselves since the State rates and charges to fund the position are much higher. Based on the State's rates and charges, this would allow for one position whereas temporarily hiring County staff there is sufficient funding to hire two positions. The funding goes through June 2022.

Legislator Standinger stated he understood from Public Health Director Lisa McCafferty that using a person provided by the State would come with many strings attached. Mr. McCann stated since it would be a State contracted position; all the State's employee rules would be imposed. A State contract employee would not be under the same working requirements as County Public Health employees, but rather per their contract. He stated no one is working regular hours at Public Health. Weekends are worked and they need to be able to have this position available to work at all times.

Chair Sauerbrey asked Mr. McCann to explain why the positions requested are for public health educators. Mr. McCann stated one of Public Health's needs is to be able to educate and talk with the community when discussing possible exposure to or diagnosis of COVID-19. A health educator has developed this skillset. They have found this resource very helpful to them with the current health educator on staff.

On motion of Legislator Standinger, seconded by Legislator Sullivan and unanimously carried, a vote was cast on adopting this resolution.

All Legislators in attendance voted yes to adopt this resolution.

Budget Update:

Chair Sauerbrey stated Mr. Bailey was unable to attend the meeting due to a family emergency so there will be no budget update. He will be available at the next worksession.

Recycling Drop Off:

Chair Sauerbrey stated there are some new developments regarding recycling. Chair Sauerbrey stated Legislator Roberts preferred tabling this discussion to go back to the Public Works Committee, but this is an issue that affects the entire Legislature so it is being brought before them today.

Commissioner of Public Works Gary Hammond stated the new recycling law goes into effect January 1, 2021 and this is a "bump in the road" that impacts the entire Legislature, so they wanted to bring the matter to all of them. They only have a month and a half to resolve this. He then turned the discussion over to Sustainability Manager Ellen Pratt.

Ms. Pratt reported all transfer stations in NYS must follow NYS Code Rules and Regulations Title VI DEC Solid Waste Part 360. Her interpretation of the rules and regulations was that all transfer stations that are open to the public must take residential recycling from the public. Before sharing this with the Legislature or the public, she made sure that the DEC supported her interpretation. She reached out to DEC Region 7 and they agreed with her interpretation. However, just recently, Taylor Garbage went to DEC Region 7 and received the same answer, but stated they were in disagreement. It then went up to the DEC Central Office and the

Central Office stated Taylor Garbage is not required to accept residential recycling. Because of this, Taylor Garbage has decided they will not accept recycling at their transfer stations.

A solution to this problem is for the County to contract with Taylor Garbage to accept residential recycling at their transfer stations at no cost to the residents of the County. The County would assume the cost of collection, transportation and processing of the residential recycling. Ms. Pratt has reached out to Taylor Garbage to negotiate the cost.

Ms. Pratt reported there are approximately 20,000 occupied households in Tioga County. If you subtract the villages and the Town of Richford that either have a drop-off location or collect garbage and recycling, this leaves approximately 13,000 households that do not have curbside garbage pickup and, therefore, no recycling. Ms. Pratt reported close to half of the total occupied households in the County could be using the transfer stations.

Mr. Hammond stated their biggest concern is that January 1, 2021 rolls around with no plan in place. There has to be some means of handling recycling for those households that do not have curbside pickup. He stated they could be very easily criticized for not being proactive on this issue.

Chair Sauerbrey stated the fact that the Democratic Party presented a resolution at the County's budget hearing tells her that they will help make this an issue. This matter needs to be addressed rapidly. She stated she knows this is somewhat overriding what Legislator Roberts wants to do by bringing it to the Legislature instead of the Public Works Committee, but she feels they cannot wait.

Mr. Hammond stated he has seen the numbers for the cost of having Taylor Garbage accept recycling at their transfer stations and it is roughly \$100,000. He stated if there is insufficient funding in the solid waste budget, a budget transfer could be made from his budget so that next year's overall budget is not impacted. Ms. Pratt reported she has funding in her 2021 budget in case something like this happened.

Legislator Sullivan inquired as to whether Ms. Pratt has anything in writing to support the information received from NYS DEC Region 7 since the County and Taylor Garbage have received conflicting answers. Ms. Pratt reported all her correspondence was done via email, therefore, she has written documentation of the information received. Legislator Sullivan inquired as to whether we are certain that the answer from the Central Office to Taylor Garbage is correct. Ms. Pratt contacted NYS DEC Region 7 regarding the difference in the two responses and was informed this ultimately went up the chain of command to the highest level and this is the standing answer.

Attorney DeWind stated the whole issue is whether waste transfer stations have to also accept recycling drop offs. It appears they have the discretion to say whether they are taking just trash or both trash and recycling.

Legislator Mullen stated he is okay with entering into negotiations with Taylor Garbage to pay them to take recycling at their transfer stations because they (the County) are still not passing on an "incredible" tax increase to residents.

Mr. Hammond stated the Legislature is not obligated to accept Taylor Garbage's quote, but it would be a one-stop drop off site for those who do not have curbside garbage and recycling pickup.

Legislator Standinger stated, in light of the misinformation provided by DEC to Ms. Pratt, through no fault of her own, he did not see a problem with back-pedaling a bit and providing for the convenience of a drop off for recycling.

Legislator Sullivan asked whether this would be for the two transfer stations and Ms. Pratt stated yes it includes both locations. Legislator Sullivan stated she agrees something has to be done now because it is the "eleventh hour" but she is not committing to this after 2021.

Ms. Pratt stated this would be a month-to-month agreement and the County would not be locked into the whole year.

Legislator Sullivan stated she never wants to go back to the cost of this being tied to a person's assessed value of their property.

Chair Sauerbrey stated the Legislature needs to move ahead with Ms. Pratt obtaining cost information from Taylor Garbage. Again, Chair Sauerbrey stated Legislator Roberts is not in favor of doing this.

Legislator Hollenbeck asked if Taylor Garbage is going to establish hours of operation for people in the County and Ms. Pratt stated yes.

Attorney DeWind stated deal points are still being discussed, there are things Taylor Garbage is looking for and things the County is looking for.

Legislator Weston asked whether towns could be asked to contribute toward this service and expense. Legislator Sullivan stated that, while she agrees with the concept, there is not time this year to proceed in this manner.

Legislator Sullivan requested the Legislature start focusing on this mid-year next year. Chair Sauerbrey stated it needs to be addressed earlier in the year.

Legislator Mullen stated an agreement needs to be made to provide for this. If for reasons unknown now, the contract with Taylor Garbage does not work out, we will come up with another plan, but "January 1 people will have a place that their recycling goes".

All Legislators present were in support of doing something to address this issue by way of a contract with Taylor Garbage.

Attorney DeWind stated hopefully things will work out so a contract will be in place on January 1, 2021.

Legislative Clerk Haskell asked the Legislature if they would like her to make this an action item to be addressed again in 2021. It was agreed this should be set as an action item for the Legislature to re-visit this topic in February 2021.

Mr. Hammond pointed out that it is not outside the box for municipal dollars to be spent on recycling. Broome County has a drop off at their landfill that they manage, maintain and fund.

The Legislators thanked Ms. Pratt and Mr. Hammond for their work.

Approval of Worksession Minutes: Upon motion of Legislator Sullivan, seconded by Legislator Mullen and unanimously carried, the minutes of the November 5, 2020 worksession were approved.

Action Items: Flexible hours – Discussed in Executive Session.

Other: Chair Sauerbrey gave an update on the directive from the Governor regarding police reform. A member of the community, Jenny Ceccherelli, is working on this with her. A survey will be going out to the public on the County's website and is available in paper form. The press release will be sent out today regarding this survey. The next step will be a community-wide discussion on Zoom.

Executive Session: The meeting went into executive session regarding a personnel matter at 10:42 a.m. upon motion of Legislator Mullen, seconded by Legislator Hollenbeck and unanimously carried with County Attorney DeWind remaining in attendance.

Executive Session adjourned at 11:04 a.m.

Meeting adjourned at 11:04 a.m.

Minutes submitted by Diane Stephens.