

SOUTH BRISTOL TOWN PUBLIC HEARING

August 13, 2012

PUBLIC HEARING

The Public Hearing of the South Bristol Town Board was called to order August 13, 2012 at 7:00pm at the Town Hall, 6500 W Gannett Hill Rd., Naples NY 14512.

PRESENT

Daniel Marshall, Supervisor
Barbara Welch, Councilwoman
Hermann Arndt, Councilman
Mark Storm, Councilman
James Bachman, Councilman

RECORDING SECRETARY

Judy Hanley, Town Clerk

OTHERS

Melanie Eisenberg, Dahl Schultz, Bill Welch, Ann Jacobs,
Mike & Fran Staub, Rosalie & Paula Nudd, Al Carvel, Bub Seymour, Ellen Monaghan

TOWN OF SOUTH BRISTOL NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that a Public Hearing will be held by the Town Board of the Town of South Bristol on the 13th day of August, 2012, at 7:00 p.m., at the South Bristol Town Hall, 6500 Gannett Hill Road - West, South Bristol, New York. The Public Hearing is to discuss the proposed changes at the South Bristol Transfer Station.

All meetings are open to the public.

Judy Hanley, Town Clerk

Supr. Marshall opened the Public Hearing to discuss the proposed rate hikes for the South Bristol Transfer Station.

William Welch of County Road 12, noted that he comes tonight as a 13 year resident of the Town. My background is that of a fraud and abuse investigator; I have been doing this type of work for over 25 years. As a result of my efforts, I have saved my company millions of dollars, change processes to deter, detect and prevent fraud and abuse, and successfully identified those abusers bringing both civil and criminal charges against them.

As a resident, I am upset with the pending fees being considered for the CD waste at the Town's Transfer Station.

About a year ago, the manager of the Town's Transfer Station identified an increase of CD waste resulting in additional cost to the town, and used the term "abuse" of the CD waste disposal. Subsequently, a study was done to verify the hypothesis; this study found that there was an increase of 15-20% in CD waste. After the study and discussion was done, the Town Board's remedy was to levy a fee – to charge a tax – for CD waste.

I oppose any fee for residents for CD waste.

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Among the definitions of Abuse it is defined as a wrong or improper use; misuse; a corrupt or improper practice or custom. The questions beg to be answer who is abusing? How are they abusing?

I put to the Town Board that Town resident's and Town property owners are NOT abusing the CD waste disposal. By the very nature of being a tax paying resident, a benefit of these taxes is the utilization of CD waste disposal, therefore Town Resident's and Town property owners cannot abuse this service; over utilize perhaps, but not abuse.

Given the proposition of Residential/Property owners not abusing the CD waste disposal, there is nothing to support the levying of fees to this group. More importantly the levying of fees does not address the alleged problem of commonly used term – abuse.

Back to the issue of increase of CD waste. I certainly applaud the manager of the Town Transfer Station identifying and trying to remedy the issue. And I appreciate the efforts, in the supporting study, done by the Town Board, but the study did not go to the root of the problem and identify the cause of the increase. I have personally observed non-resident's using the CD waste disposal. I have also observed Town employees challenging people to attempt to insure proper permission to use the CD waste disposal, but when challenged the employee accepted a mere yes to the answer residency.

As to the root of the problem and cause of increase of CD waste disposal, is the increase due to residents? Is the increase due to non-residents? Is the increase due to commercial? Certainly, the Town Board minutes highlight some resident's high volume use of the CD waste disposal, but as I said before, this is not abuse.

Before the Town Board goes and levies fees to its resident's for their alleged utilization of the CD waste disposal, let's first address those who are not permitted to utilize the South Bristol CD waste disposal. By assessing a residential fee, the town is subsidizing those who are violating the Town's services. I urge the Town to take measures against those violators (noted in 2/13/2012 TB minutes) instead of its residents and property owners.

Additionally, the current proposal has no "teeth" there is no deterrent to any violators. The new system is flawed, and does not effectively address the increase of CD disposal. I strongly urge the Town Board to reconsider its implementation of any fee for Town Residents.

Councilman Arndt asked Mr. Welch where he got the information regarding the increase of 15-20% increase in CD Waste? Mr. Welch said that information was included in the Town Board minutes and it was the increase of usage.

Al Carvill of Route 21 spoke to the Board: My background is 32 years in municipal accounting. I was the Comptroller, the finance officer/director for the Town of Ithaca and the Senior and Chief Accountant for the County of Ontario. I come to you this evening; Mr. Welch did a great job on his presentation and I applaud him for his presentation of which I agree with every point that he has established. I myself, want to validate that I have been at the Transfer Station and have watched our employees physically assist non-resident and contractors with roofing material, construction material, housing material and assist them in dumping it into our CD and they are not residents. I spoke to those employees as a concerned resident and all I got was a shrug of shoulders. I agree with Mr. Welch, it is not the Town residents that are abusing the transfer station. It is those that are non-residents. It has always been my understanding, of having lived in South Bristol for 27 years, if someone had to bring particular trash to the dump I was required to come up to the Town Clerk's office and get a special permit to take a refrigerator or air conditioner or whatever that material was and pay an additional fee to dump that. I don't

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know where that has gone to or if that still remains on our books but if it is it is not being enforced. Once again, as a resident of the town of South Bristol, I am opposed to this fee. It is not the residents that are abusing the system. We respect the system, we respect this Town Board and we protect what is here in the Town of South Bristol. It is those that are coming in to use our services for free and for nothing. They pay nothing and we are assisting them to do that. I encourage this Board to not levy these fees, now or never. Thank you.

Supr. Marshall thanked Mr. Carvill and asked for anyone else wishing to speak before the Board.

Mike Staub of South Bristol spoke: I just wanted to say that in the 7 years that we lived here, and we purchased the property in 1980; in all our dealings with the Transfer Station it has always been great people, willing to help, bending over backwards and it is the spirit of the community that we love. We came here because you drive down the road and everybody waves at everybody; we come to the transfer station and everybody is helpful. I'm sure that the transfer employees take care of any customer that comes through the door. I see the problem as a matter of tagging the proper customer. We come down and we buy tickets to use the transfer station. It would be a simple matter to double up those tickets for anyone that wants to use that CD dump site they have to produce a ticket. No ticket, no dumping.

Councilman Bachman noted that there is a portion of the town that has their own garbage collection; not that your general idea couldn't be satisfied by a special card the town could provide to them. Not everybody purchases dump tickets.

Supr. Marshall asked if anyone else wished to speak.

Rosalie Middlebrook Nudd addressed the Board: I have lived in town my whole life except for 1 year that I was married. I am against this raise, I am afraid people are going to dump anywhere they want to. Maybe a lot of people can't afford this extra \$25.00 with the way things are. Matter of fact I own property on both sides of that Transfer Station and I've had people dump stuff there all ready and I don't like that.

Ann Jacobs spoke to the Board. I live on County Road 33 and from what I've observed at the Transfer Station it is the contractors. These guys pull in loaded to the gills with stuff from construction sites and the dump. Then I show up with household stuff and there is no room. Why don't the contractor's get a dumpster for their jobs instead of dumping there (transfer station). The people that work there are awesome.

Dan Hobart spoke to the Board: I live on West Gulick Road and have been a resident for about 8 years. The Transfer Station to me is nice because I used to live in Bloomfield and pay trash fees there and you come here it is like a little community. You come in, there are books on the shelf that you can borrow, etc. There are times when I go there, and like some of the people here said, there is a long trailer with roofing stuff on it, throwing it inside and you can tell it is a commercial vehicle and they are dumping the stuff there. I come in, I have just a few house items, which 90% of the people in town have. There should be a way to identify or have a card or something for people that pay taxes and live in South Bristol. One person, show them your

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license and issue something that identifies the resident. That eliminates other people coming in. Then on top of that, if people come in with big stuff, let's make some money on it. If somebody comes in with construction stuff have it set up so that we can charge them and make money (from out of town). If we have the facility and we have the people, and a ways to do it, why not take a little extra that we are now taking for nothing and get some money for it to pay for the whole problem?

Supr. Marshall asked if Mr. Hobart is suggesting if he is suggesting inviting other people in at a cost? Mr. Hobart agreed and said to have it be a substantial cost because we are all ready getting them now anyway. Supr. Marshall noted that the Town makes 5-6 trips to the landfill every week. There is a cost for removing the CD debris where a highway employee drives to Hopewell to the landfill. There is a queue at the landfill and our truck gets in line and might sit there for an hour. It is not as easy as going there and just dumping and leaving; there is a lot of time involved. The highway department can do 2 trips to the landfill, 3 if they are lucky. Mr. Hobart agreed and suggested having a pass that identified the tax payer that use the facility and that would alleviate a lot of troubles. Supr. Marshall agreed and said that real issue is identifying a resident. With any system they will find a way for someone to go around it.

Mr. Hobart said that as a tax payer we are getting an awesome deal and setup; there are other places that have shown that it's not cost effective and it is gone. We would just prefer not lose it.

Supr. Marshall thanked Mr. Hobart and asked if anyone else cared to comment?

Rosalie Nudd approached the Board: I work for a family on Canandaigua Lake that uses the Town of Canandaigua's dump. They have a ticket that tells who they are but it doesn't cost a thing to take their junk to the dump.

Supr. Marshall noted that currently, even with the fees collected from the Transfer Station passes, it still costs the Town an excess of \$45,000.00 a year to run that facility. There is definitely an expense involved.

Melanie Eisenberg of Bristol Harbor spoke to the Board: I have lived at Bristol Harbor since 2004 but lived in the Town of Canandaigua from 1976 to 2004 and what they did do, we had to go every year at the Town Hall to register and was given a sticker for our windshield. For large items, we had to pay extra. The Town sold tickets. It was a flat rate fee we paid for the sticker that identified us as a resident of Canandaigua. Your people that work at the Transfer Station are wonderful, lovely people.

Supr. Marshall thanked Mrs. Eisenberg. Canandaigua evidently operates their Transfer Station for free; we charge 0.50 per garbage bag, Naples is \$1.50 a bag. We still think that the current rate that we have is extremely fair.

Supr. Marshall asked is anyone else had comments?

Heinz Altman of Sumac Drive spoke to the Board: I have been going to the dump since 1983 when it was still a landfill and has seen the development and I like it the way it is. The people that work there are very good. They are good friends and are always helpful and are probably not getting paid enough. That is not my point so I want to be specific. I take several kinds of waste (to the transfer station). I take kitchen waste which goes in a bag and goes to Wendy and pay 0.50 a bag, which is very reasonable and I wouldn't mind paying 0.75 a bag. I wouldn't want to pay \$1.50 a bag. If I had to pay that I might just feed it to the bears. The other kind of waste I have is newspaper and that goes in the separate dumpster and I am under the impression that the Town gets partly paid for that waste. Similarly I take glass bottles and plastic bottles and that goes into a separate compactor and I am also under the impression that the Town

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gets paid for that. If I had to pay for those two wastes, I wouldn't mind if it was reasonable. The other waste is the general waste what people call Construction debris, but my project this summer was to clean out the barn and I did clean out the barn and I took 6 pickup truck loads to the CD to the dump and that was very helpful. I didn't get charged a penny for that and before I did that I contacted at least two people to rent a dumpster and would have had to pay \$200-300.00. I also noticed about 2 or 3 months ago there was a sign there that said fees were going up \$20-30 a month and I noticed that because \$20-30.00 is a lot of money to me. That is one reason I finished up cleaning out the barn rather than delaying that until next year. I am very grateful to the town that they made it possible for me, but what to do about it? If the Town gets reasonably reimbursed for the paper and the plastic and glass and also the corrugated, I would suggest you leave it that way. On the other hand, if you don't get paid for it and this is a substantial expense to the town, then I would suggest you make that a part of an increase for the punch card. When it comes to CD waste, I would suggest that anyone that comes in with a pickup truck with waste has to have a permit. I take my garbage to the dump in my car because it is less expensive to do that because of the gas. The few times that I use the pickup truck I wouldn't mind requiring a permit, I wouldn't mind going to the Town Clerk and pay for a permit, depending on how much I am going to use the CD facility. If I have one load, one permit. When it comes to commercial use, I wouldn't mind the commercial people using our facility as long as the Town makes some money off it. Do the same thing on a per pickup truck, but make the fees higher so the Town makes some money. As long as we have the capacity, let's use it.

Supr. Marshall noted that the Town currently receives some money for the corrugated, the price for corrugated is pretty low, so what we get for it is very minimal. We are not receiving any income for recyclables, the Town actually pays a tipping fee to the landfill. Supt. Wight noted that there is no tipping fee for recyclables but the Town is not receiving reimbursement either. There is only a tipping fee for CD and compactor garbage.

Supr. Marshall asked if anyone else wanted to speak.

Al Carvill: Everybody is throwing around cost issues and Mr. Altmann had some very good points. As you know, municipalities these days are struggling to find alternate resources for income to keep the tax base low. Instead of taking these costs and putting a control on them, if we could really isolate what this cost is, are we presently using an enterprise fund for the transfer fund or are generally absorbing these costs from the General town wide tax rate?

Supr. Marshall: it is the through the General Fund.

Al Carvill: So it is absorbed through our Town side tax rate.

Supr. Marshall: Yes, it is.

Al Carvill: Is there any opposition to segregating the cost of the operation of this facility; its payroll services, all of their costs in an Enterprise Fund, so therefore we would isolate, as Mr. Altmann has pointed out? We would be able to then really address issues as to policing monies if fees have to be raised. Then we would know accurately what we are raising them for and why.

Councilman Arndt: Last year we did a pretty detailed analysis of costs of the Transfer Station and we analyzed the corrugated material for which we get dollars for. It is a money losing proposition here. The biggest money loser is the trash, the regular trash, for which we have a control mechanism in place with the pink ticket. With the CD, we get money for the metal but we pay dearly with tipping fees and having drivers over there. As Jim articulated, we don't pay tipping fees for the co-mingle trash but we do have to pay our drivers. We know, pretty much, a dollar figure what all these increments cost us; cost the Town. That's what started this

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whole thing. To say that fifty-cents a bag is too much money to pay; I would argue otherwise. The CD material is a money losing proposition but not as much as the trash because we get money for metals.

Mr. Carvill: That's the first One of the contributing reasons for why we are losing money are the non-residents using that facility and not giving us any money in return. It's a great Transfer Station.

Councilman Arndt: Yes, you are right, we don't have the data on that.

Supr. Marshall asked if anyone else wished to speak?

William Welch: I would just like to follow up because some of the folks have been asked or have been offering remedies for the situation. I have some that I didn't share a couple of things that come across my mind. We are either in for a penny, in for a dollar: either you are going to accept commercial or you are not going to accept commercial. My feeling is don't accept it, but that's just my feeling. My neighbor, Heinz, believes we can do something with commercial, we have a differencing of opinion. Perhaps an easy remedy or a quick fix would be to provide a list of residences to the employees. We have access to that. One of the Town Board members, I believe it was Jim Bachman, suggested surveillance of who exactly is doing these things; and you can do that quite cheaply. You have to have severe penalties and fines for any violators. I would urge the Town to enact a local law, a town law, for anyone that violates our Transfer Station.

Supr. Marshall asked for anyone else?

Supt. Wight: I would like to clarify a couple of issues here that seem to be in a gray area? My name is Jim Wight and I am the Highway Superintendent for those of you that don't know me. I'm also the manager of the Transfer Station. The big issue here is that the Town has 6-8 contractors that live here and violate this on a regular basis. They all have been spoken to. I am not going to name names because there is nothing to be gained by it. They have been spoken to more than once and I have been waiting for this whole thing to come to play. There are signs there now; you all have been there, "no commercial dumping." Now everybody starts splitting hairs, what constitutes "commercial dumping?" Bringing in an entire load of shingles off of somebody else's job is commercial dumping. There is also a big sign by the gate, by both gates that states, "South Bristol Residents Only." As Dan said earlier, we don't receive any income from co-mingle or newspaper. The amount of cardboard we have to generate for a \$700.00 check is incredible. There is very little money in the cardboard. Every year we are faced with tipping fees going up. There is a slightly different tipping fee for CD versus compactor probably because you can get more into a container with a compactor. There are definitely things that can be done. I put out a memo this year that we no longer accept motor oil because people continued to bring in motor oil that has gas, antifreeze in it; we used to burn it in a waste-oil burner. I spent more money trying to maintain that and keep it there. Motor oil is still being dropped off at the Transfer Station. You all know Mike Vest, and he cannot monitor the area when there are upwards of 6 vehicles emptying garbage. I've seen it happen; Wendy threw someone out last weekend, a non-resident. Truck and trailer loaded with material; saw it come in, and asked them to please leave. The people that work there can only do so much. I spend a fair amount of time there on the weekends, it is tough to policy the non-resident issue and there are a few people out there that are just going to continue to abuse it.

Supr. Marshall asked for anyone else?

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Al Carvill: Let me just say that I would be happy to pay the Town \$50.00 to have a sticker to put on my windshield that identifies me as a Town resident; and charge me only once and charged me every time I used the CD dump.

Councilman Bachman said: I do want to address, because the gentleman that spoke last here, talked about the dumpsters and so forth, you sited that the dumpsters would cost around \$300.00. You could have brought in 6 pickup truck loads and only pay \$120.00; the proposal was to pay \$10.00 for half a trailer load or equivalent truck, \$20.00 for a trailer or full truck. Anything below that, we determined a car-load, 18 cubic foot, 3 x 3 x 2 would be no charge. You can come in and dump that off at anytime. Maybe there is a partial misunderstanding, maybe there is not; there are more great ideas here and I think there is room to take a look at this in greater detail. Thank you all for that.

Supr. Marshall closed the Public Hearing.

ADJOURN 7:35 PM

Respectfully submitted:
Judy Hanley
Town Clerk