

STEBEN COUNTY PUBLIC WORKS COMMITTEE

Monday, June 1, 2020

10:00 a.m.

Via Teleconference

****MINUTES****

COMMITTEE:	Robert V. Nichols, Chair Aaron I. Mullen	Frederick G. Potter, Vice Chair Thomas J. Ryan	Jeffrey P. Horton
STAFF:	Jack K. Wheeler Doug Rapalee Jennifer Prossick Lisa Tracy	Christopher Brewer Rich Bills Andy Morse	Vince Spagnoletti Steve Orcutt Brenda Mori
LEGISLATORS:	Scott J. Van Etten Kelly H. Fitzpatrick Gary D. Swackhamer	Robin K. Lattimer K. Michael Hanna John V. Malter	Carol A. Ferratella Hilda T. Lando Steven P. Maio
OTHERS:	Mary Perham		

I. CALL TO ORDER

Mr. Nichols called the meeting to order at 10:00 a.m.

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE MAY 4, 2020, AND MAY 15, 2020, MEETINGS MADE BY MR. POTTER. SECONDED BY MR. RYAN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

III. LANDFILL

A. *Electronics Recycling Act* – Mr. Spagnoletti stated last year we charged \$15.00 for TV’s and monitors which brought in approximately \$54,000 in revenue. We then paid our recycling contractor \$80,000 to take that material, which resulted in a net County cost of approximately \$30,000. He stated Rich Bills, the president of the NYS Solid Waste Association, is recommending supporting a resolution to modify the Electronics Recycling Act.

Mr. Bills stated in 2010 New York State adopted the NYS Electronics Recycling Act to help manage electronics recycling. Under this, electronics manufacturers were required to participate in programs that effectuated reasonable, convenient recycling of electronic products and were required to pay for that. Over time the manufacturers discovered that once they met the standards they no longer had to pay for the program. In Steuben County, we pay \$0.35 per pound, or \$700.00 per ton and we pass much of that cost on to our residents in the \$15.00 recycling fee. This fee should be paid for by the manufacturers, but the burden has fallen to us. The Electronic Recycling Act was supposed to have remedied this burden. Mr. Bills stated our association is asking New York State to review the current act to require electronics manufacturers to fund programs for all New Yorkers to recycle electronics at no cost. The changes we are recommending include no less than three designated, permanent collection sites for all counties within a certain population range and that there be convenient drop-off locations for residents. Additionally, we are recommending that materials be accepted by manufacturers at no cost. Mr. Bills stated in Steuben County we run four permanent sites and we fund a lot of that program. It is time that the State steps up and makes these changes.

MOTION: URGING THE GOVERNOR AND THE NEW YORK STATE LEGISLATURE TO MAKE UPDATES TO THE NEW YORK STATE ELECTRONICS RECYCLING ACT MADE BY MR. RYAN. SECONDED BY MR. POTTER FOR DISCUSSION.

Mr. Malter stated that he would like to make an observation. If we sit out there and the manufacturers are paying for this, they will add the cost to the products so the consumers will pay one way or the other. Mr. Bills commented this cost should have been internalized to the manufacturers already.

Mr. Ryan asked if these changes happen, does that mean residents will not have to pay the recycling fee at the Landfill any longer? Mr. Bills replied that is the intent. If the State does this, we would have no costs to our program and we would be able to accept the TV's for free.

Mr. Van Etten asked does your association have a feel for if the State is receptive to fixing this or is this not going to go anywhere? Mr. Bills stated they have been working with Senator Kaminski and they seem to be receptive to making changes to this law in particular. He stated I don't know if it will happen, but we are making a concerted effort to get this language tidied up.

Mr. Van Etten stated I am in favor of this. Even if the Electronics Recycling Act is not changed by the State, we will need to do what we are doing. This is a cost that we should bear. Mr. Nichols asked are you suggesting that we eliminate the \$15.00 recycling fee? Mr. Van Etten replied no, but even with the fee, this is costing the County \$60,000.

Mr. Spagnoletti clarified we are taking up about \$26,000 of this. This is a good program that we have in place. The NYS Solid Waste Association has a good idea. The manufacturers are making money off this and they should be responsible for the products after their useful lives.

Mr. Mullen asked what is the proposal? If the surcharge is on the manufacture, is this going to a particular county where the products are sold? What if the TV is sold on Amazon? How do you envision this working? Mr. Bills replied it will continue the way it is now. All we are doing is asking for some revisions to the Electronics Recycling Act. Right now it is a complicated arrangement where the manufacturers work through a co-op and they seek out and come to people like us to get contractors to collect the recycling. When we go out for an RFP for a contractor to do the recycling, we should not have to pay \$700.00 per ton to get rid of that; that cost should be covered by the manufacturers.

Mr. Malter stated it is costing the County \$30,000 and on top of that, we have to pay for the workforce in place and that is costing money. I don't think we should make it free to the public.

Mr. Horton stated I agree with Mr. Malter. We should keep the \$15.00 fee in place and if at some point it becomes completely free to the County, then we could change the fee to the public.

Mr. Van Etten stated I am not suggesting we eliminate the fee, but I would be against increasing it. If the fee is any higher, people will toss the TV's on the sides of the road again.

Mr. Mullen stated he would rather see more of a nominal cost.

VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

B. *Gas to Energy Project* – Mr. Spagnoletti explained methane gas is produced by decaying garbage. Because of falling energy prices we held off on issuing RFP's for developing the gas. The developers have indicated there is an upturn in the market and he would like to now request authorization to issue the RFP to develop the gas and gas to energy plant.

MOTION: AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS, IN CONJUNCTION WITH THE PURCHASING DIRECTOR, TO ISSUE AN RFP FOR THE DEVELOPMENT OF GAS AND THE GAS TO ENERGY PLANT MADE BY MR. MULLEN. SECONDED BY MR. RYAN FOR DISCUSSION.

Mr. Ryan stated I was involved on the Legislature when we first proposed that project. What happened and why was the development shut down? Mr. Spagnoletti replied it was shut down due to the discovery of shale gas. Back 15 to 20 years ago whenever anyone talked about New York State and the problems, it was because of high energy prices. At that time

energy prices were very high. After the gas to energy plant was built, shale gas production started and that collapsed the price of energy. Now we are doing an adjustment to take advantage of what we believe are other opportunities out there. One option is to look at producing electricity at the plant when NYS is requiring renewable energy at office buildings. The original reason for the plant is gone, but there are other opportunities out there and we would like to get proposals to see what they have to offer.

VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 5-0.

IV. HIGHWAYS

A. *Transfer from Salt Account to Sand Account* – Mr. Spagnoletti informed the committee that their sand supply has been running out before winter ends. To remedy that we would like to put up the sand this summer that will last the entire winter. Normally we would purchase the sand for the 2020-2021 season out of the 2021 budget, but he is requesting authorization to transfer \$139,000 from the salt account to the sand account to purchase and pay for the sand in September 2020.

MOTION: AUTHORIZING THE TRANSFER OF \$139,000 FROM THE DEPARTMENT OF PUBLIC WORKS SALT ACCOUNT TO THE SAND ACCOUNT TO PURCHASE AND PAY FOR THE 2020-2021 WINTER SAND SUPPLY IN SEPTEMBER 2020 MADE BY MR. MULLEN. SECONDED BY MR. HORTON. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

V. BIDS

A. *Shoulder Widener Roller* – Mr. Spagnoletti explained when we build the gravel shoulder for a road, the roller sits on top of the gravel in a tipped position and the machine could tip over. This shoulder widener roller is more secure as it cantilevers from the shoulder from a tractor which is on the road and that is safer and quicker. He recommended awarding the bid to Tracy Road Equipment for \$54,700. Mr. Ryan asked is there money in the budget for this? Mr. Spagnoletti replied yes; we have \$75,000 in the budget.

MOTION: AWARDING THE BID FOR THE SHOULDER WIDENER ROLLER TO THE LOW BIDDER, TRACY ROAD EQUIPMENT FOR \$54,700 MADE BY MR. RYAN. SECONDED BY MR. HORTON FOR DISCUSSION.

Mr. Nichols commented this is still cheaper than if someone were to get hurt.

Mr. Van Etten asked do we have a tractor to pull it with? Mr. Spagnoletti commented this is the combination tractor and the roller. Mr. Rapalee stated this is actually just the attachment piece. This is a universal roller that attaches to a skid steer and we have a skid steer for it to go on.

Mr. Potter asked will this get the compaction rate that you would have with the other roller? Mr. Spagnoletti replied I think this will get better compaction. This will press down and has vibratory compaction. I think it will get better compaction.

VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 5-0.

VI. OTHER

A. *Recycling Plastics Contract* – Mr. Orcutt stated the plastics recycling market has collapsed and our current vendor, Swarthout, is unable to move plastics for us. Our vendor has asked, and we are willing, if we would shift that piece of the contract and allow the County to do our own marketing and waive the potential loss of revenue. This would allow us to move some materials in the market and once the market has resolved itself, then we would continue our contract with Swarthout. There may be a facility that is willing to move some plastics for us and there would be no revenue from that.

Mr. Mullen asked what does our contract with Swarthout say? Mr. Orcutt replied they move the plastics for us, but there is no market to move it into and there are no revenues right now in the plastics market. Mr. Mullen asked that's at zero

cost? Mr. Orcutt replied no, it is just until they can move the materials. Mr. Mullen stated it seems that they should still see some costs to this. Can they help us move it? Mr. Orcutt replied no. We will take more responsibility for the material. We have the plastics building up onsite. If we cannot move it then we will have to landfill it. He explained one of the marketing facilities had a fire in the spring and there is a facility in Pennsylvania that has shut down due to Covid. There is not a lot of movement in our area for plastics. We sent a test load to a facility to see if they can handle it.

Mr. Nichols stated in this market, any way you can move it. Mr. Orcutt stated the last thing I want to do is put it in the Landfill.

Mr. Mullen stated the question is if there is somebody out there that can market it, why isn't Swarthout contacting them to do it? Seems like they should still have the cost of shipping. A different question is why, if we can take it there, why can't they? Mr. Spagnoletti stated I understand your point. In normal times I would say they would pay the cost, but we are in different times now. We are in a crisis and everything has changed and things have happened that nobody could have foreseen. It wouldn't be fair for them and it is not a responsible way for us to act. Mr. Mullen stated that is a reasonable position.

Mr. Spagnoletti stated this is just an FYI item. Mr. Mullen asked how can it just be an FYI item when we actually have a contract in place? Ms. Prossick replied you can do a motion. This is just a stay at this point in time. Mr. Wheeler stated to Mr. Mullen's point you should have a motion as you are changing the contract terms. Mr. Potter asked is this a temporary move? Ms. Prossick replied yes.

MOTION: AUTHORIZING THE TEMPORARY SUSPENSION OF THE MARKETING OF RECYCLABLES CONTRACT WITH SWARTHOUT AND WAIVING ANY SORT OF DAMAGES FROM EITHER PARTIES RESULTING FROM THE STAY MADE BY MR. RYAN. SECONDED BY MR. MULLEN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

B. *Excavator* – Mr. Spagnoletti stated at last month's meeting we discussed the damaged excavator and the committee had requested additional information. Our damaged machine is a 2008 with 6,000 hours and it cost \$175,000. When the machine rolled over, the repair bill was \$63,000 and the insurance paid \$40,000. Our bridge crew is concerned about the structural soundness of the machine; specifically the main connection points. We are bringing the machine in again this week and Mr. Miller will check those main connection points. Then we will go from there. I don't want them working under something that they don't feel safe with.

Mr. Mullen stated with what Mr. Spagnoletti just said, if we get to the point where the guys don't want to work under it, maybe we should consider selling it and getting a different piece of equipment if that is the case. Mr. Spagnoletti stated that is an option. I just want to take this a step at a time. That is a legitimate option to sell it.

C. *Traffic Control* – Mr. Spagnoletti stated last month Mr. Potter had questioned traffic control requirements on the part of the utility companies. I did send an email to all of **our highway supervisors** to let them know to contact us if they run across traffic control set ups that are not adequate. This past month that has improved significantly. Ms. Prossick and Mr. Catherman are still working with the utility companies on our permit that we give them regarding maintenance of traffic responsibility.

D. *CR 120* – Mr. Van Etten stated a portion of CR 120 above Schoonover Road is caving away again. This is the third time in five years and it is bad. I'm wondering if the signage saying "Bump" is enough because it could cause an accident. Mr. Spagnoletti stated I will go take another look at it. This is a real problem for us. On our roads you will have a creek or waterway at the foot of the slope of the road and over time they undermine and the road settles. It takes a lot of time and money to fix those. We will look at it and take care of the bump and add signage.

Mr. Spagnoletti stated that slope to the creek is 150 feet or more down and the side of the hill is giving way. Mr. Spagnoletti stated if we put heavy rock on the slope, a lot of times that will stabilize it. The fix is to dig a big trench and fill it with big rocks and then do a check dam and that keeps the creek from undermining the slope. We have other roads that are worse right now.

Mr. Nichols commented these jobs are very costly for the County and the towns. In Tuscarora, we spent over \$200,000 and that is a lot of money for a town. No town or the County wants roads like that, but we have many roads along creeks and rivers.

MOTION: TO ADJOURN MADE BY MR. POTTER. SECONDED BY MR. MULLEN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

****NEXT MEETING SCHEDULED FOR**
Monday, July 6, 2020
9:00 a.m.**

**Please send agenda items to the Clerk of the Legislature's Office
NO LATER THAN NOON
Monday, June 29, 2020**