



Onondaga County Legislature

JAMIE McNAMARA
Clerk

JAMES J. ROWLEY
Chairman

TAMMY BARBER
Deputy Clerk

401 Montgomery Street • Court House • Room 407 • Syracuse, New York 13202
Phone: 315.435.2070 • Fax: 315.435.8434 • www.ongov.net/legislature

WAYS & MEANS COMMITTEE MINUTES – AUGUST 22, 2023 BRIAN F. MAY, CHAIR

MEMBERS PRESENT: Mr. Ryan, Mr. Burtis, Ms. Abbott, Mr. Knapp, Mr. Kinne, Mrs. Ervin
ALSO ATTENDING: Chairman Rowley, Ms. Gunnip, Ms. Cody, Ms. Kuhn, Dr. Chase, Mr. Bush, Mr. McCarron; also see attached

Chair May called the meeting to order at 11:35 a.m. *The minutes of the previous meeting had been distributed, and there were no objections to waiving the reading. There were no corrections to the minutes, and the minutes were approved.*

1. **CNY ARTS:** Steven Butler, Executive Director
 - a. **Amending the 2023 County Budget to Make Surplus Room Occupancy Funding Available for Use in Support of a Public Arts Program (\$500,000)** (*Sponsored by Mr. Burtis*)
 - Will run through Main Street Program in Community Development for municipalities interested in public art

Questions/Comments from the committee:

- What would the art look like, and how many pieces will be selected?
 - Goal is for public art innovation; encouraging municipalities to look outside the box
 - i.e. Rosamond Gifford Zoo's statue of tiger; families take pictures as part of the experience, it brings people back
 - Looking for art that engenders the warm feelings and activates a main street or park
 - Murals, sculpture, statues (i.e. Over size chair by Rudy's where families can take pictures)
 - Simple things that activate people who are visiting
 - Murals done correctly can be inspiring and great for selfies or family photos
 - No cap on the amount municipalities can ask for
 - Projects can be small to large; some municipalities have made contact and are very interested in this program
 - When/if this is available, CNY Arts will start getting applications right away
- The Zoo and the lake are places people go to already, so how does this relate
 - Public art (wherever it is) can engender warm memories and bring people back to a location
 - Using those as simple examples that activate a crowd
 - i.e. People going to Rudy's (or the ice cream shop) can either grab their stuff and go home, or stay and have an oversized chair to take pictures in and post to Facebook
 - These are things municipalities can look at as an example for something simple to use at a main street, park or for indoor public art to activate a room
- Always told the money is for bringing in more tourists, so how does this program do that?
 - In many cities, public art in parks does bring in tourists
 - People know to go to certain parks to see public art to take pictures
 - i.e. Mirror statue in Chicago park that has prisms – people stand in front to take pictures with their image refracted
 - These things becomes iconic; working towards innovation; looking for municipalities to do things outside the box
 - Not everyone has seen the statutes in the county's parks, or walks the cemeteries to see tombstones and mausoleums, but there are people that do
- These are legitimate concerns; always thought Room Occupancy Tax (ROT) was used to drive "heads in beds", then investigated the statute in the law – learned the purpose is economic development

- Do not love these investments coming from ROT, but the law allows for it
- Most funds the county drives back into the economy is focused on driving tourism, driving ROT and sales tax
- This is a competitive panel process with Community Development, so the concerns should come out organically
- Being competitive, municipalities that view this as a priority can pursue it, and what they pursue should drive a purpose or goal that aligns with the intent of the money
- Floor leaders last year were looking at different ideas, and one idea was smaller venues and opportunities within municipalities that do not make it to CNY Arts to seek, pursue or receive money – it aligns with this
- Preference that ROT is spent on driving sales tax; do not see that happening
- Agree 100% that it should be driving sales tax; do not see how it will do it; law may allow spending money on this, but does not make it right
- If this is a great idea, why has it not been done before within the normal budget process?
- Not necessarily opposed to this, but opposed to the way it is being funded

Mr. Kinne stated he would be abstaining.

- Believe this is a fantastic idea – taking a space and making an experience out of it
- If the community does not grow, evolve and invest, then it stays stagnant; fully support it
- Does the application have to be done by a municipality?
 - Correct
- Does it have to be a permanent structure, or can it be music or a festival in a park?
 - No; some of the best public art are temporary murals to cover alleys or buildings under construction
 - The murals are then collected and put together in a mural show for people to see them
- With the new comprehensive plan encouraging villages and towns to create centers, this is the thing that can augment that and encourage traffic

A motion was made by Mr. Knapp to approve this item.

- Please explain the competitive process. Who would be on the panel? Is Marty Skahen deciding or CNY Arts?
 - It is municipalities in Main Street (part of Community Development) that will receive notification of this program
 - Panel is not made up of CNY Arts staff, county employees or elected officials
 - Usually a panel would include architects, experts in public art, artists who have created public art (i.e. murals)
 - Panel would look at:
 - Size appropriateness for the setting
 - Feasibility of how it is being constructed
 - How it will engage tourists and promote pride in the community
 - Is it well rounded and reaching everybody
 - Artist would look at artistic merit of the project
- Will the artists be deciding, or will it go through Community Development?
 - Panel will make recommendations and score the projects
 - Recommendations go back to county for funding through Community Development

Ms. Abbott seconded the motion. Ayes: 5 Abstentions: 2 (Ervin, Kinne); MOTION CARRIED.

- 2. EMERGENCY MANAGEMENT:** Jeffrey VanBeveren, Director of Emergency Medical Services
- a. Authorizing an Intermunicipal Agreement with the County of Oswego to Provide Disaster Assistance** (*Sponsored by Mr. Olson*)

A motion was made by Mr. Kinne, seconded by Mr. Ryan, to approve this item.

- Renewal contract; been in contract for nearly 2 decades; 5 years for \$35,000

Passed unanimously; MOTION CARRIED.

3. DISTRICT ATTORNEY: Joseph Coolican, First Chief Assistant District Attorney
a. Amending the 2023 Onondaga County Budget to Accept Grand Funds from the New York State Bureau of Justice Assistance Edward Byrne Memorial Justice Assistance Grant (JAG) Program (\$113,243) (Sponsored by Mr. Olson)

- Investigators are sworn law enforcement officers who investigate, commence and further criminal investigate
- Currently equipped with 16 year old radios; to repair the radios, they need to be sent to Mexico
- In 2024, radios will need to be encrypted, and the current radios are too old and unable to be encrypted
- Last year responded to the Department of Criminal Justice’s request for information for money to be spent on technology
- Put in request for radios and other items; did not hear back; budget process was starting
- Reached out to second in command at Criminal Justice Services and explained the need
- Submitted proposal for 27 handheld radios and 6 car radios
- Department of Criminal Justice cut special grant for \$113,000 to pay for radios as requested
- Amount provided is exact amount from the quotes

A motion was made by Mr. Kinne, seconded by Mrs. Ervin, to approve this item. Passed unanimously; MOTION CARRIED.

4. WATER ENVIRONMENT PROTECTION: Steve Morgan, Chief Fiscal Officer
a. A Resolution Calling a Public Hearing in Connection with the Proposed Adoption of an Amended Schedule of Sewer Rents for the Onondaga County Sanitary District (October 10, 2023 at 12:55 p.m.) (Sponsored by Ms. Abbott)

- Calling for public hearing in connection with preparing for budget next month
- Continue to shift and reduce number of gallons per unit in system
- Believe this is third year of shifting down 5,000 gallons; hearing held to consider moving from 110,000 to 105,000
- Continued goal of rightsizing “who pays what” to ensure commercial and residential users are balanced appropriately

A motion was made by Mr. Knapp, seconded by Mr. Burtis, to approve this item. Passed unanimously; MOTION CARRIED.

5. DIVISION OF PURCHASE: Daniel Hammer, Director
a. Authorizing the Use of Onondaga County Purchase Cards in Advance of Audit for Purchases up to \$1,000 (Local Law)

- Proposing raising spending limit based on practice and needs for those with cards from low amount to \$1,000

A motion was made by Mr. Burtis, seconded by Ms. Abbott, to approve this item. Passed unanimously; MOTION CARRIED.

6. FINANCE: Steve Morgan, CFO
a. Resolution of the Legislature of the County of Onondaga Increasing Taxes on Sales and Uses of Tangible Personal Property and of Certain Services, on Occupancy of Hotel Rooms and on Amusement Charges Pursuant to Article 29 of the Tax Law of the State of New York

- Last action to continue county’s overlay of 1% sales tax; authorization for 2 year period
- Every other year have to get authorization from state, state legislature acted and Governor signed
- Process: county asks state to consider, state legislature passes it, Governor signs it, and this legislation enacts it
- 1% to be 4% sales tax

A motion was made by Mr. Knapp to approve this item.

Questions/Comments from the committee:

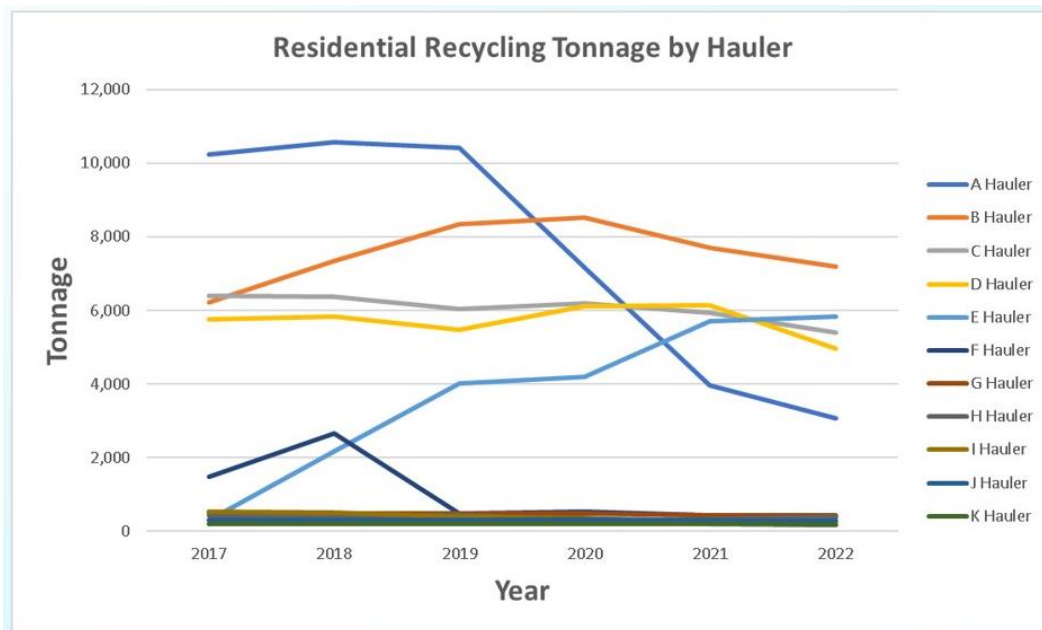
- Talk at one point to make it longer term
 - Been in Executive's budget for years proposing this home rule be enacted to allow municipalities to continue to overlay the additional percentage; if want more, then it would go through state legislature
 - Continues to get batted back
- Starts Dec. 1st, 2023 through Nov. 30th, 2025
 - Yes, will be back at this time in 2025, unless state grants authorization

Mrs. Ervin seconded the motion. Passed unanimously; MOTION CARRIED.

7. ONONDAGA COUNTY RESOURCE RECOVERY AGENCY (OCRRA): Kevin Spillane, Executive Director

a. INFORMATIONAL: Recycling, Flow Control & Ley Creek

Recycling and Flow Control:



- Discussing challenges with recycling program, may need assistance to address it; trying to move forward with solution
- Last few years seen large decline in recycling, but not less recycling being put at curb; especially during COVID
- More and more material is not going to the designated OCRRA site
- In 2003, County Legislature passed a flow control law (site designation law), where the county intended the material, mainly municipal solid waste (MSW aka household garbage) to go to OCRRA's waste to energy facility
- Singled out recycling as not being flow controlled; for long time had contracts with local haulers delivering to only material recovery facility in county (privately managed and owned) – been successful

RESIDENTIAL RECYCLING TONNAGES

Hauler	2017	2018	2019	2020	2021	2022	2017-2022 Total
A Hauler	10,236	10,563	10,413	7,175	3,969	3,081	45,436
B Hauler	6,225	7,334	8,343	8,516	7,692	7,192	45,303
C Hauler	6,386	6,362	6,034	6,188	5,941	5,405	36,317
D Hauler	5,760	5,844	5,462	6,106	6,133	4,956	34,262
E Hauler	309	2,160	4,017	4,182	5,704	5,827	22,199
F Hauler	1,491	2,664	485	545	419	386	5,990
G Hauler	499	485	469	489	434	418	2,794
H Hauler	434	402	462	287	322	401	2,309
I Hauler	534	517	402	344	221	181	2,197
J Hauler	303	315	298	319	296	284	1,815
K Hauler	210	210	201	207	210	183	1,220
Yearly Total	38,101	40,352	37,350	34,889	33,007	29,078	XXXXXXXXXXXXXX

- In 2018 things changed and recycling markets were moving overseas (i.e. China)
- China decided to cut back on buying the materials, which was effecting the markets here dramatically
- OCRRA no longer able to have scrap end market
 - Scrap end market – commodity able to sell on market; if there are costs associated with managing the program, would get on revenue side
 - OCRRA had a good contract with the only material recovery agency, where OCRRA had a percentage
 - \$0 tip fee, no charge to haulers to bring material to facility
 - OCRRA charged fee from company managing it and some of the fee was offset by sharing revenue
 - Worked well and did not impact fees for other services at (i.e.) waste energy facility
- When this happened in 2018, started to see recycling fees change dramatically; at one point over \$3M over 3 year period
- Transfer from scrap end market to more of a fee for service program
- OCRRA board decided to institute a fee for recycling in 2021 of \$34
- OCRRA was charged processing fee twice that, which OCRRA covered
- Still able to recover some money and worked for a couple years
- Able to stabilize tip fee at waste energy plant, which was going up every year to cover costs of this program and others
- Fees instituted in 2021; no fee increase in over 3 years; program stabilized
- OCRRA saw the numbers decline significantly; materials were bleeding out
- 2 haulers taking materials
 - “Hauler A” was over 10,000 tons, but when OCRRA had \$0 tip fee, the hauler was bleeding some commercial stuff, so might be more in the 7,000 ton range; down significantly; 25% reduction
- Have condition in permit with NYSDEC for waste energy plant
 - Have to retain 40% recycling rate
 - With these numbers, recycling rate went down from 54% to 49%
 - Not near the permit condition of 40%, but without control over recycling, seeing the slippery slope endangering the program
- Costs have to come from someplace; if they increase tip fee, there are more challenges of more material bleeding out
- Asking for support and consideration of including flow control legislation for residential recycling only; not commercial
- Do not want to destabilize program, but need residential material to maintain system
- Several communities around the county have flow control including Cortland, Herkimer, Oneida, Oswego, Rockland
- Legislature passed site designation law in 2003
- Asking consideration of amending the law to include recycling materials for residential only

Flow Control Background

- 1) OCRRA has seen a sharp reduction in residential recycling materials being delivered to our contract material recovery facility (MRF). This is likely due to some haulers processing that material themselves, not due to less material being set out curbside.
- 2) The economics of the MRF require a certain amount of material to be processed to efficiently spread out the fixed costs of recycling processing equipment investments, such as optical sorters, advanced air separators, and various conveyance and baling mechanisms. As the delivered material declines, the cost per ton to process that material increases.
- 3) For a decade+, revenue from the sale of recyclables generally covered the processing costs. Beginning in 2018, and to the present, recycling markets have been more variable, processing costs have increased, and the stability of the current recycling program has become unbalanced.
- 4) OCRRA spent several million dollars to continue the program over the past 5 years and in 2021 implemented, for the first time, a separate tip fee for residential recyclables. To stabilize prices for the local community, flow control of these materials would ensure a steady material flow and better economies of scale for residential recyclable processing in our community.
- 5) Several communities in the surrounding area flow control their residential recyclables, including Cortland, Herkimer, Oneida, Oswego, and Rockland counties.
- 6) The New York State Solid Waste Management Plan, drafted in February 2023, established a roadmap for the implementation of the State’s recycling goals. It would be strategic for Onondaga County to be aligned with these goals. One of the goals is to reduce waste disposal through innovative policy approaches. A State-identified action item to achieve this goal includes supporting policy approaches that incentivize public-private partnership for recycling facility development.
- 7) Flow control of residential recyclables will provide support for several of the State’s other solid waste management goals. Flow control stabilizes not only our current program but will provide a funding stream for future investments in waste reduction, reuse, and recycling.

Curbside recycling processing costs

Year	Costs
2018	\$667,042
2019	\$1,808,222
2020	\$1,997,243
2021	\$62,521
2022	\$691,551
2023	\$1,600,000 (Projected)
2024	\$1,800,000 (Preliminary estimate)

Questions/Comments from the committee:

- Are the figures going down due to haulers finding cheaper ways to process recyclables around OCRRA?
 - Some value in materials, especially cardboard
 - Haulers are taking material into their own facilities, bought sorting equipment and keeping material
 - Continuing to send some to OCRRA for material they are not able to market
 - Countywide is a 40% minimum
- Could OCRRA get data from the haulers for tonnage to count towards the 40%?
- Not saying flow control is a bad idea, but the county should get credit for those materials if the product is being recycled
 - Arguing OCRRA’s position; taken that position with local haulers and DEC
 - DEC requiring to report numbers in the county, but OCRRA is not getting sufficient support to show true numbers

- This is not a true reflection of numbers for residential or commercial capture
- It is a critical component and a shortcoming of the system
- Necessary to capture stream to have securities and not have issue to meet DEC requirements for permit
- Any idea what this will do to residential monthly or annual fees? Some municipalities have contract haulers
 - Do not know; OCRRA board sets the rates
 - Facing new budget year for 2024, and by law have to have budget in place by end of October
 - OCRRA is considering rate increase based on the numbers now
 - If there is a decrease in materials coming in, costs will increase
 - If they can stabilize the amount of material coming in, OCRRA can stabilize the cost with less increase
 - Doing well, program stable, and met with haulers to convince them that they were destabilizing the system
 - OCRRA not trying to go around haulers, but secure a small part of waste stream to keep program and costs stable
- What is OCRRA's plan on stabilizing? Sounds like haulers will continue taking product to remarket and make money
 - If OCRRA can secure the ability to have the material come to a facility OCRRA designates (with flow control), it allows OCRRA to control a larger part of the recycling waste stream
 - If there is a larger stream of materials, it will help stabilize costs
 - OCRRA demonstrated they could do it when they have better control over the system through agreements
 - Flow control passed when Oneida/Herkimer's site designation law went to Supreme Court in 2006; in 2007, they passed a law allowing municipalities to establish flow control over waste materials, designating facilities
 - If OCRRA controls it, they can go out and enforce it
 - Currently with flow control for garbage, OCRRA has an Enforcement Officer:
 - Ensures haulers are following law and bringing materials to OCRRA
 - Finding violations and making sure there are contractual damages/fines against the haulers
 - Haulers are required by law to bring the material to OCRRA
 - Would now enforce residential recycling
- What happened in 2021 with the decrease in recycling process costs?
 - During height of COVID; did not see as much material bleed out of system, because it was going directly to facility
 - Markets started to stabilize
 - In 2018, when eliminated most foreign markets, had to find places for material to go; shook out with stabilizing
 - In 2022, even though material went up in costs, able to see market place was still stable
 - This year it has been over \$125,000/month in fees to material recovery facility
 - Huge investment to material recovery facility with optical scanners and equipment to identify waste and reduce labor costs with mechanization
 - Market place fluctuates and markets stabilize, but as materials started disappearing, costs for improvements were increasing with less material to spread it over
- Costs at private recycling?
 - Yes, but reflected in fee for service with them; only place to bring material
 - i.e. What if OCRRA does not do flow control and material facility cannot afford it anymore
 - Facility is already down to 4 day work weeks for employees, because there is not enough material
 - If the facility decided to leave, what happens?
 - Some material can go to Hauler A or other haulers, but what about the city of Syracuse
 - Syracuse does not have a place to go; some municipalities do not have place to go with this material
 - Almost 40% of materials would not have a home
 - Where does it go?
 - Idea to possibly burn it until there is another facility, but issue there is not enough room at waste energy facility
 - With Micron and other potential development, the capacity has to go someplace
 - Stabilizing the material recovery facility is not only important for the environment and recycling program, it is important for the community in terms of finding another place for the material to go
 - 1/3 to 40% of material would not have home if that facility was no longer here
 - This is why OCRRA pays a larger and larger fee to continue the program
- These are legislative decisions, so the Legislature will determine the outcome of requests
- Have not determined how to get there; purpose today is to get general landscape; not making any decisions

- This will go through standard committee process; will decide process to get to a point of making decisions
- Whatever the Legislature does has to be fair, equitable and considerate of residents, haulers and business of OCRRA
- Need to have general understanding of needs, as well as desired direction to solve OCRRA's problems

- How many haulers will be affected if the Legislature went down this road?
 - 10-12 haulers; some other small municipalities self-haul

- Seems one of the biggest hurdles is the haulers opposition to this
 - Yes
 - What is the pushback if the Legislature decides to support this in committee
 - Haulers will want to maintain their ability, especially if they made investments in their facilities
 - Haulers do not want to lose their investment and OCRRA does not want to encourage it
 - Need haulers in community robust and healthy
 - OCRRA focused on residential material only
 - Haulers signed agreements under contract; did not have flow control in legislation, because there were contracts
 - Haulers agreed to bring to residential curbside materials to the material recovery facility
 - Haulers are violating contracts by doing what is shown
 - If giving pushback, it is pushback against something haulers agreed to do; in violation of agreements with OCRRA

- What is OCRRA's timeframe for consideration?
 - Would like consideration with committees and full legislature by end of year
 - Implementation for one year to give haulers a year to comply
 - Would give time to set program up and give haulers opportunity for changes, not disrupt their business model
 - Would allow for negotiations with haulers to do this the right way
 - Want a reasonable approach to get material, stabilize the program and not hurt the businesses in the community

- Fairness, equity and balance will be the challenge for the Legislature as some haulers already made investments to get around this process

- What municipalities in the county do not bring solid waste or recycling to OCRRA?
 - Town and village of Skaneateles
 - All other municipalities go through private haulers or themselves to bring to OCRRA

- If the town of Geddes contracts with (who used to be) Syracuse Haulers, then by virtue of the contract, the hauler has to bring it OCRRA?
 - With flow control, the hauler would be compelled to bring it to OCRRA
 - With current contracts, there is no teeth in it – it only says it has to be brought to OCRRA
 - Without ability to enforce it, it does not allow for OCRRA to compel haulers to bring it to them

- If there was a hauler with a town, the hauler is compelled to bring everything to OCRRA?
 - They are compelled in solid waste (household garbage) to bring to waste energy plant on 2 bases:
 - Flow control law in 2003
 - Hauler contracts to encompass waste and all other materials (i.e. recycling or food waste)

- Please define what a "large" hauler is. Are there any "small" ones, and what is a "small" hauler?
 - Larger haulers service more than 1 town with billings of \$500,000/month
 - Smaller hauler's billings range from \$100,000 – \$200,000/month
 - This is in terms of waste delivered to waste to energy facility costs
 - Principle haulers are less than 12; 3 or 4 large ones take over many towns

- In 2003 when flow control was established, the town of Skaneateles was exempt from the program for good reason; it is not that they are not being cooperative
 - Have communicated with the town and village regularly
 - When they have asked for assistance, OCRRA provides assistance
 - Talked to them about joining and believe it would be beneficial

Ley Creek:

- Legislature approved purchase of additional property at Ley Creek - facility at 7th North Street and 81
- Currently in process of rebuilding transfer station
- Rebuilt Rock Cut Road across from waste energy plant and moved principle operations there
- Rebuilding Ley Creek – will have 2 robust transfer stations
- Need more capacity in system
- Putting permit in on September 4th, 180 days before expiration
- Proposing new clear span building
- First quarter 2024, will take down old building in anticipation of moving forward when permit is approved
- Property acquired is north of that site – 11.5 acres
- Have RFP for engineering site plan
- Included in RFP is 1 drop for materials that are hard to recycle and hard to handle (i.e. batteries)
- Want to concentrate services in one location to make it more convenient
- Talking about larger maintenance facility for operations
- Working with WEP, who has pump station there – want to expand roads for access into the back
 - With purchase, able to secure ability to expand road width; through the property that WEP leases
 - Expanding fuel facility at WEP
 - Joint effort with OCRRA and county to use less taxpayer money to develop better fuel facility
- Hopeful in long term for more development
- Conversation about having office down there for services, been renting offices since OCRRA inception
- In site plan development, and hopeful to have engineer on board soon
- Deconstruction of building, then start construction on new transfer station
- Will be good for community and help north side to move more waste and increase capacity

The meeting was adjourned at 12:31 p.m.

Respectfully submitted,



JAMIE McNAMARA, Clerk
Onondaga County Legislature

ATTENDANCE

COMMITTEE: WAYS & MEANS COMMITTEE

DATE: AUGUST 22, 2023

NAME (Please Print)	DEPARTMENT/AGENCY
Kevin Spillane	OCRRA
Tammy Palmer	OCRRA
Dan Hammer	Purchasing
Michael Mokrzycki	OCRRA
Stephen Butler	CNY Arts
Michelle Robben	DA
Joseph Coalliman	DA
JEFF VANBEVEREN	EM
Maria Branchett	OCRRA
Kristen Lawton	OCRRA
Darcie Lesniak	Leg