

TOWN OF CLARKSTOWN
SPECIAL TOWN BOARD MEETING

75

Town Hall
Present:

12/4/90

8:15 P.M.

Supervisor Holbrook
Council Members Kunis, Maloney, Mandia and Smith
Murray N. Jacobson, Town Attorney
Patricia Sheridan, Town Clerk

Supervisor declared Special Town Board Meeting open.
Assemblage saluted the Flag.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Amending Assessment Roll to Include Special Assessment for the Purpose of Garbage Collection and Disposal Services for 1, 2 and 3 Family Homes, was opened, time: 8:15 P.M.

Supervisor said the purpose of this meeting is an issue which the Town Board has been discussing for a number of years which goes back to the solid waste plan that was adopted by the Town of Clarkstown in 1987 at which it was discussed the inclusion of some of the sanitation charges on the tax bills that would be sent out in January. In this particular instance the proposal is to place the \$26.00 charge on 1, 2 and 3 family homes for the first three months of 1991. After that there would be a supplemental assessment that would be sent out based on a determination by the homeowners whether or not they wished to have 1, 2 or 3 cans picked up per week. Those prices have yet to be determined. The idea behind this program is that we wish to encourage recycling and recycling can only be encouraged, or at least to the maximum, if there is an economic incentive to recycle. The theory being that a person should pay less if one produces less. This is essentially what the purpose of this particular public hearing is about.

Supervisor noted that the first three months everybody will pay the same as they are paying now. Right now everybody pays \$19.12 per month whether you put out one 32 gallon can or you put out four 32 gallon cans; whether you're a family of 1 or a family of 15. After April 1st, after monitoring your waste stream for three months, you will be able to determine whether you wish your twice a week pick-ups to include one can, two cans or three cans and that would be based upon the nature of your waste stream and the size of your family. It gives people an opportunity to reduce some of their garbage costs by recycling which is a benefit to the Town.

Supervisor reiterated that pick-up presently is \$19.12 per month. Everyone pays that regardless of whether they put one or four 32 gallon cans out. Councilman Maloney said but it would be more than that in January. Supervisor said it would be \$26.00 so that next year if we didn't go to the option of one, two or three cans everybody, regardless of the volume of garbage, would pay \$26.00 times 12. He said in the estimation of the Town Board members that is not fair and people should have an incentive to recycle and reduce those costs. With the closing of the Landfill the tipping fee at the Landfill will go from \$50.00 which it presently is now to \$81.00 per ton. That is the reason for the increase in that cost per month.

Councilman Mandia said one of the things that bothers him is if we collect this money through the tax rolls in January, he doesn't think the public is really informed on what has happened. The closing of the Landfill, the opening of the Transfer Station, the movement from \$50.00 to \$81.00 per ton to dispose of trash at that facility is approximately 62% right away. The monthly cost is going from the \$19.00 or whatever it was up to \$26.00 so we are artificially masking that real cost. He said he did not know whether that was wise to do and that is something he is trying to consider.

He went on to say that we have a system which he thinks is a wise one. What the Supervisor described is correct. We need

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to offer incentives to recycle and there is no question about it. He said we don't really have a plan that we have tested. We are not really sure if it is going to work yet, until we go out there and put decals on cans or have someone out counting cans. He said he was afraid that putting it on the tax rolls and making the Town the administrator of this before we know whether the plan works or not bothers him. The administration of that, by the way, is now going to be taken away from the carters and he asked if the carters were going to reduce their charges because that administrative expense is now gone? The administration expense now falls upon the Town.

Councilman Mandia said the tax deductability of this which doesn't seem to be discussed too much is a question of whether or not it is or it isn't. A home with \$3,000.00 taxes - that person's taxes are now going up to \$3,300.00. Supervisor said no, only if it is the maximum. Councilman Mandia said the average family of four or five will probably need the maximum. You are increasing the taxes on the home which can affect the value of the home and more importantly affect the person's ability to buy that home because the bank does look at the cost of taxes. The bank does not look at the cost of garbage. There are effects of this which he felt need to be considered which is why we have public hearings. He said putting it in the hands of the Town is in effect putting the Town in the garbage business before we have a plan to make this recycling test work with this one can, two can, three can type situation which is a good idea. Encouraging recycling is a good idea. He encouraged his fellow Board members to consider these things as well.

Supervisor said we do have a plan that dates back to 1987 and this is probably one of the last elements of the fulfillment of that plan. He said he believes that the most powerful incentive we can give for people to reduce and recycle is to provide them with an economic incentive. The idea of paying the carter or paying the Town is really a moot one because in effect the amount of dollars people would be paying is the same. We are not trying to give people tax advice. Whether or not they choose to deduct that charge on their tax bill is up to them and their tax adviser. If the IRS wants to audit 23,000 homeowners, so be it. He said he did not think they were going to do that. He said for years people have been taking the bottom line on their taxes which includes sewer use charges and everything else and using that for deductions. He said he is not saying that is right or wrong. Everybody has to make that decision for themselves but he believes that the system of economic incentives for recycling is the most powerful ammunition we can give to demonstrate to the State that the Town is serious about recycling. To wait, we fall into the trap of what happens in the County. You wait and wait and wait for a plan and nothing ever happens. He said we have to go forward and consider this tonight.

Councilman Kunis said he agreed with the Supervisor that it was correct to offer the economic incentives. He said that Councilman Mandia had made the comment of artificially masking. He said he didn't think anything has been artificially masked. He said the public has been made very well aware of the cost of solid waste pick-up, the additional cost of operating a transfer station, and the additional cost of operating the Landfill over the past three years. It has been in the papers almost on a daily basis. He said he can't say that anything has been artificially masked. The Board and the media have made the public very cognizant of what is going on regarding solid waste removal. He said he thinks it is a world wide problem. He said we have taken the proper steps to solve a problem here in Clarkstown. If you look at the recycling baskets we have curbside over the past two years you can see how those baskets have steadily progressed and they are filling up. They started where people weren't putting papers in and they started putting papers in. Now they are putting bottles and cans in. You can see

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them full at the curbside. You can see papers stacked up and piled along the side. The system is working. The public is aware and is cognizant of recycling and of solid waste costs. To offer an economic incentive is the right way to go.

Councilman Kunis said regarding administration expense the Town will be paid up front and the Town will be receiving interest on this money. That should more than offset any administrative cost that the Town will have in handling the expense of the billing.

Supervisor said we have to give the public credit to do the right thing. He said he believes that people out there want to do the right thing regarding recycling. You have to give them a program which will enable them, if they are really recycling to the maximum, to save a little bit of money as opposed to them saying why am I recycling when my next door neighbor is putting out 4 cans of garbage every two days and he is paying the same as that person is. He said that is not the best argument. We have to put our faith in the public to do the right thing. Sure, some people are going to declare one can and try to stuff 200 pounds of garbage into the can but most people are reasonable and practicable and will do what needs to be done for their families. He said he would like to bank on the 99% of the public that will do the right thing as opposed to the ones who may be trying to beat the system. If we worry about everybody trying to beat the system we will end up having no system and what will happen simply is that everybody will pay \$26.00 per month times 12 regardless of whether they recycle or not which in his estimation is not the right way to go.

Councilman Kunis said with regard to beating the system where there is a will there is a way. There are a lot of people beating the system today. If you don't want solid waste pick-up you don't pay your carter today and he doesn't come to your home. Many people take their bags and they dump it into public solid waste receptacles on the streets. He said he has seen that himself. One will offset the other. It is important that we have the incentive to recycle.

Supervisor said there is a public benefit for the Town to make sure there is a method of garbage disposal. Up to now there are a couple of hundred families that have been using the Landfill for nothing and using dumpsters for nothing. The rest of us pay for that. Everybody has to stick their oar in the water and pull their fair share. But we also have to provide those people and families with the ability to pay less if they produce less.

Councilwoman Smith said she would like to speak to Councilman Mandia's point about the fact that mortgages or banks don't take into consideration the expense of an annual garbage fee. Yet, it probably is as real, if not even more real, than the taxes you have to pay for police protection, road improvement, etc. It is that much a real part of owning a home today and paying for services. She said she really believes that with municipal control the future expenses could be curtailed more than if it was left in the hands of the private haulers. She said it was very important and the Town, by being the administrator, would be able to hold the cap on future expenses much more so. For that, and for all the other reasons that she had said earlier on, she believes that this is the way that Clarkstown should go.

Councilwoman Smith said in the last couple of days in the paper you read about our neighbor Orangetown and they have their carters coming in looking for a 51% increase. The Town says they are not going to get it and they say if they don't get it then they will be back a second and a third time. We don't need to go through years like this. The way we are approaching it is really the wiser way.

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Supervisor asked if there was anyone present wishing to make a comment or ask a question.

Appearance: Mr. Jack Cuff
West Nyack, New York

Mr. Cuff requested an upgrading of the PA system so that people can hear what the Council Members are saying, what our officials are saying and even what the people at the microphone are saying.

Mr. Cuff said government is now going to be our sanitation hauler, garbage collector, call it whatever you may. He said he looks at his tax bill every year. Government provides Recreation. If you don't know what to do with your spare time or you have kids in your hair send them down to Recreation. We are just expanding and expanding government into so many different fields, it is unbelievable. He said you can say that it is going to save the taxpayers money. He said he did not believe that anyone in the garbage industry has a medical plan and a dental plan and a retirement plan similar to government employees. He said he doesn't believe that you will find too many people in the garbage industry that get six to seven weeks vacation a year such as our civil servants do. He said you will not find too many people in the garbage industry that get sent off every other week or once a month to seminars, conferences and conventions all over the United States of America at the cost to the taxpayers, of course.

Mr. Cuff said it is time for government, whether it be local, or state or federal, to try and concentrate on what government was originated for and that is to try and organize our life but not to tell us what to do with our garbage or what to do with our kids or how to provide all these services. Services cost money. He said you keep talking about recycling. He said he has been recycling since the Town Board told the residents they should recycle. He said everytime he hauls that stack of newspapers out curbside, having worked in the paper industry years ago he just wonders has anyone ever done a cost analysis as to what we are really accomplishing? He just wondered how many new millionaires we are creating with this new recycling dynasty and whether we are really accomplishing anything? Does it really make that much difference whether our newspapers are being picked up curbside, taken to a distribution center, if they are dry and if they are proper and then shipped to a paper mill, where they are taken in to a paper mill, where they are weighed and ground up into pulp and made into fresh newsprint or liner for cardboard?

Supervisor said the quality of our newspaper is good so that we get \$15.00 a ton for that newspaper. Also in Rockland County there is an exceptionally high volume of newspapers in the waste stream as opposed to other areas of the state. It accounts for about 7% to 10% of the waste stream.

Mr. Cuff said you say \$15.00 per ton and that is not a lot of money for 2,000 pounds of anything. Councilman Kunis said he did not think it was the \$15.00 revenue but the \$81.00 per ton that it is not costing us. Supervisor said so it is really \$96.00. Mr. Cuff asked what is it costing us as taxpayers to have it picked up on a weekly basis and transported away and taken to the proper place? None of these figures have ever been brought up to us. The only thing you've ever told us is that we are doing a wonderful thing.

Supervisor asked Comptroller what the cost for the recycling pick-up per year was? He thought it was about \$700,000.00 if you multiply the user charge times the number of units in the Town of Clarkstown. Supervisor said we composted about 6,000 tons of leaves last year. If we had to transport those leaves out of state and we multiply the 6,000 times 80 it would be \$480,000.00 right there for leaf removal. While recycling hasn't paid back

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to the extent that we would want it to because we are trying to approach that 50% reduction, it certainly will and if we provide people with an economic incentive on top of that we will far exceed our goal.

Mr. Cuff said he agreed with Councilman Mandia. He said his main point is that government should not be involved in every little part of our life. We have too much government in our life now. We have a psychiatric counseling center next door, we have a counseling center in Pomona, we have counseling centers down in Orangeburg, we have counseling centers at all of our colleges. When does it all end? He said how many millions of dollars are we spending every year for the select people that decide to use it and how many people in this community are paying a hell of a lot of money to support recreation programs that they are not even using? How many towns do we have where we have two top administrators that are making in excess of \$100,000.00 per year just for a recreation program that doesn't even serve everyone in the community? It is available but there are a lot of people that don't even use it.

Mr. Cuff said government belongs in a position to provide needs when they are there. He said he doesn't think government should have to provide everything to everyone and that is what is happening. That is why our tax bills are outrageous. It is as simple as that. New York is gaining a reputation of just being the place not to be unless you really have to be here. People are moving out of New York. People are avoiding New York. We have some dark pictures in front of us.

Mr. Cuff said while he is on that same point - government taking over this operation - you are talking about building a new police station up the street. You were talking \$6,000,000.00 or \$8,000,000.00 in the beginning. He said he figures it is going to be more like \$15,000,000.00 or \$18,000,000.00 by the time you get through with it. You are spending millions of dollars on the Street School facility. He said he did not know where all the money is going to come from for all these wonderful things that you want to do for us and as far as he was concerned it was frills and fancy stuff and he said the Board had to wise up to the fact that we are going through some tough economic times. Things are not good and things are going to get worse before they get much better.

Councilman Mandia said he did not think there is anything in the plan that would even imply that the carting service would be performed by the municipal employees. He said he did not think that has been considered at all. He reemphasized that he is in full concurrence with some plan to give an incentive for recycling. He said his concern is that once we put it on the tax roll before we have tried the system the Town could assume administrative responsibilities that would otherwise fall upon the carters. He said he knows the Receiver of Taxes can collect money very well. He said he is sure the Comptroller can write checks very well. When a homeowner has a problem and there are difficulties in understanding the system, who is going to help these homeowners? They should be able to go to the carter and is the carter going to come to us and say "It is your problem now? We don't have an office. We don't have a department. We don't have an authority. We don't have a supervisor or a director of any department." Councilman Mandia said he sure doesn't want to create one to handle those kinds of things. He said we should try this system first before we take on the responsibility and he believes we could be taking on that responsibility by putting it on the tax roll. The system is fine. Let's make sure it works first and everybody understands it before we put it in our keeping here at the Town level.

Appearance: Donald S. Tracy, Esq.
New City, New York

Mr. Tracy asked how does the system work? The Town collects the tax and then it pays the carter? Supervisor said that was correct. Mr. Tracy said does the carter get paid monthly or

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annually or right up front? Supervisor said monthly. Mr. Tracy said with regard to recycling at the present time we are supposed to recycle papers and bottles and clean cans and that is put out once a week. Supervisor said that was correct. Mr. Tracy asked is there any plan to put that out twice a week if the waste stream increases? Supervisor said once a week should be sufficient.

Mr. Tracy said there is one thing he thought of that he thinks would save the taxpayer a lot of money and not infringe upon the carters since recycling is curbside, make garbage pick-up curbside. He said if you look at the bids that you recently received it would significantly lower the carter's charge if there was a curbside pick-up on garbage. He said the argument is that it becomes unesthetic because twice a week you will have garbage cans sitting outside and maybe, this still being a bedroom community, the garbage cans will sit there until somebody comes home and takes them in. At the present time, you are going to have your recycling vessel sitting out there too. So maybe it wouldn't be so bad if it saves the taxpayer half of the monthly fee which is what he believes it would be. Supervisor said he did not think it would save that much but the major factor in the Town Board's determination was not so much whether it was curbside or not but the capacity or the ability to make the pick-ups twice a week throughout the entire Town. It is a forty square mile town and you have to have that capacity to do that. A lot of people put their garbage out curbside already because they just do it. The major aspect of that is the ability to handle the size of the job with the number of pick-ups. We are talking about twice a week. In many communities, the pick-up is only once a week.

Mr. Tracy said but didn't you just get bids in where one guy bid for curbside pick-up? Supervisor said the bids said curbside pick-up. Town Attorney said the bid specs said pick-up at the outside of the house. Supervisor said he had it wrong - the outside of the house, back door, etc. The other person who bid did not bid on that, he just bid on curbside pick-up. The other person was not responsive to the bid. Mr. Tracy said that was his point. That bid was so much lower for curbside pick-up and knowing a little about the garbage business and having some clients in it his clients tell him that curbside pick-up could be bid a full \$10.00 a month cheaper than a house pick-up. The argument again is well you don't want the garbage cans out and maybe the public resists putting the garbage cans out but if you figure the \$16.00 charge against the \$26.00 charge it might be something that is palatable to the people and as long as the recycling is done out at curbside anyway there shouldn't be too much resistance to the garbage. The beneficiary of that is the taxpayer who saves himself \$16.00 times 12. He said the Town Board should consider that if they are really trying to keep these costs down.

Supervisor said you also have to consider the ability to do the job too. Mr. Tracy said what do you mean by that? Isn't it easier to pick up at curbside? Supervisor said there is no question about that but he is talking about the length and breadth of the town and the number of pick-ups per week to do it. Mr. Tracy said he was not carrying the brief but was just speaking as a private citizen. Supervisor said it is not just a question of curbside or back door pick-up that is a factor. Mr. Tracy said that is a dollar and cents question and if it is \$10.00 a household cheaper curbside, regardless of who picks it up, it is something that the Board really should consider if the purpose of this public hearing is to consider how to keep that cost down and still accomplish everything you want to accomplish including this laudable goal of recycling. He said maybe that is something that ought to be considered if it will, in fact, save each household \$10.00 a month.

Councilman Kunis said we have had a consortium bid on this garbage pick-up. If one were to call their carter today there isn't even a local number to call many of the carters. Many of them

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have Jersey numbers. Many times there is a recording when someone does call. He said he would demand when this consortium does take over that there is a local Clarkstown number for our constituents to call. Perhaps this consortium should hire one secretary to handle the calls thereby taking it out of government hands. This also would be a big improvement over the service that our constituents are currently receiving.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Amending Assessment Roll to Include Special Assessment for the Purpose of Garbage Collection and Disposal Services for 1, 2 and 3 Family Homes, was closed, time: 8:45 P.M.

RESOLUTION NO. (1062-1990)

AMENDING ASSESSMENT ROLL TO INCLUDE SPECIAL ASSESSMENT FOR THE PURPOSE OF GARBAGE COLLECTION AND DISPOSAL SERVICES FOR 1, 2 AND 3 FAMILY HOMES

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Councilwoman Smith offered the following resolution:

WHEREAS the Town Board of the Town of Clarkstown has completed an Assessment Roll in connection with financing of the Refuse and Garbage District of the Town of Clarkstown, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on November 20, 1990, provided for a public hearing on December 4, 1990, at 8:00 P.M., to consider amending the Assessment Roll to include a Special Assessment for the purpose of garbage collection and disposal services for 1, 2 and 3 family homes in the unincorporated area of the Town of Clarkstown, for the period January 1, 1991 through March 31, 1991, which charge shall be \$78.00 for each unit in a 1, 2 and 3 family home, and

WHEREAS, notice of said public hearing was duly published and posted as required by law, and said public hearing was duly held at the time and place specified in said notice;

NOW, THEREFORE, be it

RESOLVED, that the Town Board shall hereby amend the Assessment Roll to include a Special Assessment for the purpose of garbage collection and disposal services for 1, 2 and 3 family homes in the unincorporated area of the Town of Clarkstown, for the period January 1, 1991 through March 31, 1991, which charge shall be \$78.00 for each unit in a 1, 2 and 3 family home, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to prepare notice of this Amendment to the Assessment Roll, and that the Town Clerk cause the same to be published in the official newspaper of the Town and file proof thereof in the Office of the Town Clerk, as required by law.

Seconded by Co. Maloney

Councilman Kunis asked a question regarding condominium owners and was told that they are considered commercial.

On roll call the vote was as follows:

Councilman Kunis.....Yes
Councilman Maloney.....Yes
Councilman Mandia.....No
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

There being no one further wishing to be heard, on motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the Special Town Board Meeting was declared closed, time: 8:50 P.M.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk