

July 8, 1991

SOCIAL SERVICES	Mr. Tomlinson	June 25, 1991
TRANSPORTATION	Mr. McFaddin	Two tours & one meeting
LAND ACQUISITION COMMITTEE	Mr. Moore	Did meet, but Mr. Moore did not attend.

Mr. D. Smith asked if the Ad Hoc Solid Waste Committee had been dissolved and Chairman Bradley said no, but they have not met. Mr. D. Smith asked how much has actually been spent by the Solid Waste Disposal Authority in recycling and flow control laws.

Chairman Bradley commended the Social Services Department, not only do they have a higher case load and lower costs, we have far fewer Fair Hearings.

Chairman Bradley said the Financial Assessment Report will be at the time of New Business.

PRESENTATION OF RESOLUTIONS:

RESOLUTION NO. 131-91

ADOPTING LOCAL LAW 5 FOR THE YEAR 1991

By Mr. Dunham, Chairman, Planning & Conservation Committee

WHEREAS, a public hearing has been held on July 8, 1991, regarding Local Law 5 for the year 1991, and

WHEREAS, prior notification of such local law was provided to the members of the St. Lawrence County Legislature,

NOW, THEREFORE, BE IT RESOLVED that Local Law 5 for the year 1991 is hereby adopted.

* * *

Mr. Dunham made a motion to adopt resolution number 131-91, seconded by Mr. Luckie and Mr. Paquin.

Mr. McFaddin requested on July 19, 1991, that his statements be in the minutes of this meeting. Mr. McFaddin has talked with Mr. Plastino, but wants to publicly confirm where the law speaks to the waste hauler in "Section 3, Definitions", in the little community where Mr. McFaddin comes from, his is concerned about recycling. Mr. Plastino has assured Mr. McFaddin that any effort on the part of the community to remove recycling from the waste stream, at no cost to the community. If the price is prohibitive to residents, they will be allowed to sell bags. Mr. McFaddin does not want to see any effort on part of the community stymied. Mr. McFaddin said he thinks Heuvelton, in Clyde Morse's district, is ready to start recycling.

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Mr. Plastino said he cannot disagree. He would like the obligation assigned to the Authority, to further recycling. Mr. McFaddin said there should be no permits. Mr. Plastino said they need the information and they are getting the information in Lawrence and Brasher. The Authority needs the information to be able to justify good faith effort to the State's long mandated goals.

Mr. McFaddin asked if the Authority negotiates directly with Waste Stream Management (WSM), and Mr. Plastino replied the nature of the contract between WSM and the Authority - you have seen the contract - anyone may make an arrangement with WSM. If you bring material to our transfer station, only then would you be involved with SWDA and the law.

Mr. Moore moved to table resolution number 131-91, seconded by Mr. Morrill, and the motion was defeated with three (3) yes votes (Moore, Morrill, and Darmody) and nineteen (19) no votes.

Mr. Luckie called the question to close debate on resolution 131-91, seconded by Mr. Tomlinson and Mr. Morse, and carried by a roll call vote with twenty-one (21) yes votes and one (1) no vote (Moore).

By a roll call vote on resolution number 131-91, the resolution was adopted with eighteen (18) yes votes and four (4) no votes (Moore, Morrill, Ashley, and Romigh).

COUNTY OF ST. LAWRENCE
LOCAL LAW NO. 5 FOR THE YEAR 1991

ESTABLISHING THE ST. LAWRENCE COUNTY SOURCE SEPARATION LAW

Be it enacted by the Board of Legislators of the County of St. Lawrence as follows:

Section 1. Purpose. It is the purpose of this Local Law to encourage and facilitate the maximum recycling practicable on the part of every person, household, business and institution within St. Lawrence County by more fully regulating the designation, segregation and management of municipal solid waste and requiring that generators of solid waste source separate recyclable materials and cause the same to be delivered in accordance with law. It is the further purpose to encourage more environmentally responsible waste management practices, reduce the physical burden on waste disposal facilities and the economic burden on generators and provide fair and equitable treatment to all involved in the management of solid waste.

Section 2. Authorities. This Local Law, the subject of which is mandated by Section 120-aa of the General Municipal Law (hereinafter GML 120 aa), supplements Local Law No. 23 for the year 1985, which requires all solid waste generated or originated within St. Lawrence County to be delivered to solid waste management facilities designated by the St. Lawrence County Solid Waste Disposal Authority.

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Section 3. Definitions.

"Authority" shall mean the public benefit corporation created by Title 13-E of the Public Authorities Law known as the St. Lawrence County Solid Waste Disposal Authority.

"County" shall mean the St. Lawrence County Board of Legislators.

"Designated Facility" shall mean any solid waste disposal facility, materials recovery facility or other facility designated by the Authority to receive deliveries of Recyclable Materials and/or other solid waste.

"Disposal" shall mean landfilling, incineration and/or other final disposition with or without energy recovery.

"Recyclable Materials" shall mean those components of solid waste determined by and set forth in the regulations of the Authority as meeting the economic markets test described in GML 120 aa and therefore being undesirable for Disposal.

"Solid Waste" shall mean all putrescible and non-putrescible solid waste, including, but not limited to, materials or substances discarded or rejected as being spent, useless, worthless, or in excess to the owners at time of such discard or rejection, or are being accumulated, stored, or physically, chemically or biologically treated prior to being discarded or rejected, having served their intended use, or as a manufacturing by-product, including, but not limited to, garbage, refuse, industrial, commercial and agricultural waste, sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris and offal, but excluding sewage and other highly diluted water-carried materials or substances and those in gaseous form, special nuclear or by-product material within the meaning of the Atomic Energy Act of 1954, as amended, or waste which appears on the list or satisfies the characteristics of hazardous waste promulgated by the Commissioner of the Department of Environmental Conservation.

"Source Separation" shall mean the segregation of Recyclable Materials from other Solid Waste at the point of generation for separate collection, sale, disposal or other disposition.

"Waste Generator" shall mean any person or legal entity which produces Solid Waste requiring management.

"Waste Haulers" shall mean those persons or legal entities who are permitted by the Authority and designated by the County for the purpose of collecting Recyclable Materials and/or other Solid Waste from Waste Generators for handling at one or more Designated Facilities.

Section 4. Source Separation. Every Waste Generator in St. Lawrence County shall at a minimum source separate all designated Recyclable Materials from other Solid Waste.

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Section 5. Administration. The administration of this Local Law shall be the responsibility of the Authority, under such rules and regulations, including fees and charges, as it may promulgate in the public interest including but not limited to:

- a. designating Recyclable Materials and publishing specifications for their preparation,
- b. providing for direct delivery of Recyclable Materials and/or other Solid Waste to Designated Facilities,
- c. providing an appeal procedure from the application of such rules and regulations, and
- d. such other provisions as may be necessary or desirable in implementing this Local Law.

Section 6. Reports. The Authority, upon request by the County and not less often than annually, shall provide the County with a report regarding public compliance with this Local Law, in such form as the County and the N.Y.S. Department of Environmental Conservation may require.

Section 7. Violations. It shall be a violation for a Waste Generator and/or a Waste Hauler to (a) dispose of, or attempt to dispose of, Recyclable Materials as Solid Waste or Solid Waste as Recyclable Materials or (b) deliver or cause to be delivered Recyclable Materials and other Solid Waste to a facility or location within or without St. Lawrence County other than at Designated Facilities.

Section 8. Enforcement. Failure of a Waste Generator and/or of a Waste Hauler to comply with the provisions of this local law, including Sections 4 and 7 hereof, shall carry a fine of:

- not more than Two Hundred Fifty (\$250.00) Dollars for the first violation;
- not less than Two Hundred Fifty (\$250.00) Dollars nor more than Five Hundred (\$500.00) Dollars for a second violation;
- not less than Five Hundred (\$500.00) Dollars nor more than One Thousand (\$1,000.00) Dollars for a third violation;
- not less than One Thousand (\$1,000.00) Dollars nor more than Five Thousand (\$5,000.00) Dollars for each subsequent violation.

Section 9. Severability. In the event that any article, section, paragraph, subparagraph, or any part of this local law, as originally enacted or as amended from time to time, is found to be illegal, or its application to any person or circumstance is held invalid, the remainder of the local law and the application of its provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby and shall remain in full force and effect.

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Section 10. Conflicts with Other Laws.

- a. Nothing in this local law shall be construed as limiting the ability of local governments to adopt and enact local source separation and/or recycling statutes that are at least as restrictive as this local law regarding enumerated recyclables, recyclables preparation and delivery and/or non-compliance provisions.
- b. All ordinances and local laws, or parts thereof, in conflict herewith are preempted by this local law; provided, however, that the provisions of this law shall not be interpreted as obviating any requirements or restrictions wherever it is possible to conform with the provisions of both this law and any other law or ordinance and provided that local provisions are at least as restrictive as this local law.

Section 11. Effective Date. This Local Law shall take effect on July 10, 1991. No penalties shall be assessed and/or no prosecution shall take place for a period of four months following public notice of the initial identification of recyclables and the publication of specifications for their preparation by the Solid Waste Disposal Authority to allow for generators and/or haulers to become familiar with the regulations.

RESOLUTION NO. 132-91

SETTING A DATE FOR PUBLIC HEARING ON PROPOSED
ST. LAWRENCE COUNTY LOCAL LAW B FOR 1991

By Mr. Donald Smith, Chairman, Personnel Committee

WHEREAS, the State of New York has passed legislation providing for an early retirement incentive, and

WHEREAS, St. Lawrence County government may provide this incentive to its employees by the enactment of a local law,

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held on August 12, 1991 at 9:45 a.m. for the purpose of hearing testimony on proposed Local Law B for the year 1991, Adopting a Retirement Incentive.

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Mr. D. Smith made a motion to adopt resolution number 132-91, seconded by Mr. J. Smith, and carried unanimously by a voice vote.