

8/23/2014

## Otsego County's Solid Waste User Fee

By

Karen Sullivan, Planning and Solid Waste Director

Each year beginning in August, the Otsego County Solid Waste Department begins the process of reviewing county assessment rolls to identify changes to the County's *User Fee* and unit charges. It came to my attention at a recent meeting that there are many people in the County that do not clearly understand how and why Otsego County has a *Solid Waste User Fee*. It is my intention with this article to try to clarify the details of the local law and to answer the questions we typically receive in the office.

### Brief History

The New York State Solid Waste Management Plan and the Solid Waste Management Act of 1988 mandates that the amount of solid waste generated and disposed in New York State be managed through the establishment of programs to reduce the amount of waste being produced and disposed by recycling and reusing that portion of the waste stream that can feasibly be so recovered.

In order to provide the citizens of Otsego County with solid waste management and recycling services as required by the State, the County entered into a Service Agreement with the Montgomery-Otsego-Schoharie Solid Waste Management Authority or "MOSA" in 1989 a public benefit corporation created pursuant to Title 13-AA of the Public Authorities Law. The Service Agreement requires the County to deliver or cause to be delivered to MOSA the solid waste generated within the County.

The County through the Service Agreement with the Authority, has undertaken a number of programs pursuant to the mandates of the Plan and 1988 Act, which provide services to the residents of the County and serve to implement a local solid waste management plan.

The solid waste user fee was adopted as a local law by the Otsego County Board of Representatives originally in 1995 (local law #6 of 1995) for commencement on January 1, 1996. The user fee is an annual fee covering January 1 through December 31 of each year. The user fee was implemented as a means of raising revenues for solid waste services provided in the county. At the same time, a resolution was adopted by MOSA (The Montgomery, Otsego, and Schoharie Authority), of which Otsego County is a member, to release MOSA of recycling responsibilities and pass this onto the three counties. The user fee law was enacted by Otsego County in order to institute a plan to cover the cost for a county wide recycling program, address expenses related to solid waste as a member of the authority and pay for related services and facilities

8/23/2014

provided by MOSA and the County. In 1996, the user fee was established at a rate of \$35.51 per unit. Today, the rate is \$28/unit.

Both taxable and non-taxable property owners in the county, including residents, businesses, industries, non-profit institutions, etc., are being assessed a fee. Fees are set based on an estimate of how much garbage is generated by a property classification. There is a minimum fee for all classifications no matter how much or how little garbage is generated. Property owners that do not use the county's solid waste system are not exempt from paying this fee. The rate is established by the County Board of Representatives at the end of each year for following year. The final user fee roll is filed on or about Oct 8<sup>th</sup> of each year.

One misconception is that the fee is related to curbside garbage pickup. Otsego County does not provide county wide garbage collection. The majority of curbside garbage collection in the county is by private haulers or individuals delivering to a MOSA operated transfer station.

#### How are User Fees Calculated?

The fees are based on a rate per unit for single family houses, two family houses, three family houses, mobile homes, apartments and other residential uses. Non-residential properties are billed according to projected or actual tonnages of solid waste generated. One solid waste unit equals 3/4 tons of solid waste.

Residential Parcels include:

- ◆ Single family homes, two family homes, three family homes, apartments, mobile homes and multi-unit residences, are charged one unit for each **habitable** residence.
- ◆ Senior citizens who receive a real property tax exemption on their parcel (This does not include the STAR exemption) – are charged half a unit
- ◆ Farms -- charged one unit for every residence on the property.

The term *habitable*, is considered property that is serviced with electric, water and sewage disposal as of March 1<sup>st</sup> of the previous year.

Non Residential Parcels include:

- ◆ Non-residential buildings - charged per tonnage either based on projected solid waste or actual tonnage generated
- ◆ No fees are charged for Houses of worship or vacant land

#### How do I receive my User Fee Bill?

8/23/2014

Prior to 2010, a separate use fee bill was mailed to each recorded household, business and institution. In order to reduce cost, the Solid Waste Department and County Treasurer's office formulated a plan to include the user fee as a separate line item on the County tax bill issued in the fall of each year.

#### When is my user fee due?

The fee is due January 1 of each year and payable without interest or penalties by January 31. Payment may be made to the local tax collector in person or by mail. All annual user fees shall be a debt and personal obligation of the owner of the parcel of property and in the event of non-payment, shall be placed as a lien upon the parcel as of the due date of the fee. It should be noted though, that the user fee is not considered a taxable reduction since it is not a tax.

#### What if I do not agree with my user fee charge?

You may only appeal the parcel's property use classification, the number of residential units or the tonnage classification. You may not appeal the rates or the basis for the rates in each category. Around October 8<sup>th</sup> of each year a legal notice announcing the completion of *the Tentative Solid Waste User Fee Roll* will be published in the official county newspaper. Anyone wishing to appeal their solid waste user fee must do so by October 31<sup>st</sup> of each year. The solid waste coordinator must then respond to the appeal by November 7<sup>th</sup>, at which time if a property owner is still in disagreement, has until November 15<sup>th</sup> to file an appeal to the Solid Waste Appeals Board. The Appeals Board must meet no later than November 30<sup>th</sup> of each year. Copies of the appeals form can be access at <http://www.otsegocounty.com/depts/sw/documents/AppealsApplicationForm.pdf>

or by calling the Otsego County Planning and Solid Waste Department at 607-547-4225.

#### What does the User Fee pay for?

The solid waste user fee pays for a variety of services including but not limited to:

- The Otsego County annual Household Hazardous Waste Day
- Recycling collection, transport and disposal of the 14 county recycling transfer stations. Residents can bring recyclables to any of the designated locations free of charge.
- Post closure landfill fee associated with the MOSA post closure agreement.
- Legal and Contractual fees for project specific items
- Pilot composting facility at the Meadows Office complex
- Shortfall to the County's guaranteed annual tonnage (GAT) as stipulated in the MOSA service agreement
- Rental and improvements to recycling building at the Oneonta transfer station for recycling program

8/23/2014

- Personnel cost for transfer station attendants at the Cooperstown and Oneonta transfer station sites.
- Materials and miscellaneous related expenses.
- Advertising for solid waste and recycling programs

Previous projects paid for with user fee revenue include:

- Subsidy to tipping fee
- County wide cleanup week for county residents.

Additional inquiries can be directed to the County Solid Waste Department at:

607-547-4425 or  
<http://www.otsegocounty.com/depts/sw/>  
Karen Sullivan, Director

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