

Establishing The Ulster County Solid Waste Management Improvement Commission

Referred to: The Energy and Environment Committee (Chairman Bartels and Legislators Greene, Richard Parete, Ronk and Wawro)

Chairman of the Energy and Environment Committee, Tracey A. Bartels, offers the following:

WHEREAS, Pursuant to New York State Environmental Conservation Law Article 27-0107 and 6 NYCRR Part 360, the responsibility for implementation of the State Solid Waste Management Plan lies with local government; and

WHEREAS, in 1986, The Ulster County Resource Recovery Agency “UCRRA” was organized by the New York State Legislature, at the request of the Ulster County Legislature, for the specific purpose of providing comprehensive solid waste management services to the people of Ulster County; and

WHEREAS, UCRRA was given responsibility for the development of a County plan, which was accepted by UCRRA and the County Legislature in May of 1991, and ultimately approved by the New York State Department of Environmental Conservation in 1993; and

WHEREAS, under the Ulster County Solid Waste Management Plan, the UCRRA and the County adopted a comprehensive waste strategy, incorporating a management hierarchy of reduction, reuse, and recycling, followed by landfilling as the preferred methods of disposal; and

WHEREAS, the Ulster County Solid Waste Management Plan further called for “the design, permit and construction of a single, new capacity landfill as the primary means of disposing of wastes which cannot be reduced, reused, recycled, or composted”; and

WHEREAS, pursuant to the Ulster County Solid Waste Management Plan, the County of Ulster entered into a Service Agreement with UCRRA in 1992; and

WHEREAS, service agreements have been agreed to between the UCRRA and a majority of the towns and the City of Kingston. Most of these agreements are set to expire by the end of 2014; and

WHEREAS, in Local Law Number 12 of 2012, the Ulster County Legislature amended Local Law Number 9 of 1991 to re-enact flow control; and

Resolution No. 394 November 18, 2014

Establishing The Ulster County Solid Waste Management Improvement Commission

WHEREAS, flow control was re-enacted to “*assist the County and the Agency in fulfilling the goals of the Local Solid Waste Management Plan.*” Additionally, the re-enactment of flow control was intended to “*enhance the ability of the Agency to gather information relevant to the generation, type and quantity of waste and recyclables in the County; assist in the environmentally sound and economical disposal of solid waste; provide sufficient user revenue to the Agency to administer the operation of an integrated solid waste management system; reduce the subsidy provided by Ulster County taxpayers to the solid waste system; and assist the County and the Agency in the enforcement of environmental laws and regulations*”; and

WHEREAS, Ulster County currently exports approximately 116,000 tons of solid waste annually at an expense in excess of \$6.9 million dollars; and

WHEREAS, fossil fuel costs continue to rise making long haul disposal both fiscally and environmentally unsustainable; and

WHEREAS, Ulster County is a Climate Smart Community and, as such, has pledged climate smart solid waste management; and

WHEREAS, new technologies, grant funding and new hosting incentives have emerged and should be evaluated and reviewed by the elected officials and general public as part of a comprehensive, environmental and cost effective method of solid waste disposal; and

WHEREAS, pursuant to § C-11. Powers and duties of Legislature. And Section A2-5 (11) of the Administrative Code, the Legislature is empowered “*To conduct studies and investigations in furtherance of its legislative functions and, in connection therewith, to obtain and employ professional and technical advice, appoint citizens' committees, commissions and boards, subpoena witnesses, administer oaths, and require the production of books, papers and other evidence deemed necessary or material to such studies or investigations.*”; and

WHEREAS, pursuant to Section C-16 of the Ulster County Charter and Section A2-11 of the Administrative Code: “*Members of all citizens' committees, commissions and boards appointed pursuant to § C-11K of this Charter shall serve at the pleasure of the County Legislature. They shall serve without compensation other than for actual and necessary expenses within appropriations made therefor, unless otherwise provided by resolution of the County Legislature. The Chairman of the County Legislature shall be a member ex officio of all such committees, commissions and boards.*”; now, therefore be it

Resolution No. 394 November 18, 2014

Establishing The Ulster County Solid Waste Management Improvement Commission

RESOLVED, that the Ulster County Legislature hereby establishes the Ulster County Solid Waste Management Improvement Commission; and, be it further

RESOLVED, that the Solid Waste Management Improvement Commission shall consist of up to twelve (12) members, whose members shall serve without compensation other than for actual and necessary expenses with appropriations made therefore, unless other provided by resolution of the County Legislature, pursuant to Section C16 of the Ulster County Charter and Section A211 of the Administrative Code; and, be it further

RESOLVED, that the membership of the Solid Waste Management Improvement Commission shall include (1) the Chair of the Legislature or Legislative member designee; (2) the Chair of Ulster County Legislature's Ways and Means Committee or Ways and Means Committee member designee; (3) the Chair of Ulster County Legislature's Energy and Environment Committee or Energy and Environment Committee member designee; (4) the President of the Ulster County Association of Town Supervisors and Village Mayors or Ulster County Association of Town Supervisors and Village Mayors member designee; (5) the Mayor from the City of Kingston or designee; (6) the Chair of the UCRRA Board of Directors or UCRRA Board of Directors member designee; (7) the Chair of the Climate Smart Committee or Climate Smart Committee member designee; and the following members to be recommended to the full Legislature for appointment by the Energy and Environment Committee: (8) an UCRAA Licensed Hauler; (9) a Representative from the Reuse and Recycling Community; (10) a Representative from the League of Women Voters or an Environmental Group Representative; (11 & 12) two at large Representatives of the General Public; and, be it further

RESOLVED, that a request will be made for a Representative from the Executive's Office to serve in an ex-officio manner in order to provide support as needed, to encourage an open dialogue and to provide continuity; and, be it further

RESOLVED, that all tentative appointments to the Solid Waste Management Improvement Commission shall be made within thirty (30) days from the passage of this resolution and subsequently will require approval by the full Legislature; and, be it further

RESOLVED, that the Commission shall first meet within thirty (30) days of its membership appointment approval by the full Legislature; and, be it further

Resolution No. 394 November 18, 2014

Establishing The Ulster County Solid Waste Management Improvement Commission

RESOLVED, Commission members, once appointed, shall serve for the duration of the Commission assignment; and, be it further

RESOLVED, that the Solid Waste Management Improvement Commission shall comprehensively review the technologies, grant funding and host benefits available to newly established solid waste disposal facilities; and, be it further

RESOLVED, that in furtherance of its objective, the Solid Waste Management Improvement Commission is authorized to seek information from and/or visit solid waste disposal, recycling and composting facilities as well as any other federal, state, or local agency or group it deems prudent; and, be it further

RESOLVED, that the first meeting of the Solid Waste Management Improvement Commission shall be called by the Representative of the Energy and Environment Committee and at that meeting the permanent Chairman of the Committee shall be elected; and, be it further

RESOLVED, that within one (1) year of its initial meeting, the Solid Waste Management Improvement Commission shall provide a written report of its findings and recommendations to the Ulster County Legislature and the County Executive; and, be it further

RESOLVED, a Legislative staff person shall be assigned to the Solid Waste Management Improvement Commission for the purpose of providing support and recording services as requested by the Commission; and, be it further

RESOLVED, to ensure a comprehensive review and evaluation process, all levels of available municipal data, tools, resources, assets and opportunities will be made available for the Commission and the public to have direct input into the Commission's ultimate recommendations for consideration by the full Legislative body,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 22 NOES: 1
(Noes: Legislator Lopez)

Resolution No. 394 November 18, 2014

Establishing The Ulster County Solid Waste Management Improvement Commission

Passed Committee: Energy and Environment as amended on November 10, 2014

FINANCIAL IMPACT:
NONE

STATE OF NEW YORK

ss:

COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 18th Day of November, 2014, and that the same is a true and correct transcript of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 19th Day of November in the year Two Thousand and Fourteen.

|s| Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature