

Energy, Environment and Sustainability Committee Regular Meeting Minutes

DATE & TIME: July 6, 2023 – 3:00 PM
LOCATION: Karen L. Binder Library, 6th Floor, County Office Building, Kingston
PRESIDING OFFICER: Chair Manna Jo Greene
LEGISLATIVE STAFF: Chelsea Villalba, Legislative Employee
PRESENT: Legislative Chair Tracey Bartels, Deputy Chair Gina Hansut and Legislators Aaron Levine, Joseph Maloney, and Eric Stewart
ABSENT: None
QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislator Phil Erner; Europa McGovern, Department of the Environment; Deputy County Executive Amanda LaValle; Executive Director Greg Ollivier and Board Member Andrew Ghiorse, Ulster County Resource Recovery Agency (UCRRA); Dennis Doyle, Director, Ulster County Planning Department; David Gordon, Esq., Legislative Counsel; Commissioner Bruce Ginsberg, Ulster County Human Rights Commission

Chair Greene called the meeting to order at approximately 3:00 PM and Deputy Chair Hansut led the Pledge of Allegiance.

Motion No. 1: **MOTION to APPROVE the Minutes of the May 4, 2023 Regular Meeting of the Energy, Environment & Sustainability Committee**

Motion By: Deputy Chair Gina Hansut
Motion Seconded By: Legislator Eric Stewart

Discussion: Hearing none, Chair Greene called the question.

Voting In Favor: Legislators Greene, Hansut, Levine, and Stewart

Voting Against: None

Votes in Favor: 4

Votes Against: 0

Disposition: **MINUTES APPROVED**

Resolutions for the July 18, 2023 Session of the Legislature

Resolution No. 348 – Confirming Appointment To The Ulster County Resource Recovery Agency

Resolution No. 346 – Confirming Appointment To The Ulster County Resource Recovery Agency

Resolution Summary: Resolutions No. 348 and 349 appoint two new board of director members to the Ulster County Resource Recovery Agency.

Motion No. 1: **MOTION TO BLOCK Resolutions No. 348 and 349**

Motion By: Deputy Chair Hansut
Motion Seconded By: Legislator Stewart

Motion No. 2: **MOTION TO DISCUSS Resolutions No. 348 and 349**

Motion By: Legislative Chair Bartels
Motion Seconded By: Legislator Stewart

Discussion:

Chair Greene proposed scheduling a special meeting to interview Ulster County Resource Recovery Agency (UCRRA) candidates. Chair Bartels stated that the Legislature received a small number of applicants and deemed appointing two members in July unrealistic and asked the committee to take no action and postpone the resolutions for one month. Members discussed additional candidate outreach to Legislators and Ulster County Association of Town Supervisors and Mayors and tabled further discussion until Legislator Maloney was present.

Chair Green recognized Mr. Ollivier for the UCRRA. He expressed concern about UCRRA board vacancies impacting quorum and agency operations. He stated that the current board will defer decisions about siting a landfill and long-term planning until the new UCRRA board members are seated. Mr. Ollivier reported on the agency's Local Solid Waste Management Plan, efforts on C&D separation at Municipal transfer stations, responses to Statements of Interest, and recycling at the 2023 Ulster County Fair. In May 2023, 7,100 tons were recycled, including 99 tons of commingled material, 58 tons of paper, 17 tons of cardboard, 17 tons of food waste, and 12,400 tons of MSW. The agency successfully diverted 129 tons from the tipping floor.

Legislator Maloney joined the meeting at approximately 3:30 pm. Chair Bartels reported that the Clerk of Legislature confirmed that the resolutions could be postponed until the next general meeting without naming the date of a Special Meeting to interview UCRRA applicants. She added that a two-day publication notice is required. Members discussed the logistics of the Special Meeting and agreed on additional direct outreach.

Chair Bartels requested that page numbers be added to resolution packets with backup and to add electronic bookmarks to meeting agendas so that Legislators can quickly reference digital backup information during meetings.

Legislator Maloney suggested the legislature develop an electronic distribution list for Ulster County town board members.

Hearing no further discussion, Chair Greene called the question.

Motion No. 3: MOTION TO POSTPONE Resolutions No. 348 and 349

Voting In Favor: Deputy Chair Hansut, and Legislators Levine, Maloney and Stewart, and Legislative Chair Bartels

Voting Against: Chair Greene

Votes in Favor: 5

Votes Against: 1

Disposition: RESOLUTION POSTPONED

Resolution No. 374 – Adopting Proposed Local Law No. 6 Of 2023, A Local Law Amending The Code Of The County Of Ulster, Chapter 131, Vehicles, County, Article I, Sustainable Green Fleet Policy, In Relation To Strategies And Goals

Resolution Summary: This Resolution adopts amended strategies and goals set forth in the Code of Ulster County, Chapter 131, Article I, Sustainable Green Fleet Policy.

Motion No. 4: MOTION TO DISCUSS Resolutions No. 374

Motion By: Legislative Chair Bartels

Motion Seconded By: Legislator Stewart

Discussion:

Legislator Maloney requested regular updates for the Energy, Environment, and Sustainability Committee (EES). Chair Bartels clarified that the Green Fleet falls under the jurisdiction of the Public Works, Capital Projects, and Transportation Committee. Legislator Maloney then requested universal distribution of standing committee materials to all members. Chair Greene agreed that important reports and Green Fleet information should be shared with the EES Committee.

Chair Greene recognized Legislator Erner, who voiced concerns about the full conversion to electricity and its generation sources. He expressed support for the resolution but regretted that the proposed local law did not consider a vehicle's total lifecycle. Legislator Stewart agreed, emphasizing the importance of using renewable sources for green electricity. The discussion included topics such as the benefits and risks of lithium-ion batteries, the need for contingency plans, Ulster County Take Home Vehicle Policy, and the necessity for more special meetings and subcommittees to examine complex subjects.

Deputy Executive LaValle expressed the intension of updating the law is to align county goals with the state's Climate Leadership and Community Protection Act. She discussed decision hierarchy, proper vehicle sizing and vehicle usage training. She reminded members of the Annual Green Fleet Report's focus on reliability and backup planning. Going forward, the EES committee will be kept informed about the green bus fleet.

Hearing no further discussion, Chair Greene called the question.

Voting In Favor: Chair Greene, Deputy Chair Hansut, Legislators Levine and Stewart,
Legislative Chair Bartels
Voting Against: None
Votes in Favor: 6
Votes Against: 0
Disposition: **RESOLUTION ADOPTED**

Resolution No. 381 – Authorizing The Chair Of The Ulster County Legislature To Execute An Agreement With The New York State Department Of Environmental Conservation (NYSDEC) To Accept Grant Funds For The Golden Hill Renewable Energy Project - Amending The 2023 Ulster County Budget – Department Of Planning

Resolution Summary: This Resolution authorizes the Chair of the Legislature to accept a Climate Smart Community grant awarded by NYSDEC for \$1,684,900.00 and amend the 2023 budget to build a 600-kilowatt solar photovoltaic system at the Golden Hill housing site. The project developer, Pennrose, will provide matching funds for project design and engineering costs.

Resolution No. 382 – Authorizing The Chair Of The Ulster County Legislature To Execute Various Agreements To Fulfill Requirements For Grant Funding Through The New York State Climate Smart Communities Program For Renewable Energy Equipment At The Golden Hill Housing Site – Department Of Planning

Resolution Summary: This Resolution authorizes the Chair of the Legislature to effectuate agreements to meet NYS Climate Smart Community (CSC) grant requirements. The agreements include developer matching funds for project design, solar facility maintenance and operation; a power purchase agreement enabling the county to sell power to the facility; and an environmental easement allowing the county to retain ownership of the solar facility, as mandated by the CSC grant.

Chair Greene called for a motion to block resolutions 381 and 382.

Motion No. 5: **MOTION TO BLOCK Resolutions No. 381 and 382**

Motion By: Legislative Chair Bartels
Motion Seconded By: Legislator Stewart

Motion No. 6: MOTION TO DISCUSS Resolutions No. 381 and 382

Motion By: Legislative Chair Bartels
Motion Seconded By: Legislator Stewart

Discussion:

Chair Greene recognized Legislator Maloney who asked what equipment is funded by CSC grant and ownership after construction. Mr. Doyle explained that the grant will fund a 600-watt solar facility at the Golden Hill housing development and that the county would assume ownership of the facility through an environmental easement. He clarified that Resolution 382 outlines the series of agreements to allow Pennrose, the project developer, to construct the facility on behalf of the county rather than through a capital program, meet the m and will also provide matching funds for project design, solar facility maintenance, and operations.

Legislative Chair Bartels raised questions about Pennrose's contractual obligations for cost overages and the structure of the power purchase agreement. Mr. Doyle confirmed that Pennrose would be responsible for covering any cost overruns. He further explained that the county would sell power back to the developer, thereby reducing electricity costs for residents.

Members moved on to discuss the history of the county's grant application, recent changes to low-income housing tax credit requirements in New York State, and a new category of funding for housing within the Climate Smart Communities grant pool. Director Doyle explained that that affordable housing projects must provide fossil fuel-free solutions. Making affordable housing eligible for CSC grants allows the use of existing funds for energy efficiency work, stretching low-income housing tax credit funding. Mr. Doyle highlighted the state's consistent effort to find alternative funding sources despite increased development costs for low- and moderate-income housing. He shared that the County applied for the grant to assist the developer in covering financial gaps in the project's capital stack. Members also discussed project financing, timelines, and the organization of an information meeting for the developer to provide a project update to the legislature and address questions.

Legislator Maloney inquired what other financial gaps the county will be asked to fund in the coming year. Director Doyle stated that the county will be asked to fund a traffic light and gate which is already part of the capital program related to Golden Hill. Director Doyle also anticipates that the county may need to help fund the Golden Hill water supply system. Further discussion followed about ensuring the developer covers solar decommissioning costs, how the solar facility will benefit Golden Hill residents, dispersion of grant funds, as well as non-profit and for-profit ownership structure of the housing development, and current PILOT negotiations with the City of Kingston.

Hearing no further discussion, Chair Greene called the question.

Motion No. 7: MOTION TO POSTPONE Resolutions No. 381 and 382

Motion By: Legislative Chair Bartels
Motion Seconded By: Legislator Stewart

Voting In Favor: Chair Greene, Legislators Levine, Stewart, Legislative Chair Bartels
Voting Against: Legislator Maloney
Votes in Favor: 4
Votes Against: 1
Disposition: RESOLUTION POSTPONED

Resolution No. 383 – Authorizing The Department Of The Environment To Submit An Application To The New York State Climate Smart Communities Grant Program Via The New York State Consolidated Funding Application (CFA) – Department Of The Environment

Resolution Summary: This Resolution authorizes the Department of the Environment to submit an application to the New York State Climate Smart Communities Grant Program to expand economic growth in Ulster County.

Motion No. 8: MOTION TO DISCUSS Resolution No. 383

Motion By: Legislative Chair Bartels
Motion Seconded By: Legislator Stewart

Discussion:

Deputy Executive LaValle stated that Resolution 383 allows the county to submit to the 2023 Climate Smart Communities grant program through the Consolidated Funding Application. The grant will be used to fund flood mitigation at the Bridge Street Bridge in Phoenicia. Additional non-federal and non-state matching funds will come through Catskill Watershed Corporation (CWC) which will strengthen CSC scoring.

Deputy Chair Hansut let the meeting at 3:51 pm.

Hearing no further discussion, Chair Greene called the question.

Voting In Favor: Chair Greene, Deputy Chair Hansut, Legislators Levine, Maloney and Stewart, Legislative Chair Bartels
Voting Against: None
Votes in Favor: 6
Votes Against: 0
Disposition: RESOLUTION ADOPTED

Resolution No. 384 – Authorizing The Department Of Environment To Submit An Application To The New York Energy Research And Development Authority (NYSERDA) Via The New York State Consolidated Funding Application (CFA) – Department Of The Environment

Resolution Summary: This Resolution authorizes the Department of the Environment to submit an application to NYSERDA, via the NYS Consolidated Funding Application, to support regionally significant, carbon neutral economic development projects in Ulster County.

Motion No. 9: MOTION TO DISCUSS Resolution No. 384

Motion By: Legislative Chair Bartels
Motion Seconded By: Legislator Levine

Discussion:

Director LaValle explained that this is a second funding opportunity through NYS Consolidated Funding Application, and it's the first time they have applied for it. She noted that the City of Kingston recently used the grant to fund energy efficiency upgrades worth over a million dollars at City Hall. The county is evaluating utilizing this grant to achieve energy efficiency goals for the Crisis Stabilization Center and the 360 Broadway.

Hearing no further discussion, Chair Greene called the question.

Voting In Favor: Chair Greene, Legislators Levine, Maloney and Stewart, Legislative Chair Bartels
Voting Against: None
Votes in Favor: 5
Votes Against: 0

Disposition: RESOLUTION ADOPTED

Resolution No. 385 – Approving The Execution Of A Contract For \$110,050.00, Entered Into By The County – Barton And Loguidice, D.P.C. – Department Of Environment

Resolution Summary: This Resolution authorizes the execution of a \$110,050 contract entered into with Barton And Loduice, D.P.C. to develop a Community Climate Action Plan focused on climate change mitigation at the community level through the reduction of greenhouse gas emissions and a concurrent Community Greenhouse Gas Emissions Inventory update.

Motion No. 10: MOTION TO DISCUSS Resolution No. 385

Motion By: Legislative Chair Bartels
Motion Seconded By: Legislator Stewart

Discussion:

Director LaValle explained that the project is expected to cost \$140,000 and funded through a \$74,000 CSC grant and matching funds from the 2023 operating budget and with additional funds from the Department of Environment. Barton and Loguidice will collaborate to finalize a stakeholder engagement strategy to develop countywide greenhouse gas emissions reduction goals and targets. This will involve an internal steering committee comprising multiple county stakeholders from different departments, Bard graduate students, and community organizations. Over the next nine months, Barton and Loguidice will implement the strategy through a series of stakeholder engagements aimed at developing priority greenhouse gas emission reduction measures, across different sectors of greenhouse gas emissions at the community level. The firm will establish reduction goals and targets, create an implementation plan, and identify relevant funding sources and resources to achieve the objectives.

Another component is a smaller contract with local governments to complete a community greenhouse gas emissions inventory and break that inventory down to the municipal level. This ensures that all Ulster County municipalities have functional greenhouse gas emissions inventories to use towards CSC program actions and are empowered to develop hyper-local specific climate action plans and reductions targets.

Hearing no further discussion, Chair Greene called the question.

Voting In Favor: Chair Greene, Legislators Levine, Maloney, Stewart, and Legislative Chair Bartels
Voting Against: None
Votes in Favor: 5
Votes Against: 0
Disposition: RESOLUTION ADOPTED

Resolution No. 386 – Requesting Enactment Of A Senate Bill And Assembly Bill In The New York State Legislature To Amend Membership Of The Ulster County Resource Recovery Agency

Resolution Summary: This Resolution is a home rule request. It asks the New York State Senate and Assembly to enact a bill to amend the appointing authority and membership of Ulster County Resource Recovery Agency.

Motion No. 11: MOTION TO DISCUSS Resolution No. 386

Motion By: Legislative Chair Bartels
Motion Seconded By: Legislator Stewart

Discussion:

Legislative Chair Bartels, sponsor of Resolution 386, explained that immediate action on the resolution is not expected. Instead, she introduced it to initiate a discussion and gather feedback from the committee and the entire body.

The resolution aims to expand the UCRRA board from five to nine members. The reconfigured board will retain the current six legislative chair appointments, including a minority leader recommendation, and add three County Executive appointments, along with one member who is a sitting supervisor or mayor of an Ulster County municipality. The resolution also upholds the prohibition of county legislators from sitting on the board. Chair Bartels, in authoring the resolution, mentioned drawing inspiration from neighboring county agencies, particularly the Oneida-Herkimer Solid Waste Authority model. She emphasized that expanding the board and appointing authority would allow more stakeholders to be involved in decision-making and stressed the importance of engaging the Association of Town Supervisors and Mayors.

Chair Bartels also provided historical background on the UCRRA, including insights from conversations with past and present elected county executives regarding their lack of appointing authority. She mentioned longstanding debates about whether legislators should serve on the board and past efforts to explore the possibility of dissolving the agency and making it a county department.

The Chair asked members to consider the ideal number of members for the board, what stakeholders need to be at the table, expanded appointing authority, and whether the prohibition of legislators serving on the board should be continued.

Legislator Stewart supported incorporating a member of the Association of Town Supervisors and Mayors and believed it is important to have a municipal leader at the table. A discussion followed if it should be a sitting elected municipal leader or an individual appointed by the Association.

Chair Greene emphasized the importance of looking at the big picture and planning for the future, especially since the resolution must go to the state. To bridge the work done on the Local Solid Waste Management Plan and the Zero Waste Implementation Plan with the UCRRA's efforts, Chair Greene suggested forming a special subcommittee. Chair Greene emphasized the need to move from discussing planning to actually developing a concrete plan. Additionally, she proposed considering offering stipends to UCRRA members as an incentive to encourage more people to apply and serve on the board.

Legislator Maloney voiced his opposition to granting the County Executive three appointments and questioned even delegating one appointment to the Executive, expressing concerns that it could make the agency excessively political. He emphasized the necessity of defining the board's role and authority more clearly and strongly advocated for providing independent legal counsel for the UCRRA Board.

Executive Director Ollivier expressed support for expanding the UCRRA Board and agreed with Legislator Maloney on the need for better defining the board's role and providing clear direction. He suggested that, rather than delegating planning and collaboration to a sub-group reporting to the legislature, it would be more beneficial to directly involve the board directly in the process and overseeing the work. Director Ollivier emphasized the importance of having the board actively participate in shaping the vision and encouraged members to keep this in mind when making future appointments.

Legislator Stewart suggested that Mr. Ollivier make a presentation to the legislature on the process of siting a landfill. Chair Bartels agreed to schedule a special informational meeting before the end of the year.

Hearing no further discussion Chair Greene called the question.

Motion No. 12: MOTION TO TAKE NO ACTION on Resolution No. 386

Motion By: Legislative Chair Bartels
Motion Seconded By: Legislator Stewart

Voting In Favor: Chair Greene, Legislators Levine, Maloney, Stewart, and Legislative Chair Bartels
Voting Against: None
Votes in Favor: 5
Votes Against: 0
Disposition: NO ACTION TAKEN

Forthcoming Resolutions

Resolution No. 433 – Urging The Governments Of The State Of New York And The United States Of America To Establish Fossil-Fuel-Free State And Federal Public Transportation Services
FOR AUGUST INTRODUCTION

Resolution Summary: This is a memorializing resolution which urges the governments of New York State and the United States of America to establish fossil-fuel-free state and federal public transportation services upon all state and federal roads.

Motion No. 13: MOTION TO DISCUSS Resolution No. 433

Motion By: Legislator Stewart
Motion Seconded By: Legislative Chair Bartels

Discussion:

Legislator Erner, sponsor of Resolution 433, stated that he is looking for additional sponsors.

He explained that the resolution calls upon state and federal governments to immediately plan to abolish the extraction and burning of fossil fuels. The resolution also calls for fossil-fuel-free public transportation services on all state and federal roads bridges and infrastructure and includes conveyance for the car-free public for the purposes of socioeconomic equity, environmental justice, national security, and public health and safety. The resolution also calls for state and federal government to negotiate the right of public access to private transportation infrastructure such as freight-railroad traches and cargo-shipping corridors.

Legislator Stewart asked Legislator Erner to explain how state and federal governments would negotiate and legislate the public’s right of access to private transportation infrastructure.

Legislator Erner provided an example of utilizing freight trains for public transportation. He suggested that if every freight train passing through Ulster County were required to have two passenger cars and make stops at every town and hamlet along the rails, there could be up to 15 trains per day, approximately one train every hour and a half, available for passenger travel in Ulster County.

A discussion followed about different safety requirements for freight and passenger trains and greatly extended travel-times with stops at every city, town, and hamlet along the freight rail corridor.

Department of Environment Updates

Chair Green invited Director McGovern to provide an update on the Reuse Innovation Center Planning Study (RICPS). The director reported that the RICPS is currently in the planning and study phase. She shared that the county hired Sustainable

Hudson Valley as the lead consultant and to spearhead a working group with key stakeholder groups. Upcoming working group sessions are scheduled for the July Recycling Oversight Committee meeting and at the UCRRA. The contract's final deliverables will include an ownership model and operating cost estimates. Sustainable Hudson is expected to complete the project and deliver the final report in October or November 2023. A discussion followed on the report's timing and the logistical challenges of incorporating its recommendations into the capital plan for the coming year.

Deputy Executive LaValle reported that New York City will not shut down the Delaware system in 2023.

Chair Greene requested that the final Bard Student Climate Project report be shared with the EES Committee.

Chair Greene called on Legislator Stewart to give an update on Hudson and funding for local watershed groups. Legislator Stewart reported that funding will be coming through the Department for the Environment Water Quality Coordinating Committee.

Chair Greene requested that the final Bard Student Climate Project report be shared with the EES Committee.

Adjournment

Motion Made By: Legislator Stewart

Motion Seconded By: Legislator Levine

No. of Votes in Favor: 4

No. of Votes Against: 0

TIME: 5:45 PM

Respectfully submitted: Laurie Lichtenstein, Confidential Secretary to the Chair of the Legislature

Minutes Approved: August 3, 2023