

**Energy & Environment Committee  
Meeting Minutes**

**DATE & TIME:** August 2, 2018; 6:00  
**LOCATION:** KL Binder Library, 6<sup>th</sup> Floor, COB, Kingston, NY  
**PRESIDING OFFICER:** Chairman Mary Wawro  
**LEGISLATIVE STAFF:** Fawn A. Tantillo, Deputy Clerk  
**PRESENT:** Legislators Tracey Bartels, Manna Jo Greene, Joseph Maloney, Brian Woltman and Legislative Chairman Kenneth Ronk, Jr.  
**ABSENT:** None  
**QUORUM PRESENT:** Yes

**OTHER ATTENDEES:** Legislators Kathy Nolan & Laura Petit; Tim Rose, Ulster County Resource Recovery Agency (UCRRA); Kathy O'Connor & Gia Gialitzine, League of Women Voters; Dimitri Galizine; Irwin Rosenthal; Margot R. Becker & David Haldeman, Ulster County Environmental Management Council (UCEMC); Victoria Lucarini, Town of Ulster resident.

Chairman Wawro called the meeting to order at 6:00 pm and lead the Pledge of Allegiance.

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**Motion No. 1:** To Approve the Minutes July 9, 2018

**Motion Made By:** Legislator Greene  
**Motion Seconded By:** Legislator Woltman

**Discussion:**

**Voting in Favor:** Legislators Wawro, Bartels, Greene, Maloney, Woltman and Ronk  
**Voting Against:** None  
**No. of Votes in Favor:** 6  
**No. of Votes Against:** 0  
**Disposition:** Approved

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**Motion No. 2:** To discuss Resolution No. 279 - Setting A Public Hearing On Proposed Local Law No. 19 Of 2018, A Local Law Amending Local Law 4 Of 2015 (A Local Law Regulating The Use Of Polystyrene Foam Disposable Food Service Ware By Food Service Establishments In Ulster County), To Amend Penalties And Provide Certain Exemptions, To Be Held On Thursday, September 20, 2018 At 7:05 PM

**Resolution Summary:** This resolution would set a date and time for a public hearing on Proposed Local Law No. 19 of 2018

**Motion By:** Legislator Maloney  
**Motion Seconded By:** Legislator Woltman

**Discussion:** Chairman Ronk noted three separate issues he wanted to discuss being amended.

The first was the exemption for unique branding or packaging. He noted that the language was vague. Several businesses had applied for exemptions but none had been granted. He suggested the discussion not focus on one single business, such as KFC. He offered an amendment that would require the business applying for an exemption to prove there were no branded options when the franchise is required to use branded products.

Legislator Maloney asked for specific examples of businesses other than KFC who had applied and been denied. He suggested that Chairman Ronk was only speculating that other businesses had applied and wanted specific examples.

Chairman Ronk noted that the current law has no guidelines for how or when to grant an exemption for branding and gives absolute authority to the Commissioner of the Ulster County Health Department (UCHD) to make this determination. He felt there may be times such an exemption is appropriate and if a business could prove that nothing else was currently available for their business they should be granted an exemption. He then suggested asking the Commissioner if there were any circumstance under which she would grant such an exemption.

Legislator Bartels reminded the committee that Albany had a similar Styrofoam ban and she called a KFC in Albany that reported they found an alternative that complied with the law. She was concerned that this exemption would create an unnecessary loop hole.

Legislator Nolan's main concern was ensuring food safety. She could not support changes that would make Styrofoam food containers more easily available and warned about the leaching of carcinogens into food. She felt this was especially important when serving food to children at camp.

Chairman Ronk explained his second suggested amendment concerned not-for-profits. He pointed out that several fire companies, churches and other not-for-profits have unknowingly been in violation of the local law. These organizations hold events once or twice a year, they are working on tight budgets and obtaining alternative may create a hardship for them.

Legislator Bartels felt that the County should do a better job of educating the public.

Legislator Woltman noted that some organizations do fund raisers involving obtaining specialty items from vendors outside Ulster County who are not aware of our law.

Legislator Nolan repeated her major concern was food safety.

Legislator Greene reminded members about initial resistance when the public was first forced to recycle. Regulations like this one and the BYO Bag legislation under consideration are designed to raise awareness and change habits.

Legislator Bartels expressed concerns that including all not-for-profits would exempt a wide range of groups, most of whom are currently complying with the law. She asked how many not-for-profits had been issued warnings or fines. She suggested an educational effort could include information about where to obtain appropriate alternatives. She felt it was good to revisit and reexamine local laws from time to time and suggested speaking with representative from the UCHD regarding enforcement efforts. Overall, she was very proud of the good compliance of Ulster County residents.

Chairman Ronk was not in favor of simply looking the other way for local fund raising events.

Legislator Nolan was not in favor of creating this or any exemption. Instead of simply including all not for profits, she suggested they might make an exemption contingent on a limited number of events per year.

Legislator Maloney was not in favor of this amendment in any way. He felt the county was at 99% compliance and saw no reason it should not be 100% compliance. He was frustrated and felt the committee had discussed this issue long enough.

Ms. Lucarini, a public health nurse, said she was actively involved in environmental and health issues in Ulster County and was unaware of this local law. She was in favor of it and supported better community education to make more people aware of it.

Mr. Haldeman felt it was wrong to assume that local not-for-profits are not engaged and aware of this law. His church recognizes a responsibility to the earth and has actively engaged to making appropriate changes to their events. He suggested working with interfaith groups who are also devoted to being environmentally responsible. He felt was not necessary to make excuses for any community organizations.

Chairman Ronk then introduced his third proposed amendments to the fine schedule. He reported that one local camp was given a substantial fine and challenged it. The hearing officer ruled that the fine could not be levied for days the inspector did not actually witness the violation. He suggested reducing the fines and eliminating the following language under SECTION 7. PENALTIES “4. Fines are cumulative and each day that a violation occurs shall constitute a separate violation.” because it was unenforceable.

Legislator Bartles thought the language was modeled after standard language and said she would reach out to the Health Department and Legal Counsel for clarification. She said this language might clarify that fine is per day and not per Styrofoam cup.

Chairman Ronk agreed to a one month postponement to give the committee time to clarify the issue with the Health Department and Legal Counsel.

### **Motion No. 3: To Postpone Resolution No. 279**

**Motion Made By:** Legislator Woltman

**Motion Seconded By:** Legislator Bartels

**Discussion:** None

**Voting in Favor:** Legislators Wawro, Bartels, Greene, Maloney, Woltman and Ronk

**Voting Against:** None

**No. of Votes in Favor:** 6

**No. of Votes Against:** 0

**Disposition:** Postponed

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### **New Business: Recycling Oversight Committee**

Chairman Ronk noted it has been his policy since becoming Chairman to empower the standing committees whenever possible. He reminded them that in the past, the Legislative Chairman simply put in a resolution to appointed individuals she or he chose and the Legislature voted on them.

Chairman Ronk received a letter from Legislator Woltman and other representative of the City of Kingston asking him to reappoint members to the Recycling Oversight Committee. He wanted to ask the Energy &

Environment committee to make recommendations to the body and noted that the Recycling Oversight committee was laid out in local law.

The committee discussed the membership as it was described in local law and discussed how representatives of certain groups were especially helpful.

The clerk was directed to circulate information to all legislators requesting input and suggestions. She was also directed to draft a letter and reach out to various entities to seek volunteers or appointees.

The committee set a soft deadline of their September meeting and will determine how to proceed at that meeting.

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**Motion No. 4:** To discuss Resolution No. 265 - Requesting That The New York State Assembly And New York State Senate Introduce Legislation Amending New York Public Authorities Law Article 8, Title 13 G, Section 2050-t (3) To Include Recycling Material

**Resolution Summary:** This resolution would request that New York State gives Ulster County the authority to manage recycling materials through an update to the original legislation that enabled Ulster County to create the Ulster County Resource Recovery Agency.

**Motion By:** Legislator Bartels  
**Motion Seconded By:** Legislator Woltman

**Discussion:** Legislator Bartels was unable to attend the Supervisor's meeting to discuss their concerns but did speak to Town of Ulster Supervisor James Quigley. She said there was no rush and asked to take no action now.

**Disposition:** No Action

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**Motion No. 5:** To approve Resolution No. 323 - Setting A Public Hearing On Proposed Local Law No. 20 Of 2018, A Local Law Requiring Restaurants And Fast Food Service Establishments Provide Plastic Beverage Straws Solely Upon Request, To Be Held On Thursday, September 20, 2018 At 7:10 PM

**Resolution Summary:** This resolution would set a date and time for a public hearing on Proposed Local Law No. 20 of 2018

**Motion By:** Legislator Bartels  
**Motion Seconded By:** Legislator Maloney

**Discussion:** Chairman Wawro noted that Legislator Donaldson, the sponsor was not in attendance.

Legislator Maloney supported the resolution because it would significantly reduce plastic straws but still make them available to children, handicapped individuals and others. He feels there is a heightened awareness through social media and most businesses will be compliant on day one. He noted that if this passed Ulster County would be the first county in the state to have such a law and felt other counties and municipalities would point to Ulster County and quickly follow suit.

Legislator Woltman was not in favor of the resolution. He questioned how it could possibly be enforced. He questioned the data included under Legislative intent and findings He also felt there were issues for Americans with Disabilities.

Legislator Woltman suggested that it would be more appropriate to include this in some educational outreach that promotes personal responsibility. He noted increasing issues with litter, not only straws but plastic lids, bottles, etc. He reminded the members of campaigns like “Give a Hoot- Don’t Pollute” and suggested their time and energy might be better spent on addressing the problem of litter as a whole.

Legislator Maloney said this resolution costs taxpayers nothing and will go a long way toward eliminating plastic in the environment. He suggested it was wasteful to spend tax dollars on ad campaigns. He quoted former Vice President Joe Biden, "Don't compare me to the almighty, compare me to the alternative." He asked what was the alternative to doing nothing. He said he was in favor of eliminating even more plastics and felt the legislature could do this without spending a dime.

Legislator Bartels said when she first learned a resolution regarding straws was proposed she expected to see an all-out ban. This resolution simply requires an establishment ask if the customer wants a straw.

Chairman Wawro noted that often a server will just drop straws on the table. If they are not used they are thrown away. This would eliminate that waste.

Legislator Woltman noted that people’s conscience is changing and change doesn’t always come from government directives.

Chairman Wawro asked about the signage requirements and a discussion ensued.

Legislator Nolan likes the intent of the law. She noted that there is growing support for a ban on plastic bags but that it is not universal. She was troubled by the timing of this resolution and is concerned that some people will think “Straws? What will be next?”. She said that she is not afraid of the controversy but she wondered if there might be some measure short of a resolution or law to accomplish the same goal. She asked if they could use their legislative authority to suggest establishments ask if a customer wants a straw or declaring “No plastic straw month” asking businesses and individuals not to use straws. She would like to see something between doing nothing and requiring another government regulation.

Legislator Maloney said the legislature is riding a wave of support for these types of laws. He has had only one negative comment in his store and feels residents are ready for the ban on plastic bags. He announced they had twelve votes for a public hearing. After the hearing it will come back to this committee and they can decide then if the proposed local law needs to be changed or if it should be held up for a year.

Legislator Woltman felt that the proposed local law should be ready to go before a public hearing. He went back to the statement in the law that says. “Over 500,000,000 plastic straws are used each day in the United States. This equates to 175 billion straws per year...” and wanted to know the source. He was told it is a figure compiled by a child or the national park service was disturbed to learn it was not an official scientific or government source.

Legislator Woltman wanted to hear from the sponsor of the resolution before moving it forward and made a motion to postpone. There was no second.

Chairman Wawro asked to examine the fine schedule. There was a discussion of reducing each of the fines to 10% of the proposal.

**Motion No. 6:** to amend the fines as follows (contingent on subsequent the approval of the sponsor)

1. First Offense. Any Fast Food Service Establishment or Restaurant guilty of a first offense shall be guilty of a violation and shall be fined an amount not to exceed **twenty five two hundred and fifty** (~~\$250~~) dollars.
2. Second Offense. Any Fast Food Service Establishment or Restaurant guilty of a second offense shall be guilty of a violation and shall be fined an amount not to exceed **fifty five hundred** (~~\$500~~) dollars.
3. Third and Subsequent Offense. Any Fast Food Service Establishment or Restaurant guilty of a third or subsequent offense shall be guilty of a violation and shall be fined an amount not to exceed one **hundred thousand** (~~\$100 \$1,000~~) dollars for each offense.

**Motion Made By:** Legislator Maloney

**Motion Seconded By:** Legislator Greene

**Discussion:** Legislator Woltman said he would support the amendment but not the resolution.

**Voting in Favor:** Legislators Wawro, Bartels, Greene, Maloney and Woltman

**Voting Against:** None

**No. of Votes in Favor:** 5

**No. of Votes Against:** 0

**Disposition:** Amendment approved (contingent on subsequent the approval of the sponsor)

Legislator Woltman again questioned the data in the Legislative Intent and Findings that stated “Over 500,000,000 plastic straws are used each day in the United States. This equates to 175 billion straws per year...” without identifying the source and he questioned the validity of that data.

Legislator Maloney said that the data was from a report by the National Parks Service.

Legislator Woltman asked to see that report.

Legislator Maloney said he would provide that report and others. He would be willing to change the figure to a range of numbers they can back up with various reports. A brief discussion ensued.

Legislator Bartels asked to confirm that it was the business that received the fine and not the employee.

Chairman Wawro called for the vote on the resolution as amended

**Voting in Favor:** Legislators Wawro, Bartels, Greene, Maloney

**Voting Against:** Woltman

**No. of Votes in Favor:** 4

**No. of Votes Against:** 1

**Disposition:** Approved (contingent on subsequent the approval of the sponsor)

Legislator Maloney quipped that plastic spoons are next.

Legislator Nolan said that was her concern and she felt it might be better to wait and do something more comprehensive. She suggested members speak to local businesses. She noted that there are certain health benefits to using plastic straws. She avoids using straws but was concerned that people will misunderstand

if they keep doing things as separate resolutions, She suggested doing something comprehensive. She gave an example of local light pollution legislation in her district that was misunderstood and the folks that passed it were not reelected. There was a perception that “they were trying to change everything.” She is hearing these same complaints regarding the BYO Bags and fears that this resolution coming at the same time may reinforce the resistance. She urged the committee to keep an eye on the big picture and the overall goal is to encourage everyone to embrace these changes. She questioned if this will help accomplish that goal.

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## **New Business**

### **UCRRA & GUS**

Mr. Rose reported that the feasibility study for the proposed Green, Ulster, Sullivan (GUS) solid waste alliance is underway and they expect the report to be delivered to the UCRRA Board in September and then it will be presented to each county legislature.

Legislators wanted more information on the financial details of the proposal and this should provide it.

Mr. Rose will also be at the September Energy & Environment meeting to discuss his budget. He explained the budget process UCRRA uses.

The committee briefly discussed the purchase of roll-offs and how the agency funded them.

Later Legislator Maloney questioned how GUS will benefit Ulster County.

Mr. Rose reminded the committee that he has been sounding a warning for more than a year. He discussed short term issues like trucking cost that are expected to double and how economies of scale from GUS could save all three counties money in the long run.

The committee discussed short term goals and long term solutions. Several Legislators said they could only support GUS if there is a plan that includes sustainability and local self-reliance with an emphasis on waste reduction and an ultimately a zero waste model.

### **New York State Electric and Gas Corporation (NYSEG)**

Legislator Nolan reported the there were concerns in her district that NYSEG was planning to convert to smart meters much the way Central Hudson had. She asked to add an agenda item to the September Energy & Environment meeting to discuss how to support opt out provisions like those Central Hudson adopted.

### **Tillson Lake**

Legislator Greene discussed the plans of the Palisades Interstate Parks Commission to remove the dam at Tillson Lake. Local residents who oppose this action believe the lake has been there for so many years that it has created a balance ecosystem that should not be disturbed or destroyed. The Riverkeeper has taken the stand that this and all dams in the watershed should be removed. Other environmental organizations believe there is a benefit to repairing the existing dam.

## **Old Business**

### **Climate Smart Committee Green Business Challenge.**

Legislator Greene reported that 45 volunteers have been trained, 15 to 20 people are working on the steering committee, 80 individuals attended the launch and more than 12 business are in the pipeline. More Green Business leaders have been identified and a brochure is being prepared for distribution around the county.

### **Solarize Esopus**

Legislator Petit shared an invitation for a Solarize Esopus event planned for Wednesday, August 8 from 6 to 8 pm at the Esopus Town Hall.

Chairman Wawro asked if there was any other business, hearing none

### **Motion to Adjourn**

<b>Motion Made By:</b>	Legislator Greene
<b>Motion Seconded By:</b>	Legislator Woltman
<b>No. of Votes in Favor:</b>	<b>5</b>
<b>No. of Votes Against:</b>	0
<b>Time:</b>	8:40 pm
<b>Respectfully submitted:</b>	Fawn Tantillo, Deputy Clerk
<b>Minutes Approved</b>	September 6, 2018