

**Energy & Environment Committee
Meeting Minutes**

DATE & TIME: October 5, 2020; 6:15 PM or immediately following the Public Health & Social Services Committee

LOCATION: Powered by Zoom Meeting by Dialing (646) 558-8656, Meeting ID: 962 9935 4097

PRESIDING OFFICER: Chairwoman Manna Jo Greene

LEGISLATIVE STAFF: Fawn A. Tantillo. Laurie Lichtenstein

PRESENT: Legislators Al Bruno, Peter Criswell, Laura Petit and Mary Wawro

ABSENT: None

QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislators Tracey Bartels and Lynn Archer, David Gordon, Legislative Minority Counsel; Evelyn Wright, Deputy County Executive; Amanda LaValle, Department of the Environment.

Chairwoman Greene called the meeting to order at approximately 6:30 pm and lead the Pledge of Allegiance.

Motion No. 1: To Approve the Minutes of August 31, 2020

Motion Made By: Legislator Petit

Motion Seconded By: Legislator Bruno

Discussion: None

Voting in Favor: Legislators Greene, Bruno, Criswell, Petit and Wawro

Voting Against: None

No. of Votes in Favor: 5

No. of Votes Against: 0

Disposition: Minutes Approved

Budget Presentation

Ms. Wright highlighted the Department of the Environment budget including changing of Ms. Lavalle's position from Coordinator to Director.

Ms. Wright and Ms. LaValle made a detailed explanation of the department budget (see transcript for details)

Resolutions for the October 20, 2020 Session of the Legislature

The committee engaged in a lengthy discussion regarding how to proceed with these three resolutions. (see transcript for details). They felt there was a need to do additional research and scheduled a Special Meeting of the committee via Zoom meetings on October 8, 2020 at 6:30.

Resolution No. 242 -Approving Ulster County’s Local Solid Waste Management Plan

Resolution Summary: This resolution will approve a 10-year Local Solid Waste Management Plan

Resolution No. 265 – Establishing A Zero Waste Implementation Plan for Ulster County

Resolution Summary: This resolution would approve a Zero Waste Implementation Plan to approach zero waste by removing items commonly found in Municipal Solid Waste using a variety of techniques

Resolution No. 323 - Declaring Intent To Act As Lead Agency Under The State Environmental Quality Review Act (SEQRA) For The Review Of The Draft Ulster County Local Solid Waste Management Plan

Resolution Summary: Ulster County Legislature will prepare a Full Environmental Assessment Form and circulate a notice of intent to be lead agency pursuant to 6 NYCRR § 617.6(b)(3) to the other involved agencies in the development and approval of the Ulster County UCRRA’s Local Solid Waste Management Plan.

Motion No. 2: **Motion to block together Resolutions No. 242, 265 and 323**
Motion By: Legislator Wawro
Motion Seconded By: Legislator Petit

Discussion: See attached transcript.

Voting in Favor: Legislators Greene, Bruno, Criswell, Petit and Wawro
Voting Against: None
No. of Votes in Favor: 5
No. of Votes Against: 0
Disposition: **Approved**

Motion No. 3: **Motion to Postpone Resolutions No. 242, 265 and 323**
Motion By: Legislator Wawro

Motion By: **Legislator Bruno**
Motion Seconded By: **Legislator Wawro**
Voting to Postpone: **Legislators Greene, Bruno, Criswell, Petit and Wawro**
Voting Against: None
No. of Votes in Favor: 5
No. of Votes Against: 0

Disposition: **Resolutions Postponed with the consent of the sponsors.**

New Business:

Old Business:

Climate Smart Committee update (see transcript)

Chairwoman Greene asked if there was any other business, hearing none;

Motion to Adjourn

Motion Made By: Legislator Bruno

Motion Seconded By: Legislator Wawro

No. of Votes in Favor: 5

No. of Votes Against: 0

Time: 8:28 pm

Respectfully submitted by: Fawn Tantillo & Laurie Lichtenstein

Minutes Approved: November 2, 2020

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LEGISLATIVE STAFF: Fawn A. Tantillo. Laurie Lichtenstein

PRESENT: Legislators Al Bruno, Peter Criswell, Laura Petit and Mary Wawro

ABSENT: None

QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislators Tracey Bartels and Lynn Archer, David Gordon, Legislative Minority Counsel; Evelyn Wright, Deputy County Executive; Amanda LaValle, Department of the Environment.

Chairwoman Greene 00:02

And tonight's meeting is the October 5 meeting of the Energy and Environment Committee. And we will start by a Pledge of Allegiance and Fawn already has the flag.

Legislator Bartels 00:21

So, if people characterize you don't need to. Peter, you stay put.

Chairwoman Greene 00:30

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

Legislator Bruno 00:52

Peter, I hope you get well.

Chairwoman Greene 00:55

Have you had a chance to review the minutes from... I just reviewed the minutes from September. But on the agenda, it says August. Do we need to do both?

Fawn Tantillo 01:18

No, it's the August 31. meeting was the September meeting of the committee.

Chairwoman Greene 01:23

Yes, of course. Thank you. I'm so have folks had notes to review and if so, could I hear a motion to approve?

Legislator Petit 01:38

I'll make a motion to approve the September minutes from the August 31.

Legislator Bruno 01:46

Great, thank you

Legislator Bruno 01:47

Second.

Chairwoman Greene 01:49

Okay. All in favor of approving the minutes of August 31, 2020. Please signify by raising your hand or saying aye.

Committee Members 02:01

Aye.

Chairwoman Greene 02:02

All right. minutes are unanimously approved. Oh, just to check. Does anybody see other words for not approved. Opposed?

Chairwoman Greene 02:16

Thank you. Okay, hearing no opposition that the minutes are approved.

Chairwoman Greene 02:25

And Evelyn, you said you would like to before Amanda gives her Department of Environment budget presentation, you had an introduction you wanted to share with us?

Deputy Executive Wright 02:39

Yeah, just thanks, Manna. Just a couple words of context. And a couple things to highlight. The first is that you'll see in the budget and increase in the department head salary, which is unusual this year, of course, in our current budget situation. We have been very, very sparing with salary increases. But Pat asked me several weeks ago to make sure that Amanda got a raise, and also to take care of bringing the titles of the department head and the deputy department head in line with the titles in our other departments. So, you'll see a resolution from us for November to make the change from coordinator to director.

Deputy Executive Wright 03:26

I don't know exactly the history behind all that. If there was some thinking that this was... that the Environment Department wasn't going to grow into a full-fledged department like others. I know there was thinking that, that it was going to be a coordinating department really working with other departments, which of course it does. But by now we know that this is a full-fledged department, it's grown to be larger

than several of our other departments at this point, and clearly has a lot of good work to do. So, in view of that. And just in view of the incredible leadership that Amanda has shown this year, Pat asked me to get that alignment made and to adjust her salary. So, we gauged it within the salaries of other departments of similar size and slotted it in there. So, I wanted to just highlight that thinking for you rather than putting Amanda in the awkward position of explaining it.

Deputy Executive Wright 04:32

The other thing I just want to highlight for you is that you'll see that the Compliance Officer position has not been included, you know that we had hired a composting expert to fill half of that position. And she unfortunately started I think, the second week of COVID. And really gamely tried to participate in the department's activities then remotely, but really determined that she was not able, given her childcare and other responsibilities in her life to continue. And we had planned to fill the other half of that position with an energy expert, and work on our Business Outreach. But with the hiring freeze, we've basically lost both of those halves. And we decided not to not to include them this year, because we thought that it's unlikely given all the other critical needs around the county staffing wise that that those would rise to the top.

Deputy Executive Wright 05:34

So, Amanda can give you some updates on how they're doing with the composting work, I think she's finding that the existing staff is, is working through setting up the systems and the educational work. You know, not the way we would have with Michelle on staff, but certainly well enough. And she's on the lookout for state funding to bring that position back when that funding becomes available again. So, I'll let Amanda take over from here.

Amanda LaValle 06:09

Thanks, Evelyn. I'm always appreciate it. And I think I know some of you have been around since the you know, I'm thinking Tracey particular, Laura, since the days when this was just an idea, right, of how to think about doing kind of environmental services at the county level differently. And I'm really proud of the work we've done over the last 12 years and really grown this, to show that we can not only do it well, but really lead the state and, you know, find a lot of funding to do a lot of good projects. And then in the meantime. So, I think the you know, really, the recognition of that kind of shift in how we operate within the county is really tremendous. And I you know, thank you all for your support of the Department Of Environment over the years. And I thank the Executive for recognizing that as well.

Amanda LaValle 07:17

So, I can give Manna little kind of synopsis of our kind of program areas and how that kind of plays out in the budget this year. And then I'm happy to entertain questions from the committee if that is the appropriate way. If that sounds good to you.

Chairwoman Greene 07:39

Please, yes.

Amanda LaValle 07:41

Okay. So, I know in your packets, you have kind of an org chart and also kind of the budget highlights the mission and the vision along with kind of the lines for the budget. When we kind of orient ourselves to... when I orient myself to the department's budget, I think mainly in five program areas. And I'm going to just go through each one of them and share a few key highlights from the budget as applied to those.

Amanda LaValle 08:18

The first program areas is the implementation of the County Climate Action Plan. And that's a document you should all be pretty familiar with. Reach for my copy over here, just to remind you what it looks like. It's this. This is the really our go-to guidebook for implementation of all of our renewable energy and energy savings measures and kind of government operations. That is the implementation of the Climate Action Plan. It's important to remember that it's not only an initiative of the County Executive through executive order, and the Green Deal. But the Legislature has also supported that we are resolution that that's a that's a priority to the legislative body as well.

Amanda LaValle 09:12

So, we through the operating budget, we have some things like money that goes towards carbon credits and RECs that support our Climate Action Plan. But in particular, the three capital projects that were included are directly related to implementation of the Climate Action Plan. So, those are continued support of the EV Charging Station Network. The solar, which you voted on last month, which was the UCAT Solar PV system installation, which again is part of the Greater Transit Electrification Project.

Amanda LaValle 09:57

And the last one is the lighting retrofit for the Social Services half of the building on [oldster at the old strap complex]. That is the only in the last place of county office space that has not been retrofitted to LED lights. LED lighting tends to be one of the fastest payback energy efficiency measures. We weren't able to reach it with grants that we had to do our initial lighting retrofit, which all came from Central Hudson. We're looking at how to best leverage the grant money, the utility money that does exist, but to do that project, because even with county dollars, we believe it will have a quick payback. And it will also do a lot to I think, improve employee comfort in that building. I don't know if folks are familiar too much with walking through DSS, but it is certainly someplace where the employees could benefit from just a better work environment. So, that's kind of we're continuing to work with implementing the Climate Action Plan. But those are the main key steps in the budget that we'll be taking.

Amanda LaValle 11:15

The second program area is Climate Resilience. We're doing we continue to do two projects related to Climate Resilience. This is mainly non-mandated work. However, it's work that we've been able to receive grant funding. The completion of our Culvert Assessment Grant this year is we consider that climate resilience work. But through next year, we will we are working on a climate resilience plan for county government. And then we will be working with towns and that is a DC funded effort. So, some of the state aid that you see in the budget and particularly the state aid that's kind of mentioned in the in the preamble

here under the county executive budget as potentially being susceptible to the 20% reduction. That is that money for the Climate Resilience Grant. We are not particularly I'm not particularly concerned with that money being clawed back because it's already under grant contract. It's not state aid that is just kind of formulaic we given to the county, it's already under contract. And what I've been told by the state is that would be several kinds of layers down as far as the ease at which they could kind of reach back for some of that money.

Chairwoman Greene 12:40

Amanda, may I ask a quick question here, very clear on what the culverts are, county resilience and working with the municipalities within the county on resilience? Can you just say a little more about what that means?

Amanda LaValle 12:57

Sure. It's, it's building out. So, culverts are one very defined part of kind of infrastructure. But we want to look at road networks as well as culverts. And then also buildings, buildings can be more susceptible to snow load, or heat. So, there's certain things about climate change that we want to look at resilience of buildings as well. So, we're going to be looking at both transportation and build structures as far as resilience to climate change. Thank you.

Amanda LaValle 13:34

The third area is water quality. The Department of Environment is involved with leading the county's Water Quality Coordinating Committee, as well as implementing the MS4 Stormwater Program. And those are state and local records requirements, or the Water Quality Committee is supported through a resolution through the legislature. So, we'll be continuing work on that. But that's mainly any kind of money is in the budget is pretty small. It has to do with just making sure we're training staff on MS4, that maybe we bring in a trainer for the DW staff, things like that there aren't significant expenditures related to that.

Amanda LaValle 14:27

The fourth area is our west of Hudson flood planning work that we do. So, this has to do with supporting municipalities in flood mitigation and flood response planning in the city of New York Drinking Water Supply Watershed. So, that's, you know, the DEP watershed Town of Shandaken, western half of Woodstock, all of it Hardenberg. We have a full-time staff person who's funded through a five-year agreement who does that work. That agreement is a \$124,000 of, I think it's like local revenue, that shows up in our budget, that agreement funds all of his salary is and his fringe, as well as 10% of my salary and fringe. So, it's a very good contract for us to maintain. And it's a really good way of having that interaction with, with the municipalities over those issues.

Amanda LaValle 15:45

And the last area is Materials Management. So, this is where we're working to support various initiatives, the Straw Law, Compost Law, Zero Waste, those types of initiatives and meeting the requirements of those local laws, as well as finishing up the last kind of pieces on a DEC compost grant that we we've been, we've

been managing. We have found so far with, you know, this is a big change in this budget as far as it, it doesn't have a staff person devoted to it.

Amanda LaValle 16:24

However, what we're finding right now is partnering with the Health Department confirmed the enforcement side that I think we're, and with UCRRA on education and outreach, we're going to be able to guide those businesses through this next year, as they become regulated under the compost law.

Amanda LaValle 16:48

And I think, again, it's, we have some great staff here, including Europa McGovern, who has a lot of, she came to us with a real wealth of skills, but among those are interacting with municipalities around various organics diversion initiatives. So, she's well suited to do that work, really enthusiastic for it.

Amanda LaValle 17:13

And we're hoping that when, perhaps, someday again, when we see an announcement for grants from the state, when that time comes back to us, that will be in a really good position to go after funding to support more of those initiatives.

Amanda LaValle 17:33

So, that's a very high-level overview of the budget. And I'm happy to have discussion or answer any questions.

Multiple speakers 17:49

[Inaudible]

Legislator Criswell 17:49

Hi, Amanda, it's Peter. A quick, quick question, can you just give us a little update on the Climate Smart application?

Amanda LaValle 17:59

The Climate Smart application, we will be applying to the stage to be recertified as a Silver Level Climate Smart Community in the spring of 2021. So, we're just in the process now of pulling starting to pull together that documentation, but also in between now in the spring looking for opportunities or initiatives that would bolster our application. So, we're moving ahead with that. That's definitely a high priority for us.

Legislator Criswell 18:34

Sound's great. Thank you.

Chairwoman Greene 18:35

I just want to add to that, Legislator Bartels, is that the Climate Smart Committee is working really closely with the Department of Environment this year, and, you know, through that certification program, and all

of... Europa is also helping with that. And all of the... almost all the municipalities in the county are participating at some level. They're not all yet Climate Smart Communities or going for certification. We'll talk more about that under old business. But just that it's a real partnership, a very active partnership at this point, so that there will be things that can help with this Silver certification that come out of the Climate Smart Committee. Because we're working together. Anyway.

Chairwoman Greene 19:39

Legislator, Bartels.

Legislator Bartels 19:41

Thank you. I'm sure I'll have more specific questions, Amanda, once I have a chance to really delve into the budget. But I want to begin by saying I think it's high time that your title change to be on par. We've talked about this, and I regret that I didn't put in the resolution before. You absolutely deserve that title change. And while it is symbolic. You've done amazing, amazing work for this county. And I always I always question why it was, why it was called what it is. And I also am happy to hear that, especially in this time a budget crisis, that we're able to get your salary on par with other department heads. Again, I feel like, I don't know how it's been allowed to go on so long. So, I'm grateful to see both of those things happening in the budget.

Legislator Bartels 20:36

I actually have a question, sort of, it's not exactly a budget question. It was something you touched on in terms of the culverts. I just want to put it out there even for a later discussion. And that's, I'm coming at the culvert discussion instead of from a Public Works angle, but I know you intersect them all because of MS4. Is there any discussion about the environmental impact of all these culverts and expediting sort of toxic and... I mean, runoff that has all kinds of all kinds of contaminants, expediting that run off into a water system that ends up in our waterways, I just think it's so counter intuitive.

Legislator Bartels 21:23

And I've had these conversations a little bit with Dennis and a little bit with Public Works from the Public Works angle. From the angle of undermining the road base and the angle of safety to the public. Which I have, in my district, there have been multiple accidents where bicyclists or pedestrians have been run off the road into culverts, and or cars running off the road into culverts, particularly in the winter. I'm sorry to be on a tangent, but I always say, and I am going to do it now that it's now that it's autumn, there is a place... It's not in my district anymore. It used to be in my district, but it is in Ulster County, we're out. And I know I'm not very tall, but I can stand in the culvert and my head does not reach the road top and there is no barrier. It's just it's craziness. Because after all these years, they're dugout, dugout, dugout. So, I know that I keep being told that this is best practice, but I'm not buying it. So, I feel like we start having this conversation.

Amanda LaValle 22:29

I'm going to jump in because, I can really dork out on culverts, too. I really do like it a lot. But I'll try to keep this brief for the...

Legislator Bartels 22:41

Thank you.

Amanda LaValle 22:43

But what we're doing right now, what we got funded to do by the New England Interstate Water Pollution Control Commission is to pilot a multi-disciplinary assessment protocol that includes looking at the sediment transport of the culvert, as well as the aquatic passage, and doing a modified DOT structural assessment of the culvert. So, it's these three different assessment protocols kind of put together. It has been developed by DEP-funded staff for the Ashokan watershed. And we got this money to bring it outside of the watershed.

Amanda LaValle 23:27

So, we're building these relationships with DEC and training them in this project, and kind of building it from there. So, the thought is, I don't think it's going to be able to address all the types of problems that you were just talking about. But the thought is that we're taking this great resource, and kind of knowledge base, that's been developed with millions of dollars by the City in New York, and we're bringing it to other places, and we're trying to get more people trained in this. So, that is one of the intents of this is to look at sediment transport, and also these hazards.

Amanda LaValle 24:05

For the area that we're working in so far, we've also assessed all the town road stream crossings for three towns, three municipalities, and we're producing a Road Stream Crossing Management Plan with them with photos and all the documentation for the culverts. We had a great field crew going this summer with the staff person from Cornell Cooperative. Again, using some grant funding so they can hire someone. And I want to do more of that. Because I think every... the towns are so grateful for this. I wish we could figure out some way to do it with shared service money or something. They've never had a complete inventory with photos and all this assessment documentation they can have it on a map. It comes on the computer and they can just click on the points and they can look at every one of the culverts and all the ranking and assessment that we did. So, I'll stop there. But I'm going to write it down.

Legislator Bartels 25:05

Yeah. And I just want to say, if I can that I'm, you know, the county's really lucky to have you. And I'm happy to hear that you're someone who could dork out on this too. Because I think we really, we need to be coming at this from a lot of perspectives, different perspectives. Versus just, it's the way that we do business.

Legislator Bartels 25:27

Which I have to say also is, I've been I've been in Ulster County 25 years, but the culverts started within my time in Ulster County, you know, I mean there were occasional culverts, but the mass culvert work started within the last 25 years. So, I'm happy to know that we're working on it, and we're looking at it from a different angle. Thank you. And thank you for all that you do.

Chairwoman Greene 25:54

Anyone else? I have a couple things.

Chairwoman Greene 26:02

One is, you know, I hear what you're saying. And I know Europa well, and how much she can accomplish, in terms of the compliance officer, and energy expert. I am particularly concerned that for two years in a row, we've put in a budget amendment, and for two years in a row that has not been honored. This is more, I think, for the Economic Development Department, my concern then for Department of Energy. But especially now, as we build back, we want to build back better, and this is absolutely the time. It's consistent with the County Executive's New Green Deal. And if it's not, if there's not a position in the Department of Energy, which, you know, I really believe they will do their share. I am not as convinced that it is yet a priority in Economic Development.

Chairwoman Greene 27:25

And I know that at Clearwater, we're all doing a lot more with less, and certainly less staff and less other resources. And I would imagine that most people, on this call, are in a similar position of doing more with less. And it's to some extent where you put your attention. But this is a critical time in terms of climate change, for our businesses, to be looking at the low hanging fruit. Taking advantage of it, whether it be insulation, or a heat pump, or a solar system or, you know, a dozen other things, including waste management, etc. But they're going to be struggling to keep their businesses alive.

Chairwoman Greene 28:20

And to be able to have some direct help. The idea was three days a week, there would be someone to work with the business to achieve climate solutions and savings for them. And then those savings can ideally be reinvested in the next step. So, I, you know, Evelyn and I have talked about this several times, but I want to talk about it in front of the whole committee. I hope we don't have to do another budget amendment. If we do, I hope it's honored. And I'm keenly aware of the of our financial circumstances, but I wanted to just bring that up.

Deputy Executive Wright 29:09

Manna, if I could just quickly reply. You know, I fully agree with you. And, and we just felt like, given the hard choices that were being made about staffing all across the county, we couldn't justify breaking the hiring freeze for this, and we couldn't justify putting that position above, you know, critical needs and other departments too. You know that the Ulster 2014 report came out last week, and one of the four priority clusters that we've identified is Energy and Climate Protection. And I've been talking with Tim Weidemann about how we're going to make investments in that cluster next year.

Deputy Executive Wright 29:54

We want to try to do, indeed, just what you're saying to do some of that work out of Economic Development, which I agree with you is, is where that belongs. And, you know, when we were talking about originally filling the half of the compliance officer position, it was about really, you know, sharing, you know, that position being in Amanda's Department but, but really sitting with Economic Development, and we're going to try to figure out how to do that work this year. I would fill that position if I could, and we just didn't feel like we could, we could put it ahead of many of the other needs in the queue.

Chairwoman Greene 30:31

I think what I'm saying is that with existing staff, when they're sitting down with a business to help them... I'm just picking something out of the air, there's probably a better example, right? Or redevelop their business plan, that they have the information in front of them, and can include that in the communication, or at least, you know, offer. I'm not sure... I'm not convinced that it takes another staff person, I think it takes awareness and commitment. And, you know, every single day, I have to adjust my workload. And I, you know... We've been, with regard to solid waste, which, Amanda, I hope you'll stay on the phone, because we have a direct question, just as we get into that, not necessarily for the whole conversation, but about the SEQRA. But for example, one of the UCRRA Board members is saying with regard to the Zero Waste Implementation Plan. "Well, we could do it when we review it in two years," because they need to review their plan every two years. Climate change isn't waiting two years.

Chairwoman Greene 32:02

And, you know, I I'm sorry, but I've just done two mentorings of Al Gore's Climate Reality, and its really bad folks. And so, in terms of priorities, you know, getting our businesses to be part of the solution. Just, we've got to fit it in. And I feel like we have to fit it in this year. So, I'll get off my soapbox. But it really is urgent.

Chairwoman Greene 32:37

Anything else on the budget? So, we don't have to be here all night.

Chairwoman Greene 32:44

Okay. So, the next is three resolutions. And typically, we take our resolutions one at a time. But these as I said before, these are all interrelated. And they're interrelated, in part, not in total, around a problem that arose regarding the fact that the Agency hadn't done SEQRA. And now, we were being asked to approve the local Solid Waste Management Plan and needed to do it was determined when we need to do SEQRA for that, to take that action, and then the Agency took a similar action.

Chairwoman Greene 33:43

The other resolution, other than SEQRA, is the Zero Waste Implementation Plan. But Amanda, I just wonder if there was anything, since you in the sense really alerted us to the fact and then Attorney Gordon checked with the DEC legal that we needed to do SEQRA. I just wondered if you, and I know you have

years of experience, if you have any comments on particularly the most recent action taken by the UCRRA with regard to declaring themselves lead agency and completing an environmental assessment form, prior to a coordinated review. And you know, we're asking primarily because of your knowledge about SEQRA, and if you wanted to speak to them evil?

Amanda LaValle 35:11

I mean, I think, ultimately, that's a discussion for Legislative Counsel and the County Attorney at some level here. But I certainly have never seen anything of that ilk done ever, for solid waste, or not solid waste. So...

Deputy Executive Wright 35:37

Yeah, and I'll just say, I know that that Clint was trying to connect with Dave and the other Legislative Counsel to talk about this. I don't know if you all have had a chance to connect on it yet.

Chairwoman Greene 35:52

Well, I think at this point, I should say that a confidential memo was sent to me and Attorney Gordon and I went back and forth a little bit on it, tweaking it here and there. And then it was sent to the committee. Fawn has let us know that if we discuss that memo, it will no longer be confidential. I think it should be public. At first, since Attorney Gordon, basically created the memo, do you have any concerns about us discussing? Not the details of the memo, but the basic alternatives that came out of that discussion.

David Gordon 36:49

Well, two things. First of all, we have to discuss what's before the committee and before the Legislature, we have to make some decisions in in real time, because we have 30 days from the date that the notice of intent to be lead agency, was transmitted to us.

David Gordon 37:08

Secondly, in general, confidentiality is yours. It's really a question of, you know, how you feel about this. My advice to you becoming disseminated, you know, as you have the privilege, I am, you know, the way it works, I'm bound to not disclose it, but you can, if you so desire.

David Gordon 37:31

The only sensitivity is that, I mean, in the memo, and we can either do this here or not, or go into Executive Session is, there are some, there is some sensitivity to the, to the questions of legality, and the possibility of an Article 78, which at this point, would only be against the RRA. I can certainly try to avoid those specific comments.

David Gordon 37:55

And for the most part, the decisions that we have to make are not based on strict legality, it's really, really the Legislature has to evaluate what its own position is with respect to a) SEQRA details; and b) the importance of a quality SEQRA review. How you feel about it. In this instance, with the Solid Waste

Management Plan. So, that's sort of a short answer to your question is we can discuss things we can avoid more sensitive issues, and ultimately, the confidentiality is yours. So, I can go either way on it.

Chairwoman Greene 38:35

If we need to go into Executive Session, if the committee needs to flush any of that out, we can do so. But without doing that, can you summarize... First of all, let me ask if all of the committee members have had a chance to read the memo and feel comfortable, that they understand the ins and outs of SEQRA and how applies to this situation? Because if you have any questions about that, that would be first. And then to review the alternatives. Discuss amongst ourselves what we are going to recommend to the... what action we're going to recommend to the Legislature to take. And then we'll you know, actually vote on what to do about each of the resolutions that are before us.

Chairwoman Greene 39:40

So, let's start with any questions folks may have about the SEQRA process as... Well, any questions you may have about the secret process?

Legislator Bruno 39:56

I've got a question. I'm just I don't Guess I'm curious how it works out, Dave probably get out here, with two entities looking to be the lead agency, how that works out?

David Gordon 40:14

I have a little trouble hearing you. I think you asked how it works if two entities want to be lead agency. Is that right?

Legislator Bruno 40:21

Yes, that's correct.

David Gordon 40:23

Okay. The memo describes this. And also, I can briefly tell you now, it's not the most usual situation. Usually, if there's a number of involved agencies, they pretty much know which one is the natural lead. But it does sometimes happen. And there's a very specific procedure for it.

David Gordon 40:40

And you need to understand that the letter that we received can go in either of... you can go in either of two directions on it. We can either agree that the RAA is the lead, or we can disagree. And if you disagree, it's you know, that happens. Again, it's not the most usual situation, but there's nothing out of bounds about it. What happens is, if you disagree with each other as to which one's going to be the lead, you're basically supposed to sit down and figure out among yourselves and negotiate it.

David Gordon 41:10

If you can't decide among yourselves, with whatever procedural safeguards you built in, in order to allow the other one to be lead or whatever, then the procedure is that the dispute goes to the DEC Commissioner.

David Gordon 41:22

And again, this is, again, it's not most usual thing, but there's certainly nothing extra legal about it. It's right... it's a part of the process, which is there for us, if we decide to make, you know, make use of it.

Legislator Bruno 41:37

And Dave, how long does this extend the process? As far as timeframe?

David Gordon 41:42

Not much. You know, actually, it doesn't happen that often. So, I can't tell you how long the DEC would take to make that decision. I would guess it would be done within two or three months, but I don't know. You, we probably all have to write, you know, letters or briefs to the DEC to explain why we're thinking what we're thinking and then, ultimately, you know, he'd make decision, probably in a couple of months.

David Gordon 42:14

I want to emphasize, though, that if we were to decide to contest the lead agency status, it doesn't necessarily have to go that we'd have a meeting with them and sit down and try to hack through what the concerns are. And this is a very, you know, this is this is a case where we can definitely do that. Because the RRA is the natural lead agency here.

David Gordon 42:37

The problem is that they've made a bunch of errors that the Legislature could either take seriously or decide to let pass. And if we decide that we're going to contest this, because they've made these errors; the ask would be to clean them up.

David Gordon 42:53

And so, that's essentially the structure of the argument. And the answer is it could take a couple of months. But you know, that's a couple month. That would happen if the RAA and we just butt heads over this even more than we have now. And, you know, that would be unfortunate. But if people can't agree, that's what happens. Hopefully, we will. Hopefully, we'll get past it.

David Gordon 43:13

So far, they have not seen fit... the errors that they made up to this point have been pointed out to them along the way. And unfortunately, they haven't been really that responsive. Some of the some of the things that they did in the last month were sort of seen, I think they did it to try to correct their errors, but it actually, it actually just made them worse. And I think I'll go into the details on that if you want. But it is up to you guys to figure out how seriously you feel about it.

Legislator Criswell 43:49

I guess my question would be is, what's your confidence, given the fact that they've made these errors, that they would be error free moving forward if they stepped in as lead agency?

David Gordon 44:02

Peter, when I first wrote the memo, let's put it this way, my observations on the question were much more explicit. And I took them out, because, you know, I took them out. That's a very fair question at this point. The RRA, in my view, has not created a lot of confidence that they're really cognizant of all their SEQRA responsibilities.

David Gordon 44:36

At the same time, referring back to answer the Al's question, if we were to sit down and just get them to square away certain things in order to let them be lead agency that were very specific, you know, that'd be a hard thing to, you know, to mess up. They just do it.

David Gordon 44:53

But going forward. You know, there's a cultural difference here. They, in my view, kind of think SEQRA is a detail at this point. And afterwards they didn't they did a negative declaration on this; it was very premature. And it didn't appear to have a lot of analysis behind it.

David Gordon 45:16

And you know, the Legislature may want to take the SEQRA process more seriously. I would hope that the RRA would. But you guys actually have to make... that's your judgment, to determine what level of confidence you have, that they would take the review more seriously, if that's what you want them to do.

Legislator Criswell 45:39

Well, I want to just mention one more thing which I think is connected to the question I just asked. We, as a committee went back, and we're very pointed about the Zero Waste question. And I know Manna Jo, we've had many conversations about this. And I still feel like it has not been resolved from the RRA side. And so, that just gives me pause that, you know, we had very specific direct questions, and that didn't get resolved. It just adds, again, to my sense of, just uncertainty.

David Gordon 46:19

Yeah. When I wrote the memo, if you recall, one of the last things I said was, you basically have, I broke it down to three choices for the Legislature.

David Gordon 46:32

You can acquiesce in the RRA's proposal to be lead agency. And by the way, that still gives you approval authority over the project. You don't lose your authority, you know, under the law that you have for the project, because it's because somebody else is the lead agency. You lose your SEQRA authority. But you can still, you know, do whatever you want to do in terms of, you know, the first resolution on your agenda,

which is whether or not to approve the plan. And it's so you can vindicate your concerns, not necessarily through SEQRA, if you want, you can, you can just do it there.

David Gordon 47:06

What I'm saying is number one, you can sort of agree to let them be lead agency, accept the negative declaration that's already been written, prematurely.

David Gordon 47:14

Number two, you can just say, "No, you guys, we don't, you know, we want to be lead agency now." If we have to bring this all the way up to the DEC Commission, that's what we're going to do. But we think that we're, you know, we want to be in the driver's seat on the SEQRA review.

David Gordon 47:26

But the third one is to object for specific reasons. As in just for example, we're objecting because A.), you've done a premature negative declaration, we want you to resend it, and then can do a much more careful SEQRA review with a hard look. And B.), we especially want you to take a hard look at the zero waste issues and implications of not having fully incorporated those.

David Gordon 47:53

So, you, that's... my concept was you can just flat out ask for that in your rejection, and hopefully, the process of negotiation... I mean the ultimate outcome of it, if people are, you know, reasonable, I think would be too for the RRA to ultimately get lead agency status. And they would agree to do the things that we're asking them to do. To rescind the negative declaration, reconsider it. Do a hard look and take especially hard look at the at the zero waste issues. That's sort of a middle ground.

David Gordon 48:23

But the answer is, you guys can make whatever inference you want from that. Again, I don't think those inferences are wrong. I didn't want to express them openly in a black and white memo, because I didn't think that was necessarily the most helpful thing toward a positive negotiation.

Legislator Criswell 48:42

Thank you.

Chairwoman Greene 48:43

We are going to have to respond. So, I think we need to first decide, you know, which of those alternatives, unless somebody has another idea, we as a committee want to recommend. And then something does have to be written. And I would expect that you and Chris Ragucci, and the other county attorney, and the county attorney in the other legislative attorney would draft something. I'd like to get clarity on the process given that we have to bring, we have to decide what we're going to do with these three resolutions. We have to bring something to the rest of the legislature that reflects that decision.

Chairwoman Greene 49:40

I want to just say one other thing before we try to craft that, if people are ready to do that, and that is that, just to remind folks that Attorney Chris Ragucci had a conversation with the Agency's attorney, prior to the special meeting that was called for them to take lead agency status. They discussed all of these alternatives and concerns, the actions that were premature and the remedies for that. And the Agency's attorney assured Attorney Ragucci that he understood and would counsel the Agency based on their conversation. And that didn't happen. I don't want to speak for Chris, but I did speak with him after that meeting. And he was, I'll say was very surprised, but he was more than surprised and disappointed, that didn't happen.

Chairwoman Greene 51:03

My hope is that if we take the third alternative, and we're really clear with the Agency, a coordinated review, is when everyone works together, and that's what we've been trying to achieve with the Zero Waste Plan. We now have, for better or worse, legal leverage to essentially require, or, you know, say what we would consent to the Agency taking lead agency status under these conditions. And the conditions are fair conditions, nothing new that we haven't been asking for. And, you know, I don't like to resort to that, I wish we could have established a collaborative working relationship, both about the SEQRA process and about creating a united Zero Waste Implementation Plan. So far that hasn't happened. So, you know, my own personal recommendation would be to create a response that details those particular concerns and any others.

Chairwoman Greene 52:28

Legislator Petit.

Legislator Petit 52:30

Thank you. And thank you for all the work that you've put into the, the SEQRA memo. You know, initially, I thought that they should be lead agency with a SEQRA process. But up until the night that we discussed bringing a SEQRA resolution, or we put one in. The RRA was not interested. They thought that they had followed, you know, all the rules that they were supposed to be following.

Legislator Petit 53:01

And then they went ahead at this meeting where, you know, our attorney Christopher Ragucci had spoken to them in advance. And he I think he called it steamrolling. But they just pushed it through not only did they appoint themselves lead agency, but they also put in a negative declaration. So, they forced this through. Prior to that they had held zero weightings where they produced a resolution saying I'm just going to continue doing what they were doing, because they were already doing waste diversion.

Legislator Petit 53:35

Today, I spoke at their public hearing. I was disappointed that they hadn't put funding in for waste diversion. They had a kind of, you know, the Cadillac vision of putting it in Education Office, and they've been talking about a town drop off, and I'm sorry, not town residential drop off center, which would be a perfect Zero Waste Park. And, and I was concerned about them not expanding the composting site, in the

area where they purchased the property, but they're putting it... they're expanding where it is right now. It's just there's no [inaudible] there just doesn't seem to be any commitment to waste diversion, even if you don't want to call it zero waste. And just arguments about what they're doing and why they can't, you know, it's a good thing. We bought the property because now it would be twice as much.

Legislator Petit 54:32

So, I don't know if I have enough confidence in them to accurately do the SEQRA process. That and I don't believe we even have a representative from RRA on this meeting tonight. I mean, they are supposed to make monthly reports to the committee. And there's no representation now.

Legislator Petit 54:53

So, it's... I've just lost. I mean, it was kind of hovering anyway, but I just don't have a lot of faith that they're going to do the right thing for Ulster County. I mean, this is this planning is for Ulster County, it's not RRA planning. And they really need to follow the vision of Ulster County. Which would seriously help with our Climate Smart and Resilience, as well as, just the solid waste problem.

Chairwoman Greene 55:26

Tracey. Legislator Bartels.

Legislator Bartels 55:31

Thank you. Yeah, I mean, this is so, so problematic, on so many levels. You know, I've really struggled to try to think this through. I feel, I echo a lot of the concerns that both Peter and Laura raised, Legislators Criswell and Petit. But I also, at its most basic level, the fact that it's just what happened in terms of declaring themselves lead, and then passing a neg dec without actually taking a hard look in the same meeting.

Legislator Bartels 56:09

I feel like I would be shirking my duty as a Legislator, with knowledge of the SEQRA process. And I'm by no means an expert but allowing it to go. What would that say about what we, the Legislature, think of SEQRA? Like, what would it? How would it reflect on us in terms of setting a precedent. And I don't mean to legal precedent, I just mean, that we're willing to just say, okay, that's, you know, for something that's so critically important.

Legislator Bartels 56:41

This plan, to Legislator Petit's point, is a vision for the county as a whole. It's a critical... it's not just a document, it's a critical plan that's going to decide what direction we're headed in. And I think over the years, those of us who have been working on it, and we've brought in, even people who wouldn't traditionally be working on it, have come, realized the understanding that this is a looming problem. Not just in terms of the environmental issues, but we are facing a looming crisis. That if we do not act aggressively, we're going find ourselves in an environmental and fiscal crisis down the road.

Legislator Bartels 57:26

So, I think there's a lot that hinges on it. But I, just added the very most basic level, have a hard time, and I don't know which direction to go, but have a hard time saying, "Oh, okay, we all know that this is completely deficient, that there was no hard look."

Legislator Bartels 57:42

And believe me, I mean, I've made the mistake. Counsel Gordon can speak to it, you know, we spent years, Legislator Wawro and I spent years on the plastic bag, legislation... on this polystyrene legislation trying to get people on board. And then, you know, at the 11th hour realized, well, we need to, we need to do a SEQRA review. And then we had to quickly put a SEQRA review together. And then almost the same thing happened with the plastic bag ban, because it's not something always that's on the front of my mind. It's not something that I always come at this from. In fact, I said, we should paint a giant sign and put it in the Legislative offices, it says SEQRA. So, that anytime any piece of legislation comes up, we look at the sign and say, "Hey, did we do that?"

Legislator Bartels 58:32

So, I appreciate that Amanda brought it up to us. And then it was verified that it had to be done. And we all, everyone on this call, in this virtual room, knows it wasn't done. There was no hard look. So, I just think... I don't... we have to do something.

Legislator Bartels 58:49

The problem is I don't think it's going to be received. We no matter which tact we take. I don't think it's going to be received in a collaborative manner. I just I don't imagine that they're going to say, "Oh, okay, well, thanks for pointing that out. And let's work together on this now." I just don't... I don't see that happening just based on the way that this decision went down.

Legislator Bartels 59:12

And I also want to say that I do agree with what Legislator Petit said. And some of the very basic point that was in the memo. I mean, it's logical that the RRA would have been the lead agency on this. It's just, there's serious, it's beyond... to say just serious deficiency is... doesn't cover it. So, I'm sorry to go on. But I think this is a I kind of think it's just a mess, really.

Legislator Bruno 59:42

I agree completely.

Chairwoman Greene 59:42

I have a process question. Can we respond within 30 days by saying we would like a real coordinated review... In order to agree to lead agency standard status, we would like a coordinated review, a commitment to the Zero Waste Plan, rescind and reapply. Because in fact, that is the fastest way for them to get an approved plan. And if not, we disagree about lead agency. Can we do an alternative A, or alternative B, in our response?

David Gordon 1:00:36

Here's what I would say. But first, before I answer it, I want to give a different impression of a point that you've now made twice. A coordinated review does not necessarily mean the agencies are cooperating with each other, they should. But that's not what it means.

David Gordon 1:00:53

A coordinated review means that if you don't do a coordinated review, then let's say three agencies have approval over a particular process, a particular even if... suppose a subdivision. And you got the Town Planning Board, and the Town ZBA. And the DEC for a wetlands permit, you have three agencies. If you don't do a coordinated review, every Agency has got to do a SEQRA review. It's a mechanism for one agency to do the SEQRA review for everybody. So, then they can go ahead and give their variants without doing it. So, it doesn't necessarily mean that the agencies all cooperate. That's up to the lead agency. It's really a designation of lead agency to do it for everybody.

David Gordon 1:01:30

So, but having said that, your question really gets to exactly what my sort of middle alternative was. But I want to put it in a little perspective. Usually, when you write a letter in response to a lead agency designation, you don't go through a lot of whereas and details and conditions. Because usually you haven't had a process before that. Usually, it's the beginning of the process. So, you can't say I want you to correct this straighten... It doesn't usually happen. It's like, usually, it's like, we want to do it, or we're agreeing you to do it. That's pretty much what you say.

David Gordon 1:02:05

And the way the law works, the way it's structured, you either object, or they get it. That's basically the way though you... because again, it's typically pretty simple. It's an up or down; me or you. And the way the format works is if you don't object, they're the lead agency. If you do object, then that starts the process of getting together and working out your differences.

David Gordon 1:02:30

So, I would advise, that if the path you choose is the one that I sort of labeled as the third option, or the one that you just laid out, Manna. I would advise objecting. We object. And we're objecting because of these problems that we've seen in your review so far. We would like to get together and work out a mechanism to get past this.

David Gordon 1:02:52

That's... and I know that that's more negative than you would like, I know you'd like to express it, you know, if we were just starting from scratch, you would he would express it, you know more equivocally. But the law requires you either object or you don't; and if you don't, they get it.

David Gordon 1:03:11

So, if you're if your goal is to have further negotiations, you frame it in terms of an objection. And again, although it's not standard, I would say and here's why. So, let's work it out. That would be the way I would suggest framing it. And here's why we can fill that in with the things that we are concerned about.

David Gordon 1:03:34

From the number one process problems that they did a neg dec already, that essentially asked me to sign on to. The second process problem that as Legislator Bartels said, they probably didn't do a very hard look. And you may want to say you need to do a hard look. And then thirdly, on the substance, which is what a lot of the committee's concerned about, you'd want to say something about Zero Waste, then you'd want them to look at the impact of the lack of Zero Waste Implementation Plan and come up with something on that end.

David Gordon 1:04:04

And I would, however, also add that the Zero Waste Plan you can get also on your approval, which doesn't go away under any circumstances. And you may want to put a condition down there as well. So, that would be my way...

Chairwoman Greene 1:04:17

Legislator Criswell.

Legislator Criswell 1:04:19

Can a lead agency be removed from being a lead agency?

David Gordon 1:04:24

Yeah. Upon a lawsuit? Yes.

Legislator Criswell 1:04:29

It has to go that far? Like there's not something we could bake into the requirements saying that, you know, we will review after X amount of time to see if it's working well with you as lead agency kind of thing.

David Gordon 1:04:46

No.

Legislator Criswell 1:04:47

Okay.

David Gordon 1:04:48

We are writing a letter to either object to them being lead agency or to approve. And like I said, I would add, if you want, to put in your objections. But ultimately, you've either got to negotiate it out. This is ultimately a blue or red... to choose maybe two bad colors... black or white, up or down, who gets lead agency. The

only purpose of this process is to choose a lead agency. It's not like, if you don't do it right, we're going come back later on and try to take it back. There's no taking it back. Once you...

Legislator Criswell 1:05:18

Okay.

David Gordon 1:05:18

This is so important. Once you either approve of them, or once they get it. That's it. And they have complete discretion to do neg dec at that point. If they do a neg dec after that, that you don't like, your only answers to... well, to sue them on the SEQRA. But... or you could just go ahead with your own approval and do what you want in terms of your own jurisdiction on your approval.

Legislator Bruno 1:05:40

So, David, if we all agree, does ultimately end up in a judge. I mean who...

David Gordon 1:05:52

If you don't agree that the obvious first step, which is completely authorized by the regulations is to sit down and work out your differences. Everybody wants involved Agencies that don't agree on the lead to work out their differences. And if you need to have further procedures to do that. You want, you know, make sure that they include you. Make sure that they wait till you submit your comments or something like that. Nobody wants this to go to the Commissioner. I mean...

Legislator Bruno 1:06:20

No, we don't... is there a...

David Gordon 1:06:23

Two county agencies fighting over who's going to be the lead on this is, I mean, that's up to you guys, if you want to go that far. But it's not the sort of thing that really anybody looks forward to in terms of efficient government. That you can work in procedures that you're going to ask them to agree to and...

Legislator Bruno 1:06:41

Well, nobody looks forward to it, David, I agree with you on that. What I'm saying is that if we come to a stalemate, we're to the point where we don't have the confidence in RRA to be lead agency, and they don't have the confidence in us. Somebody's got to make a final decision. Where does that lie?

David Gordon 1:06:59

DEC Commissioner. And both, both Agencies would have a lot of cards in their pocket. They're the natural lead. In our pocket, they've made some SEQRA procedural determinations that are that are mind boggling, that nobody's ever seen.

David Gordon 1:07:17

But for those who haven't read the memo, or forgot to display that very clearly, a typical procedure here, according to law, it would be for an agency such as the RRA to declare themselves lead agency, circulate a notice. You know, ultimately, after 30 days, they would be lead agency, assuming everybody agrees. Then they would consider a declaration of significance, they will do it, maybe a neg dec, let's say, negative declaration has no adverse, significant adverse impacts. Then after the neg dec, all of the agencies, including the RRA would be free to issue their approvals.

David Gordon 1:07:50

So, it's lead agency, neg dec, approval. They did an approval in June

Legislator Bruno 1:07:59

Right.

David Gordon 1:08:00

Then they issue their neg dec in September. And if this process goes through, they get to be lead agency in October, the exact opposite.

David Gordon 1:08:08

It shows, in my view, and to get back to Peter's original question, just an utter lack of understanding of what they ought to be doing. It's almost like they've got these procedures, and they're all jumbled. And they don't really know which one. So, they're sort of picking them as they come along. Or they're trying to get out in front of our objections. But that's the situation. And if you go to the DEC Commissioner with that, I mean, I can't imagine they'd want to do that. Let's put it that way.

Chairwoman Greene 1:08:37

I have another procedural question. But I'll acknowledge Legislator Bartels, first. Mine is about timeline. Go ahead.

Legislator Bartels 1:08:47

Thank you. Yeah, I mean, I think that one of the interesting things as well is that if the timeline that David just laid out, the correct protocol had been followed. It's not that this would have had to take so long. Or that we still wouldn't have approval over the plan, the plan itself. If we weren't satisfied with the plan, we could still say, even following a neg dec, we could still say, well, we don't approve this plan, because it's lacking X, Y and Z. The problem I'm having is that it's plain black and white clear that they have not followed a proper protocol, period. I mean, that's just clear as day.

Legislator Bartels 1:09:31

And the only way that we have to get them to actually just go through all those X, Y, and Z's, which again, I've been in that situation. Legislator Wawro has been in that situation. As a Legislature, We've been in that situation multiple times where we've had to pull back resolutions. Rescind resolutions. Go through, do the hard luck, not like it took me years, just we had to do the hard look, come up with documents, give the

backstory, etc. And then, pass the resolution the following month, or two months later, whatever time it took.

Legislator Bartels 1:10:05

The matter of fact is if I just think if we say, okay, we acknowledge that this is a problem, but we're not going to say anything about it, then we're complicit. And the only way to say something about it is, I mean, based on what I'm... the most effective way to say something about it is to say, we contest your lead agency, you're taking lead agency, and then we have a conversation and say, we're contesting because you didn't do any of this right, at all. It's all backward.

Legislator Bartels 1:10:34

So, I mean, I think that there's two different things. Procedurally, and I don't know if this was going to be your... Manna, you said you had a timeline question. But procedurally, if we were to write this letter of objection, or actually object. I'm curious who actually does that? Is that the Chair of the Legislature? Like, how it how does that? How does that functionally happen? And if it is, the Chair of the Legislature doesn't have to go through a vote?

Legislator Bartels 1:11:01

Like we don't normally, we don't... we get notices of intent of lead agency all the time. And I don't recall from other municipalities, etc., I don't recall us always voting on affirming a notice. I guess that's because we just let it go. And our lack of action is, is an affirmation, but I'm not sure about that. So, that's one of the things that I'm concerned and confused about.

Legislator Bartels 1:11:28

Go ahead, Dave.

David Gordon 1:11:30

Yeah, I think, Tracey, the answer to your questions is, yeah, you only have to write if you're going to object. If you don't want to object. Many agencies acquiesce in writing, because it lets the process go through quicker, but you don't have to. And you miss it, it's only a total of 30 days. If we don't do anything, they become lead agency 30 days from when they finally sent it to us. So, that's probably what you usually do.

David Gordon 1:11:54

If we want to object... it's a question of whether the Legislator is the involved agency. So, the legislature has to take action.

David Gordon 1:12:02

Now the question is, how do we do that. The most obvious thing is for the Legislature to resolve to write this letter. And then for it to come from either David, the Chair, or his designee. That does raise some procedural problems for us. And I was... because I began to think about those, and I have a partial solution. But we do need to get to the rest of the problems, which I can describe.

David Gordon 1:12:27

But the answer is the most obvious thing here. And there may be other ways to do it. It's for the Legislature to resolve, as a whole, to take this step. And then for the Chair, or his designee to do it. Unless there's a difference... unless you guys, I mean, it's not that... you guys might know better than me. But that's basically the most obvious thing. The Legislature's got to object.

Chairwoman Greene 1:12:50

Peter.

Legislator Criswell 1:12:52

Yes, I just wanted to actually go back to something that Legislator Petit said, and that you also, seconded, Manna Jo. I feel like the public needs to clearly understand why we're doing this. And that this is not a nitpicky, intergovernmental fight that's going on. But we're trying to do something for the good of the county. And I think that has to be really clear in the language that we use. So, that we're showing that it's a higher good. It's a higher level that we're playing on. And not... it's not, it's not a street fight. You know what I'm saying?

Chairwoman Greene 1:13:31

Yeah, I do. And I want to ask you, if it seems to me that if they're calling you in a moment, Legislator Petit, I'm sorry. If there is consensus that because of the issues and what has transpired versus the collaborative approach that we're seeking. If we did object, would it need to be a late resolution? To do it within 30 days. Because we would not be... and to have the entire legislature weigh in. Or is there an alternative to meet the 30-day timeline?

Chairwoman Greene 1:14:28

And Legislator Petit, does your question relate to that? Because like...

Legislator Petit 1:14:35

I mean, was this a SEQRA question. But I mean, if we're doing the Zero Waste Implementation Plan, should this be included in this SEQRA process as well? Or should we wait until everything's finished [inaudible] a separate resolution.

David Gordon 1:14:56

If you have, if you have ZWIP ready. I mean, the way SEQRA works, there's a concept called segmentation. Which is, if there are issues that are related to each other and are really under the same plan, they really ought to be considered together. And that's what's a great thing apart, because then you can be cumulating environmental impacts that you don't necessarily take seriously as individuals, but they, but when they come together, you should.

David Gordon 1:15:21

The problem is you don't have to do it. In fact, you can't do it, if you don't have the... If one project is ready to go, and the other project is still not a well-formed plan, then you can't do it. And there's no rule that says, you've got to wait for another six months or a year until you get that second plane ready.

David Gordon 1:15:39

You could you know, you're allowed to, quote unquote, segment if they're in different situations like that. So, I'd say in this case, I think we're still working out the kinks of the ZWIP. And we'll probably get it next time.

David Gordon 1:15:51

But it is reasonable to look at the current Solid Waste Management Plan with a lack of a ZWIP, and perhaps make a SEQRA determination on that as to whether or not there is, you know, a potential environmental impact from the fact that there's no ZWIP in it.

David Gordon 1:16:09

And you could even say, you need to do one, or we're confident that you will do... What I mean, neg decs are very often open-ended documents. They will say, this is not a huge impact, because the lead agency has committed to do this or that. There are things like that you can do, Laura. But I wouldn't necessarily hold up the SEQRA process on this because you don't have a ZWIP, because that means you're holding up the overall approval.

Fawn Tantillo 1:16:39

Manna Jo.

Chairwoman Greene 1:16:40

Yes.

Fawn Tantillo 1:16:41

Just procedurally, if you did a late resolution, I believe that 30 days runs out on the 15th. So, I don't think you have time for a resolution. And I was talking to Vicky, I was texting Vicky during this conversation to see what tools we had at our disposal. And I'm not sure, we might be able to do a memorializing letter, if we've got a majority of legislators to sign on to it objecting, I just don't know, maybe Dave and Chris can discuss what our options are.

Legislator Petit 1:17:12

So, was this their plan then? I mean, because they got their intention to us fairly late. So, did they plan it? So, we couldn't?

Chairwoman Greene 1:17:23

I think it was... I'll call on you in a second, Dave. But I think what they did was, knowing that we were about to vote in September, they called a special meeting and made themselves, or gave notice that they were

seeking lead agency status. I don't think that that there was 30-day planning involved in that. We are stuck because of our calendar. They did it as soon as they could, because of September [inaudible].

Legislator Petit 1:18:04

You get notified after...

Chairwoman Greene 1:18:06

We got the official. But their meeting was called. So, that we knew there were two competing resolutions in September. And then... oh, I see what you're saying. That they didn't immediately put it over. They held it.

Legislator Petit 1:18:21

No. they didn't notify us.

Chairwoman Greene 1:18:24

All right, Dave.

David Gordon 1:18:25

But actually, if they had held it longer, we would have been in better shape. First of all, given the rough timeline. We were considering the resolution to declare ourselves lead agency starting in late August and leading up to the September 15 Session.

David Gordon 1:18:44

I think it was on September 8, that Tim DeGraff, the acting executive director, emailed us, and said that they were going to do their own resolution through the Agency. Basically, between the lines telling us, not to do ours. It had already passed the committee. And it was it was due to be approved on September 15.

David Gordon 1:19:06

We got the letter from Tim on September 8 telling us that they were going to step forward and they had a special meeting called on September 10, which was two days after work two days after that, but still five days before our session.

David Gordon 1:19:17

On September 10, they did pass the resolution to the lead agency and the neg dec. Both on this in the same special meeting. They called the special meeting to do this.

David Gordon 1:19:26

According to the letter of intent to be lead agency was dated September 16. But according to Nettie, it was actually sent out on September 18 and received by us on September 22.

David Gordon 1:19:42

The later would be better because we have to respond within 30 days, and I think our session in October is his 20th.

David Gordon 1:19:51

In essence, the problem is going to occur here... we have two problems procedurally. One is the lack of resolution. And I have a thought on that which I want to run by the committee in a moment. And the second problem is trying to get the whole thing done within 30 days, which if you take a look at their September 18, submittal to us would be October 18. And where our session is, is the after that

David Gordon 1:20:21

The first problem, which is the question of the resolution itself, we have a resolution before the committee tonight to declare ourselves lead agency. That's the one that was sent back to us from the legislature, because of because what the RRA did, one of the thoughts that I had, would be to amend that resolution, instead of declaring... all the same, whereas is basically, but instead of declaring ourselves lead agency, we would instead amended to resolve to right to object to their lead agency declaration.

David Gordon 1:20:58

And I've drafted that, I drafted that today, in red line, which if I can figure out how this works, I can maybe send to you guys in real time. So, you can have a red line right now with a with an amended, a draft amendment to essentially object to their lead agency declaration and point out the errors

Legislator Petit 1:21:18

Can you forward it Fawn so that she can share it?

David Gordon 1:21:24

If you... I can even.... I know I can email it. I don't know how to send it here. I've got my flash drive attached. You guys. I just don't know the technology. If you want to give me five minutes, I can email it to at least to Fawn

Fawn Tantillo 1:21:38

If you email me, I can share the screen I shared on my screen.

David Gordon 1:21:41

What?

Fawn Tantillo 1:21:42

I can share it on my screen. If you email it to me, or I can you share.

David Gordon 1:21:46

it on your screen. If you comment on this. I'll take a minute and do that. So, that may solve the question of how do we get a resolution.

David Gordon 1:21:53

As to how to get the Legislature to act so we can get a letter out by October 18, I don't know the answer to that. Maybe a Special Session. You guys, you guys know better than I do, what the Legislature would do in a situation like that. But it seems to me, it comes down to a Special Session. Anyway, let me jump in. I'll try to enter that out to those of you interested in it. Tracey. Tracey might know.

Legislator Bartels 1:22:30

Yeah, I just want to say, procedurally, I think we need we need to have a conversation. We need to get Chris Ragucci in this conversation on the procedure. And we probably to Evelyn's earlier point, need to also speak with the County Attorney, because we should just confirm that there isn't another way. But certainly, a Special Meeting would work and could be called at any time. But you have to have the will to do that. You have to have the support of the body to move the resolution.

Chairwoman Greene 1:23:05

I'm a little concerned that it's a leap to modify our lead agency status resolution by objecting to theirs. I'm just, you know, wondering legally if, although I have seen resolutions, you know, amendments. You know, I guess we've all seen amendments that are as comprehensive or, you know, just sort of change the nature. And it's not our fault that we're dealing with this. So, you know, but that's another reason, I think to confer. It looks to me like we're going to need to have another meeting before session. Because we have to gather more information in this complicated situation.

Chairwoman Greene 1:24:13

Yes, David.

David Gordon 1:24:14

I just want to ask Fawn very quickly, Fawn, can you confirm your email address? I think I can shoot this out to you.

Fawn Tantillo 1:24:22

F, as in Frank t-a-n @ C- o.ulster.ny.us.

David Gordon 1:24:32

That's m FTA n AP. Let's see. Oh, that wasn't us. Right?

Fawn Tantillo 1:24:37

Sure. ftan@co.ulster.ny.us.

David Gordon 1:24:43

Okay, I'm sending right now.

Chairwoman Greene 1:24:47

Let me ask. I particularly want to check with Legislator Wawro to see if you have any questions or comments and then see if there is consensus among the committee well, tourney Gordon sending that over.

Legislator Wawro 1:25:10

Maybe you could just clarify stuff because I got bumped off for quite a while.

Chairwoman Greene 1:25:18

The thought now, we discussed several possibilities. One would be to object for various, I think very substantiated reasons to the Agency's lead agency status. The next step of which would be, under SEQRA, that we be in communication. If we couldn't resolve it, it would go to the DEC Commissioner. But there's a catch-22 in the sense that we don't have... we have 30 days from September 18. And our session is not until October 18,

1:26:16

20th, I think...

Chairwoman Greene 1:26:18

October 20th. In other words, we don't have time to even with a late resolution, we don't have time to object, even if that's what we as a committee decided was the best action.

Chairwoman Greene 1:26:43

So, what Legislator Gordon, I mean, what Attorney Gordon is suggesting is that we revise the existing Notice of Intent to be lead agency for the Legislature to be lead agency, as he says the whereas his would be pretty much unchanged. But there would be additional information about what has happened. And we would modify this in committee, and then it would be... or in a special meeting, if we have time between now and session. We would modify this and then the Legislature could act on this.

Chairwoman Greene 1:27:37

There is a question about whether or not the Chairman could respond as Chairman without a vote of the Legislature. But at this point, let's see what the suggestions for the additional whereas in the change in the resolves.

Chairwoman Greene 1:28:00

Do you want to read those? Dave, if you pull it up and hold it still.

David Gordon 1:28:08

Want me to read it out loud?

Chairwoman Greene 1:28:10

Yes, please. Just the red line, whereas

David Gordon 1:28:13

Oh, yeah, at the end of all the other whereases which explain the background to the Solid Waste Management Plan, etc. I'm adding these whereases:

David Gordon 1:28:22

WHEREAS the Agency, meaning the RRA, resolved on September 10, 2020, to issue a negative declaration under SEQRA for the Ulster County Local Solid Waste Management Plan, and further to declare its intent to be lead agency and to circulate a notice of intent to be lead agency; and

David Gordon 1:28:44

WHEREAS, the agency transmitted a notice of intent to be lead agency to the Legislature; and

David Gordon 1:28:50

WHEREAS, it is not consistent with SEQRA to circulate a notice of intent to be lead agency after issuing a negative declaration.

David Gordon 1:28:59

Now therefore, be it RESOLVED that the Ulster County Legislature will respond to the Agency's notice of intent to be lead agency for the Ulster County Local Solid Waste Management Plan by opposing the Agency's intent to be lead agency unless the agency rescinds its Negative Declaration and moves it to adoption.

David Gordon 1:29:19

I probably should have added authorizing the Chair to write a letter saying that. But you guys could do that now if you want. But that's essentially the language I put in to amend the resolution to allow us to move forward by opposing theirs instead of by establishing our own lead agency.

Chairwoman Greene 1:29:41

I think if you can check with the other Legislative attorneys and the County Attorney, County Attorney's Office,

Chairwoman Greene 1:29:56

it just be sure that this is a viable route. And if of course the committee agrees it might be the most appropriate action. So, Mary, are you feeling sort of caught up enough to process that? Or do you want to hear from others first?

Legislator Wawro 1:30:21

Kind of. I'd like to hear from others first, if you don't mind. Thank you.

Chairwoman Greene 1:30:25

Okay.

Legislator Petit 1:30:27

Manna, I would like to do, or Dave Gordon, I would like to see dates in here. You do have September 10 for the RRA, but they didn't transmit the notice until September 18. Or it was received September 18, even though it was dated on the 16th. I would just like to see the history. And...

Fawn Tantillo 1:30:52

I was going to say that was the paper copy, we did receive it electronically before that.

Legislator Petit 1:30:58

Oh, you did? Okay. All right. I would still like to see some dates on there.

David Gordon 1:31:04

Well, my understanding from speaking to Nettie, it was dated September 16, their letter. My understanding from that is that it was sent out by certified mail on the 18th. We, the Legislature received it on the 22nd. And then it was actually circulated, because I think... I don't know if Nettie was the office that day. But it was scanned and circulated on the 23rd. So, I would credit they're sending it up as soon as by certified mail on the 18th.

Legislator Criswell 1:31:34

But if you guys have any changes, I would definitely know that first, for clarity

Chairwoman Greene 1:31:41

Fawn is saying it was received electronically on the 18th as well.

David Gordon 1:31:46

Was it?

Legislator Petit 1:31:47

Okay.

Chairwoman Greene 1:31:51

So, I agree with Laura, you know, just a sentence aware as about the timeline.

Chairwoman Greene 1:32:00

Yeah. But I, yeah, I'm still having a hard time. Okay, because it's an amendment. I think we would need to meet one more time to just, you know, we can't pass something tonight and say, as developed by the various attorneys, we actually have to have that in front of us. So, seems to me that it could be a very quick meeting, and it could be right before or after, you know, another meeting that's already scheduled. But I'm afraid if

we're going to do an amendment, and it's not complete, unless we do a partial amendment, and then and then the rest on the floor.

Chairwoman Greene 1:33:04

But Mary, well, does anyone else want to weigh in on this as an alternative?

Legislator Petit 1:33:17

Could I mean, I'd also like to see that, I mean, since there are procedural issues, basically, their resolution to become lead agency is defective. Whatever the legal term would be for that, but you know, because they issued the negative declaration, and then they transmitted a notice of intent. You know, we're here by determining that their resolution to declare lead agency is defective, legally defective. Can we do that? Dave?

David Gordon 1:33:54

Well...

Chairwoman Greene 1:33:55

It does say it does say that, um, that it was out of order. Right?

David Gordon 1:34:06

Yeah, there's two different tacks on one of which I took him one which Legislator... that Laura is suggesting.

David Gordon 1:34:17

One way to look at is that we don't like what you did and therefore we're going to object to it in the procedures that they provided. We're going to take their notice of intent to be lead at face value and respond to it.

David Gordon 1:34:34

If we're going to try to declare it defective. And we could just then do our own lead agency, but I wouldn't recommend that. I mean, we're not the judge here. So, we may know it's defective, but until some court nullifies it, it's it is what it is.

David Gordon 1:34:48

So, I would suggest, treating it as a real thing, and then using the procedure that's before us, which is to which is to object within the procedure. And let's say That we don't think that's valid. I pretty much... I come very close to that by saying it's not consistent to SEQRA.

David Gordon 1:35:05

And I mean, I try to do as clean as possible without making as few judgments as possible in this resolution. Because we're already amending it. We could say more. But the point is, it's not a good process, and therefore we're objecting.

Fawn Tantillo 1:35:30

It looks on the calendar like, Thursday, there's an audit meeting at four o'clock. So, we probably could meet Thursday around 6:30. If you want to schedule another meeting.

Legislator Petit 1:35:42

What's the date on that Fawn? The eighth? I'm, I have two meetings on the 8th at the same time. I can't do three. Thank god for Zoom.

Chairwoman Greene 1:35:56

And we do it before the audit?

Fawn Tantillo 1:36:01

We probably could. I don't see anything on the calendar.

Legislator Wawro 1:36:07

What time did you say?

Chairwoman Greene 1:36:08

Laura, would it help if we did it earlier?

Legislator Petit 1:36:12

As long as it's before 4:30. I have a 4:30 and a 6:15.

Fawn Tantillo 1:36:21

So, we've talked about it for an hour tonight, I don't know if you'll think an hour is long enough to do it. If we started it at 2:30. We could be over... we'd have to be done by 3:00. And we'd have to be done by 4:00.

Legislator Bruno 1:36:40

That's not... none of that is possible for me. I work at 2:30

Fawn Tantillo 1:36:43

I would have a problem too.

Legislator Wawro 1:36:45

I have the kids here.

Chairwoman Greene 1:36:49

Is there another opportunity before session?

Legislator Petit 1:36:54

This is a bad time of year.

Fawn Tantillo 1:36:58

It's hard for me to look at the different calendars to see what's been scheduled already. I'm trying to look at three different calendars.

Chairwoman Greene 1:37:12

Why don't you do that.

Chairwoman Greene 1:37:16

I want to go back and look at where we are with the three resolutions that we're going to have to act on even if it means postponing or tabling. So, let's just take a look at that while Fawn is trying to sort out a potential especial meeting date.

Chairwoman Greene 1:37:44

One is approving the Solid Waste Plan. I assume we're going to continue to postpone that.

Chairwoman Greene 1:37:55

The other in establishing a Zero Waste Implementation Plan. I would like to take a minute and have some a discussion just to refresh everybody's memory on that. Because it's the third one that we're deciding to act on. And that is that the Recycling Oversight Committee, with input from quite a few other departments and related agencies has created a document. And that document also had input from the attorneys. We would like to create a collaborative process so that we're not... the Legislature isn't creating a Zero Waste Implementation Plan, much of which, not all of which, but much of which will be the agency's responsibility to implement. Because if it is seen as sort of forced upon them, even if it is a legally established plan. It is just far less likely to get implemented. There will continue to be a struggle about implementation, rather than cooperation. And if Ulster County is going to be a model of waste diversion, it's going to take the branches of government and the somewhat autonomous Agency.

Chairwoman Greene 1:39:47

And you know, so far, in many ways we are working together well around food waste composting. Which by the way, you know, I'm going have SEQRA tattooed across my forehead because it took Amanda to remind us, even after Tracey's experience, to do SEQRA. But, you know, the Zero Waste Plan, I think needs a collaborative process. There's some... most of what's in there. I'm very... personally I agree with. There's some things that I would like to have a forum to discuss that I think, if they stay in there, they can be at the far end of implementation.

Chairwoman Greene 1:40:45

But the main thing is that the county's Local Solid Waste Plan has many pages. I documented it in the notice that was sent to you. I actually, the memo that Dave Gordon, I put in exactly how many pages and which pages, in the Local Solid Waste Plan, give details about implementation.

Chairwoman Greene 1:41:15

Right now. You know, we don't have a Zero Waste Plan that is parallel, so that it can be an addendum, and can be implemented, and we know what we're doing in each year from year one to year 10. That can be modified. But at least we have a real plan for waste diversion. And I feel very strongly that we shouldn't force that upon them, but we can't seem to get them to work with us. So, that's the dilemma around establishing a Zero Waste Implementation Plan.

Chairwoman Greene 1:42:02

And the third is what we'll be discussing in a moment or at a subsequent meeting. Then, is there anything else people want? Oh, yes, please.

Legislator Petit 1:42:15

Comment, because I got a couple of a couple folks have said that they haven't had a chance to look at the redline version by Counsel. That that is the original document from April, Counsel Dave Gordon had taken a look at it. So, you know, that was the final draft. So, it's not new. I did go back, and I compared and looked at it, I did find some typos where we made changes in it. It's just... but anyway, that's just cleaning up the text. So, that is not a document that was different than the one submitted for the September committee.

Chairwoman Greene 1:42:55

Okay, great. And between now and our next emergency, or non-emergency, but special meeting, maybe Fawn can recirculate that red line version. Tracey.

Legislator Bartels 1:43:16

Thank you. I want to first say that Legislator Petit has done a tremendous amount of work on this. And I want to thank her for that. Taking the lead on it is no small feat. And given the urgency, you know, it's a huge undertaking. So, I want to begin by acknowledging that.

Legislator Bartels 1:43:37

We spoke briefly now months ago. And one of the things that I really want to see, and I have some of the same concerns about the collaborative effort and the fact that this isn't something that we can push down the Agency's throat, we really need them to buy in.

Legislator Bartels 1:43:54

And as I've said before, I mean, among, among other things, that caused me disappointment in this whole process, because I think we were working so well together in terms of our work on the Local Solid Waste Management Plan. And then, as this issue started to come up, and a member of the Agency, you know, basically said, "Well, you know, we're not going to do that." And you know, all been attacked the Legislature.

Legislator Bartels 1:44:23

And then following that, we had the, the fact that the Agency failed to act even in a symbolic measure, which to me says a lot. Because the Board could have passed the equivalent of a memorializing resolution saying that they, you know, they acknowledge the need for this, and they commit to doing it. That we were looking for some measure of commitment. And absent, even a symbolic measure, I am worried about how we have that collaborative discussion. Because, absent the discussion, it has to be something that's amended or included in the plan, that's passed. I mean, I think that's something that Legislator Petit has talked about. That it just it has to be in, in writing, in the plan. Which was part of the rush to get it done.

Legislator Bartels 1:45:11

What I really want to see, and I fully acknowledge that I haven't been able to do the actual work, to give Legislator Petit, more specific comments yet. Other than the general comment that I'd like to see more, both actionable items and metrics that are measurable, in the in the plan. And it came a long way to that.

Legislator Bartels 1:45:37

But I think we can be even more forceful versus it being something that's in some places, it... I think, if we drill down on the things that we can and must achieve. And we set specific goals with specific markers over time, that's what ultimately needs to be adopted.

Legislator Bartels 1:46:02

So, in terms of the timeline, I don't, like I don't know how quickly we move on this. I think that, you know, we have these three separate resolutions. And just I'm sorry to back up for a second. But in terms of the Local Solid Waste Management Plan, I know that different Legislators outside of this committee might have different mindsets about passing that. But I, frankly, don't see how we could pass a Local Solid Waste Management Plan, when we're all acknowledging that there's a failure in a SEQRA process that's required.

Legislator Bartels 1:46:32

So, you know, we're in kind of, like that one, it has to be postponed. It's no longer about postponing to make sure that it includes something we all on this committee, I know not on the committee, but I'm with you and spirit... that on this committee that we all, we all agree needs to be there, which is a more firm and specific and demonstrated commitment to, to working towards zero waste.

Legislator Bartels 1:46:59

So, we were having that conversation. But now, the first thing is the procedural problem. So, I think Local Solid Waste Management Plan, we have no choice but to postpone until we figure out the SEQRA issue and get that solved.

Legislator Bartels 1:47:15

And again, while there may be members of the Agency, and I don't want to speak for them, but I've heard secondhand, that think that all of this is just a delay tactic. And that could not be further from the truth as, as described by the Chair of the committee. Counsel spoke with their counsel. And there was an expectation

that it was just going to run us smooth process. And then the procedural failures are just too big to overlook in my mind.

Legislator Bartels 1:47:44

So, I know I've touched on all three resolutions now. But I feel like we've come... Legislator Petit done an amazing job getting so much of the way... but I think we all need to make a commitment to help actually give specific comment to that and focus actionable items and really drill it down to be a living document that will be a guide for actually getting to zero waste.

Legislator Bartels 1:48:16

And Legislator Petit has given us more than the skeleton of that. We have something to work with now. So, I think we have to make that happen. And that's now on us, that I understand, like on all of us, not just all of us on the committee. But reaching out and bringing in the community, however we do that. And that's something the committee can, you know, can come up with a process for. But I think that, I don't want to speak for Legislator Petit. But I think that it's going to now need further involvement. Like you can't, it is at that point where we got to start giving feedback. We got to start making the changes necessary, given all the work that she's done so far.

Fawn Tantillo 1:49:03

And I apologize looking at the calendar, I may have missed it someone moved these resolutions for discussion.

Chairwoman Greene 1:49:10

Not yet. Okay, that's the next step. But you know, we, I think agreed earlier in the call that we needed to have our discussion and then just boom, boom, boom, go through the resolutions because they were so interrelated. Did you find a possible?

Fawn Tantillo 1:49:32

There are several other meetings scheduled already for next week. Of course, Monday is a holiday. There's a... Tuesday is your caucus. So, I don't I assume the same problem is for meeting during the day on any of these days. On the 14th, there's a special joint meeting of Public Works and Capital Projects and the Ways and Means, it starts at 6:00 pm. I don't know if you want to try to squeeze something in at five o'clock, but it can't be a very long meeting.

Chairwoman Greene 1:50:06

And I don't think it will need to be after tonight.

Fawn Tantillo 1:50:09

And then. And then on the 15th, we have a special meeting of Law Enforcement followed up by the Republican Caucus. So, the 13th and the 15th don't work. The 14th we tried to do it at 5:00. I just don't know. If Laura and and Legislator Bruno and Legislator Wawro can get there at five o'clock.

Legislator Bruno 1:50:37

The 14th. I can't do it at all.

Fawn Tantillo 1:50:40

Okay, well...

Legislator Petit 1:50:41

Can everybody else make it on...

Legislator Bruno 1:50:43

Honestly, I have a special town meeting, I can't. Okay, I can't make 14th of all.

Legislator Petit 1:50:49

Can everybody else make the 8th? Because that's an Ulster County Community Action Board meeting. But it starts at 4:30. So, I could excuse myself.

Legislator Bruno 1:51:00

Like, somebody said, the 8th I'm okay on the 8th.

Fawn Tantillo 1:51:02

On the eighth. The eighth we could. Yeah. But it'll probably six o'clock or 6:30. That's just this coming Thursday.

Legislator Bruno 1:51:10

Yes. Okay, on the eighth.

Legislator Wawro 1:51:14

I can do that.

Legislator Bruno 1:51:15

And if I can't, I want to, I want to just like kind of ditto everything that Tracey said, that Legislator Bartels said. Laura, thank you so much for all the work you've done. I mean, you really deserve kudos for the amount of work you've put in. Thank you.

Legislator Petit 1:51:29

There's a lot more to be done, though. I really look forward to working with everyone... making this a great document that the rest of New York will adopt.

Legislator Bruno 1:51:39

Absolutely. And also. Legislator Bartels wanted to say that you are spot on.

Legislator Criswell 1:51:43

Fawn, I'm in a City Commission meeting at 6pm on the 8th. So, I could join something after 6pm. But I'm committed from 4:30 to 6:00.

Fawn Tantillo 1:51:59

All right, so we so it looks like 6:30 might work for everyone?

Legislator Bruno 1:52:03

That would work for me.

Chairwoman Greene 1:52:06

Yes.

Fawn Tantillo 1:52:07

All right, I'll see if I just have to double check that there's not something that's on a calendar, I can't see, I can't look at the zoom calendar during the zoom meeting, that's my last calendar. But I will try for 6:30 on the 8th.

Legislator Bruno 1:52:21

That works.

Chairwoman Greene 1:52:22

And that means that between now and then the attorneys need to get in gear and come up with, hopefully, final language, or close to that. And that we could then consider... and you'll take care of whatever public notice needs to happen and so forth?

Fawn Tantillo 1:52:49

Yes.

Chairwoman Greene 1:52:49

Okay. So, at this point, I think we could you know, fairly easily, I have to find my agenda here, it's here somewhere. At this point, I think we can go through and take appropriate actions on each of the resolutions. And I just have a couple other very quick reminders so that we can move forward.

Fawn Tantillo 1:53:27

Do you want to take them as block?

Chairwoman Greene 1:53:34

In other words, a two either table or postpone, all three right now, the last of which we will reconsider at the special meeting.

Legislator Bartels 1:53:50

I'll make the motion to block it.

Chairwoman Greene 1:53:53

Okay.

Legislator Petit 1:53:55

242 through, oh...242, 265, 323.

Fawn Tantillo 1:54:02

We're going to block the three resolutions.

Legislator Petit 1:54:06

I'll second.

Chairwoman Greene 1:54:09

Legislator Petit.

Chairwoman Greene 1:54:11

All in favor of blocking?

Committee Members 1:54:14

Aye.

Chairwoman Greene 1:54:15

Please indicate by raising hand. Oh, my camera went off. Sorry about that.

Legislator Petit 1:54:23

That's a great thing to happen.

Chairwoman Greene 1:54:29

I think I legally should be seen and heard. But where'd it go? Here it is. Okay, my cameras back on. Okay. And, um, and then do I hear a motion to, we blocked them? Do I hear motion to postpone?

Legislator Bruno 1:54:57

I'll make that motion.

Legislator Petit 1:54:59

Second.

Chairwoman Greene 1:55:00

Okay, motion by Legislator Bruno, seconded by Legislator Wawro. All in favor of postponing the blocked resolutions.

Committee Members 1:55:13

Aye.

Legislator Bartels 1:55:15

Anyone opposed? Okay, motion carries.

Legislator Bartels 1:55:20

And before we adjourn, I'll just knock off a couple other really quick things. And then we will reconvene on Thursday, the eighth, at 6:30, for a special meeting to resolve the lead agency status resolution.

Chairwoman Greene 1:55:47

So, I just want to remind folks that we I believe we have a memorializing resolution on the Rights of Nature as a, an amendment to the New York State Charter. And I think we all agreed on that. And that was drafted. I just want to be sure that it is ready, and we can sign it, and we can encourage our colleagues to sign it. Fawn, do you recall is that...

Fawn Tantillo 1:56:22

Is it a moralizing letter you're talking about?

Chairwoman Greene 1:56:25

Yes. If I said resolution, I misspoke.

Fawn Tantillo 1:56:29

I believe there's... I don't know that it's been circulated yet.

Chairwoman Greene 1:56:32

So, I thought it was.

Fawn Tantillo 1:56:37

I'll have to double check.

Chairwoman Greene 1:56:38

Okay, so, I'm just bringing that back on the table.

Chairwoman Greene 1:56:44

And then the only other thing I have to report on the Climate Smart Community is that we're cooking with steam. Most of the municipalities in Ulster County are participating, there are a lot of new people. And I

think, as I said before, there, along the continuum of, you know, the counties going for Silver, a lot of the municipalities either have Bronze certification under the State DEC Climate Smart Committee, which means they've taken a series of actions. And then there are quite a few that are either appointing, or recently appointed their Climate Smart Committee and are starting into the process.

Legislator Bartels 1:57:37

So, we are also breaking up into subcommittees to work on for example, a regenerative agriculture forum.

Legislator Bartels 1:57:50

And there will be a forum... we had a speaker on green concrete. And in November, they are already organizing a much more detailed form, which I'll be sure that our Public Works Department knows about. They had expressed interest, because it's a little bit complicated, but I believe we do have the slides from the five-minute presentation that outline the key points, and we can circulate that. But municipalities do a lot of, you know, Public Works uses a lot of concrete. And apparently, concrete, different ways of making or mixing concrete can reduce the greenhouse gas impacts and emissions. And also can, overtime, actually be a way of sequestering greenhouse gases. That is, that's a very top of the head description.

Legislator Bartels 1:59:01

But we want to be looking at every possible way, not just zero ways, you know, not just energy efficiency and renewable energy generation. But the folks who have most studied this, Project Drawdown, say that we have to implement all the climate solutions, given the rate at which climate change is moving forward.

Legislator Bartels 1:59:30

I am having a hard time seeing who Legislator DA is, I apologize, at the bottom of my screen.

Chairwoman Greene 1:59:49

So, with that, I think we're complete. Let me ask if anybody else has anything else? Yeah, sorry that we're going through such a tedious process, but it goes along with the territory. Sometimes legal matters are tedious. And we're trying to do the right thing.

Chairwoman Greene 2:00:16

And the one thing I wish that the RRA, if they listen to this tape, I wish they would understand, is that we're not trying to slow this down. If they had taken any of, you know, the letters from Solid Waste Planning Commission, and, you know, various efforts at outreach toward a collaborative process, and even taken the legal conversation more seriously about SEQRA, things would be moving more quickly.

Chairwoman Greene 2:01:00

I just hope that we can explain to our colleagues that in no way are we slowing down the process. And the sooner the Agency starts paying attention to these things, the sooner we can expedite the process. So, with that, if there's no further business, I would like to call for a motion to adjourn.

Legislator Wawro 2:01:32

So moved.

Chairwoman Greene 2:01:34

Tracey, you waved your hand. Is that a good night wave? Did you want to say something? Oh, okay.

Chairwoman Greene 2:01:42

And can I have a second?

Legislator Criswell 2:01:44

I'll second that.

Chairwoman Greene 2:01:46

Okay. All in favor of adjourning and reconvening on Thursday, the 8th, at 6:30, please signify by raising your hand saying aye.

Committee Members 2:02:01

Aye.

Chairwoman Greene 2:02:01

Okay. And thank you, Evelyn, for sticking it out.

Deputy Executive Wright 2:02:06

Okay, good night, everyone.

Legislator Petit 2:02:09

Good night.