

**Energy & Environment Committee
Meeting Minutes**

DATE & TIME: October 8, 2020; 6:30 PM
LOCATION: Powered by Zoom Meeting by Dialing (646) 558-8656,
Meeting ID: 961 0190 9106
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: Legislator Tracey Bartels, Legislative Counsel David Gordon,
UCRRA Board Members, Frederick Wadnola, Chairman UCRRA Board; Ken Gilligan, UCRRA
Counsel; Tim Degraff, UCRRA Acting Director.

Chairwoman Greene called the meeting to order at approximately 6:32 pm and lead the Pledge
of Allegiance.

Resolutions for the October 20, 2020 Session of the Legislature

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: T

Motion No. 1: **Motion to discuss Resolution No. 323**
Motion By: Legislator Criswell
Motion Seconded By: Legislator Bruno

Discussion: The committee discussed draft amendments to the original
Resolution No. 323. See attached transcript.

Motion No. 2: **Motion to Amend Resolution No. 323 to a use the words
"feasibility" where "possibility" was. To use the word "other technology" where "biotech
SRF facility" used to be. And to change the last paragraph to say, "respond to the agency's
notice of intent to be lead agency for Ulster County Solid Waste Management Plan by
opposing the agency's attempt to be lead agency unless the agency rescinds its negative
declaration."**

Motion By: Legislator Bruno
Motion Seconded By: Legislator Criswell
Voting to Amend: Legislators Greene, Bruno, Criswell, Petit and Wawro
Voting Against: None

No. of Votes in Favor: 5
No. of Votes Against: 0

Disposition: Amendments to draft amendments approved.

Motion No. 3 Motion to Approve all the amendments to Resolution No. 323
Motion By: Legislator Bruno
Motion Seconded By: Legislator Criswell
Voting to Amend: Legislators Greene, Bruno, Criswell, Petit and Wawro
Voting Against: None
No. of Votes in Favor: 5
No. of Votes Against: 0
Disposition: Resolution Amended with the consent of the sponsor.

Motion No. 4 Motion to Approve Resolution No. 323 as amended (final
amendments attached)
Motion By: Legislator Bruno
Motion Seconded By: Legislator Criswell
Voting to Amend: Legislators Greene, Bruno, Criswell, Petit and Wawro
Voting Against: None
No. of Votes in Favor: 5
No. of Votes Against: 0
Disposition: Resolution No. 323 Approved as amended.

New Business:

Old Business

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

Motion to Adjourn
Motion Made By: Legislator Bruno
Motion Seconded By: Legislator Criswell
No. of Votes in Favor: 5
No. of Votes Against: 0
Time: 8:09 pm

Respectfully submitted by: Fawn Tantillo & Laurie Lichtenstein
Minutes Approved: November 2, 2020

Responding To The Ulster County Resource Recovery Agency Notice Of 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

Referred to: The Energy and Environment Committee (Chairwoman Greene and Legislators Bruno, Criswell, Petit, and Wawro)

Chairwoman of the Energy and Environment Committee, Manna Jo Greene, and Legislator Laura Petit offer the following:

WHEREAS, in 1991, the County of Ulster and the Ulster County Resource Recovery Agency (hereinafter the “Agency”) prepared and adopted under §304-34 a local solid waste management plan pursuant to the provisions of Environmental Conservation Law §§ 27-0106 and 27-0107 in order to define the County's policies with respect to solid waste management. It is the policy of the County, in accordance with the solid waste management policies of the State of New York, to reduce the amount of solid waste generated; reuse material for the purpose for which it was originally intended or recycle material that cannot be reused; recover energy from solid waste that cannot be economically or technically reused or recycled; and dispose of solid waste that is not being reused, recycled or from which energy is not being recovered by land burial or other means approved by law, and

WHEREAS, together with the preparation of the 1991 local solid waste management plan, the County adopted Local Law Number 8 of 1991 (the Ulster County Mandatory Source Separation and Recycling Law revised in 2011) and Local Law Number 9 of 1991 (the Ulster County Solid Waste Management Law revised in 2014 to include flow control) with the intent that the provisions of each law should complement the other in the management of solid waste and recyclables collection and disposal in the County, and

WHEREAS, the Ulster County Legislature has authority to approve the Local Solid Waste Management Plan for Ulster County; and

WHEREAS, Ulster County presently generates more than 250,000 tons of solid waste annually of which over 130,000 of municipal solid waste and construction and demolition debris is managed directly by the Agency; and

WHEREAS, the municipal solid waste from Ulster County is trucked to the Seneca Meadows landfill in Waterloo, NY, a distance of approximately 236 miles, for disposal; and

WHEREAS, the transport of Ulster County’s municipal solid waste and its disposal there carries substantial adverse environmental impacts, including carbon loading contributing to climate change; and

Resolution No. 323 October 20, 2020

**Responding To The Ulster County Resource Recovery Agency
Notice Of 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**

WHEREAS, the Ulster County Legislature and the public have clearly stated their desire to reduce the impacts of the County's disposal of municipal solid waste by diverting, reusing and recycling, and thereby reducing the amount of waste generated, and improving the County's disposal of it; and

WHEREAS, Ulster County must consider new methods of diverting, reducing and recycling solid waste prior to disposal, as well as new methods of disposal of municipal solid waste, due to uncertainty of the continued availability of disposal at Seneca Meadows and other landfills; and

WHEREAS, the Ulster County Local Solid Waste Management Plan has been prepared by the Agency and presented to the Ulster County Legislature for approval; and

WHEREAS, the Agency has conducted a review on the subject of solid waste management in Ulster County, including the following specific issues: adoption of a solid waste management plan, implementation of a County-wide recycling and zero waste plan; and, selection of solid waste disposal technologies, and

WHEREAS, the Local Solid Waste Management Plan, among other things, preliminarily identifies a number of mechanisms for reducing the generation of municipal solid waste and for disposing of the remaining municipal solid waste that is generated; and prioritizes several mechanisms for treatment and disposal of municipal solid waste for further study and evaluation; and

WHEREAS, local municipal solid waste plans are Type I actions subject to review under the State Environmental Quality Review Act as a comprehensive resource management plan pursuant to 6 NYCRR § 617.4(b)(1); and

WHEREAS, Type I actions require coordinated review requiring one of the involved agencies to act as lead agency for the SEQRA review under 6 NYCRR § 617.6(b)(2) and (3); and

WHEREAS, the Agency 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

Resolution No. 323 October 20, 2020

Responding To The Ulster County Resource Recovery Agency Notice Of 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

WHEREAS, on September 16, 2020 the Agency transmitted a notice of intent to be lead agency to the Legislature; and

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

WHEREAS, the Agency retains authority and discretion to move forward with reviewing the feasibility of the priority municipal **solid waste** technologies outlined in the LSWMP, and in particular to retain a consulting firm to evaluate the ~~possibility~~ **feasibility** of permitting and constructing a local landfill or a ~~BioHiTech SRF Facility~~ **or other technologies** within Ulster County, during the Legislature's consideration of the LSWMP including an appropriate and compliant SEQRA review; now, therefore be it

RESOLVED that the 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~~ **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 move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee: Energy and Environment on August 31, 2020

Referred back to Energy and Environment Committee at Legislative Session on September 15, 2020

Postponed in Committee: Energy and Environment on October 5, 2020

Passed Committee: Energy and Environment as amended on _____.

FINANCIAL IMPACT:

NONE

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Chairwoman Greene 04:40

And I want to thank everyone. Welcome, Fred. I want to thank everyone for being here tonight. And I would like to call the Special Meeting of Energy and Environment Committee for our October 8, 2020 to order.

We're not going to review any minutes or anything like that. I just want to take, you know, a minute to retrace the history as, as I understand it. And then we will look close up, we'll ask Fawn to bring up the resolution, and we will go through it to make amendments.

And if I say anything that either the Legislature or the attorneys believe is not correct, or doesn't agree with their memory, please let me know. What I don't want to do tonight.... I wanted to be sure the Agency, if they wanted to, was present to they could hear our deliberations. And, you know, to keep a very transparent process. But I also did not want to get into a debate. If it turns out that we need to have a facilitated discussion, there are many ways of going about doing that.

So my recollection is that, you know, we've had in front of us a request to approve the Agency's Local Solid Waste Management Plan for a while. When they developed that plan, it was pointed out to us that they did not do SEQRA. Our attorneys checked with DEC. And it's quite understandable, because the Region gave them you know, told them it was not necessary. But when our attorneys checked with the DEC Legal Department in Albany, they said that SEQRA was indeed necessary. And there have been some memos and correspondence documenting that.

We were in the position of being asked to take an action, and we didn't want to repeat that mistake. So, we went ahead and declared, or sent a notification, that the Legislature would, before taking action on whether

or not to approve the Local Solid Waste Plan would do a SEQRA process. And we declared ourselves, or notified, our intent to become lead agency.

50

Whereupon the Agency had, and there was a lot of communication back and forth, but the Agency had a special meeting at which they declared to be lead agency. Yes.

David Gordon, Esq. 08:08

Quick. I think correction, we never actually declared our intent to be lead agency because they never got to the Legislature. The Legislature bounced it back to us in light RRA's intent to move forward.

Chairwoman Greene 08:22

But the RRA, and the public, were aware that we were seeking that, yes.

David Gordon, Esq. 08:30

It had passed the EE (Energy and Environment] Committee but had not passed the Legislature.

Chairwoman Greene 08:36

That's right. That's right. And then the Agency took an action, in a special meeting, and both adopted a negative declaration and announced their intent to seek lead agency.

So, we withdrew the resolution on the floor and send it back to committee because there were now essentially two competing resolutions.

And that kind of brings us up to the present in that we had a resolution, and I think we're here tonight to attempt to amend that resolution based on the best available information to us, and the conversation that we had on Monday. We were seeking some additional legal counsel. And the result of that is the potential to amend Resolution... whoops, sorry... ... I want to keep that number correct in my head, and I'm toggling back and forth... 323.

And I think at this point, unless any other committee members or Legislators would like to make a comment I'd like to ask Fawn to pull the resolution up, and we can kind of highlight the changes, and then I will ask for a motion to discuss the resolution, move the resolution for purposes of discussion. So, does that work for folks?

Okay. So, Fawn, if you would pull up Resolution No. 323. And let's see, on my screen, it is only is showing the first very... I don't know if you can stretch that so we can see... that's better. Great.

So, there are some changes, the first change is right in the title. And we can go back to that. But I just want to highlight the changes, and then take them one at a time after we have a motion to discuss.

The second one is a, great.... several additional “whereases” that reflect what has happened since this resolution was first proposed. And so, we'll, we'll go through each one, but I just want to show everyone the changes.

And then a change in the resolved. And I have two minor modifications that I would like, very minor modifications, that I would like to propose. But we'll take everything in order.

And at this point, I would like to entertain a motion for purposes of discussion, to go through the resolution in front of us.

Legislator Criswell 12:53

This is Peter. So moved.

Legislator Bruno 12:55

Second.

Chairwoman Greene 12:57

Okay. And seconded by Legislator, Bruno. So, let's go back up to the top to the title.

And I don't know if people would like to maybe first have a discussion on each of the each of the changes that would be amendments to this resolution by the committee. And then we'll see what the next step is. But we can do them and, and vote on them one at a time, or we can have the discussion and then vote on all of them.

Yes, Legislator Bruno.

Legislator Bruno 13:56

What, why don't we just read the entire thing as it was printed, and then read it as it's amended, and then vote on the whole thing. Unless somebody has a specific problem with individual items. I mean, just for the sake of expediency, and at the same time, get it all done.

Chairwoman Greene 14:14

Would it be alright, if we, I mean, it's, it's a long document to read aloud. Would it be alright, if we just compare the previous and the current for the changes? Sure, let's

Legislator Bruno 14:28

Yeah, let's just let's just...right. So, we'll read the changes. There's really only a handful of them from what I see.

Chairwoman Greene 14:34

Yes, I definitely want to read each one.

So, the first one read, instead of the Legislature declaring its intent to act as lead agency, because there are now two sort of competing, intents, we are "responding." The modification is that: "Respond(ing) To The Ulster County Resource Recovery Agency Notice Of 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.

Does anybody have any questions about that?

Legislator Bruno 15:29

That makes sense. Yeah, we're just scratching the word "declaring" and just using the word, that's fine.

Chairwoman Greene 15:36

Yeah, we're "responding to" instead of offering our own notice.

Legislator Bruno 15:42

Yep. Yep. I see no [inaudible]...

Chairwoman Greene 15:45

And then if we go down to, and if you haven't read the other whereases, and you have a copy, I strongly encourage you to, but we spent quite a bit of time Monday going through this and discussing the whole situation.

I want to just say one other thing that I may not have pointed out. Well, I'll say when it's relevant. So, here's the next change, the next possible amendment is, "WHEREAS, the Agency resolved on September 16, 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."

Fawn Tantillo

Just one minor correction, the date is September 10, that they made that, the agency resolved.

Legislator Petit 16:59

So, yeah, did I did I say that? I say otherwise?

Fawn Tantillo 17:04

Yes.

Chairwoman Greene 17:05

Okay, my, I don't have my glasses. Okay.

And then the next one: "WHEREAS, on September 16, 2020 the Agency transmitted a notice of intent to be lead agency to the Legislature; and

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

So, the sequence is to notify, especially other involved agencies, of a notice to intend to be lead agency. And then see if there are any other responses. And then issue, the negative declaration. If I'm not mistaken, that's my understanding. Okay.

Ken Gilligan, Esq. 18:14

Are we involved in this? Are we just listening? Just a meeting you're having with your members.

Chairwoman Greene 18:21

You're not involved at this time.

Okay. I just want to make sure.

Let the Legislature have its deliberations. If a Legislator wants to ask you a question, by all means, but what I want to avoid is kind of a debate. We need to get through this tonight. But I also, I don't want to cut off any conversation. I just don't want to focus on what the Agency did or didn't do, at least until we put everything on the table. So, that's what I'm trying to do right now.

Legislator Petit 19:05

Manna, this is Laura. I mean, do they have objections to this paragraph? If we're opening up the resolution for discussion? Does RRA have objections to the way this paragraph is written?

Legislator Criswell 19:22

I would prefer to run this the way Manna has said. That we go through every point ourselves, and then open it to discussion, to RRA. If we open it right now, it's going to become a back and forth and back and forth. I think that's going to be an unproductive way to run this meeting.

Legislator Bruno 19:40

I want to agree with those two people. I think that makes sense too.

Chairwoman Greene 19:45

And we can absolutely, you know any Legislator that has a question, we'll work through that. But I think we were asked to compare this version with the previous version so none of these were in the previous version. And we are up to, let's see... Whereas... thank you, Fawn.

"WHEREAS the Agency retains authority and discretion to move forward with reviewing the feasibility of priority a municipal technologies outlined in the Local Solid Waste Plan, and in particular to retain a consulting firm to evaluate the possibility of permitting and constructing a local landfill, or a biotech SRF facility within the county, within Ulster County, during the Legislature's consideration of the Local Solid Waste Plan, including and appropriate and compliant SEQRA review; now, therefore be it RESOLVED.

And Fawn, can you pull that up just a bit? Because I have something blocking it. Okay, thank you.

The change here is to strike that the "Legislature will prepare a full environmental assessment form and circulate it." And instead, "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 does it in the appropriate order. That's not in the resolves, I'm just clarifying.

So, at this point, I guess I would say, it sounded like, there were no objections to the change in title. But we can look specifically at each of these sections. And I would like the Legislators to raise their concerns. And then if it is appropriate to speak with our counsel, or anyone else on the call, we can do so.

So, let's go back up to the first changed whereas.

Legislator Bruno 22:52

Can I make the first... First of all, why don't we find out if anybody has any objections to anything that's on there? If they don't, we can put it right to a vote right now.

Chairwoman Greene 23:04

Okay. Any, any concerns about any of the "whereases" or the resolved?

Legislator Criswell 23:16

I feel like we talked this through very thoroughly on Monday and I feel ready to vote on this.

Legislator Bruno 23:23

Me as well.

Chairwoman Greene 23:25

I have one possible modification, it's not serious. But if we could scroll down to, I think it's the third changed, whereas, or fourth one, the last one before the resolve. With oops. And thank you.

"WHEREAS the Agency returns his authority and discretion," I'm fine with all of that.

I have one possible change, and that is, instead of the "possibility" of permitting and constructing a local landfill. I think the term is "feasibility."

That's what they would be... rather than "possibility." So, I would, you know, consider making that change before we adopt any of the amendments.

And the other is, "a possibility of a consulting firm to evaluate the permitting and constructing of a local landfill or other facility."

And the reason I'm suggesting that is that in the Solid Waste Management Planning Commission, there was concern about that. And I can guarantee you in the community at large, there may be concern, it's sort of a red flag.

It is true that these are the two technologies slated to be evaluated in year one. I'm just a little concerned that I think there's fairly widespread consensus that we need to do feasibility for a local landfill. And it is in the plan about the biotech. I just, to me, it's a red flag. And I kind of like to deal with problems one at a time and resolve them in that order. So, I would just suggest, and it's up to the committee, changing that to "or other facility."

Legislator Criswell 25:51

I think that personally makes sense, because it just opens it up for possibilities. And why not do that?

Legislator Bruno 25:57

Yet technology could change in two years from now. I don't know if you're still on, your froze. But Tracey's asking.

Chairwoman Greene 26:13

Oh, you know what? Hard to see everybody at once. Tracey.

Legislator Bartels 26:17

Thank you. Yeah, I think it's a good suggestion. You might just, I'm just going to throw this out there to go even further. Maybe to say, "and in particular, to retain a consulting firm to evaluate the feasibility of permitting and constructing various technologies within Ulster County."

Legislator Bartels 26:38

I think technology is the language that's used in the Local Solid Waste Management Plan. Maybe someone could pull that up. I don't... I mean, we could leave landfill or you could just keep it all vague and open to anything. I think the point is that we're acknowledging that the Agency retains this authority and discretion to move forward, even as we're deliberating.

Legislator Criswell 27:00

So Tracey, could we say, "various technologies, such as a local landfill or a bio high tech SRF, or other facility?"

Legislator Bartels 27:11

I mean, I think Manna is right that putting bio high tech SRF might raise flags. Yeah. Regardless. So, it's, I mean, it's up to the committee. But, you know, I mean, just me personally, I'm okay with leaving landfill. But landfill, you know, landfill does raise certain flags for some people as well. I mean, they're both in the Local Solid Waste Management Plan. I think you could just be very general, or you could do as Manna first suggested.

Chairwoman Greene 27:48

I think the reason in that it's worded the way it currently is, is during the Legislature's consideration of the Local Solid Waste Plan, you know, I don't think we expect it to take several years. And I almost have the timeline memorized at this point. And these were the two for the first year.

But we're not taking away any... you know, we're distinctly acknowledging that the Agency can move ahead with any of its feasibility studies or permitting while we consider the plan in an appropriate and compliant SEQRA review. Because it's been pointed out to us what the law is and we have to follow the law.

So, go ahead, Legislator Bruno, for final wording on this.

Legislator Bruno 29:05

Thank you, Manna Jo. I think, actually, both you and Tracey are right on target. As far as changing the word of "possibility" to "feasibility," Dave Gordon, probably the one that pull that trigger, whichever one is appropriate legally, in that I think feasibility makes more sense to me.

However, as far as the local landfill, I think that's something very serious and very dear near to everybody's heart and Ulster County, and I think that word needs to stay there. Or, and then when you put bio high tech, I think that needs to be changed to either tech, whatever technology available at that time. Because technologies and in waste management is changing daily. So let's face it. There's all kinds of stuff. So, in a year from now, there may be something else that comes up beside a burn plant or something. So, I like the idea of either other or other technologies. I don't want to see, I don't think we need to get too hung up on that tonight. But I do think we need to make that a little bit more vague than it is. Take that out, because that will handcuff us to that particular technology.

Chairwoman Greene 30:13

So, Laura.

Legislator Petit 30:14

Do we need to bring those two comments at all? Because the LSWMP already has the technology listed. Can that be taken out take out from "and" all the way to "the county?" Local Solid Waste Management Plan during the Legislature's consideration. Because they have all the technologies listed in their plan already.

Legislator Bruno 30:44

And I think we're doing those, we're, we're leaving it open for any new technology that may come out. I just want to make sure that doors...

Legislator Petit 30:51

I see what you're saying. Okay.

Legislator Bruno 30:54

I mean, those are maybe in the plan now. But new technologies could happen tomorrow, or next month, or next year, whatever. I think we need to leave that door open that if something new comes out, we want to be able to have them or be utilized not be handcuffed by a specific type of technology. That's all I'm saying. Mr. Gordon, what do you think?

David Gordon, Esq. 31:16

Yeah. I, when I drafted it, I did it to just specify for anybody who read the resolution, the technologies that we're talking about, but there's no, to answer Legislator Petit's question, there's no problem at all taking out that entire phrase, because it was just a specificity. And if it's going to cause problems, it doesn't have to be there. It was just meant to be explanatory. And I did just copy the technologies in the 2020 work. So, you can do it either way, the committee can do it either way it wants. Either spelling it out and agreeing on something or just getting rid of it, because the point is it exists without the specific technologies.

Chairwoman Greene 32:01

And it does typically say that the Agency can move forward with reviewing the feasibility of priority municipal technologies as outlined in the plan.

David Gordon 32:15

And that's the key idea. Manna, before you move forward to other sort of housekeeping changes you might want to consider. very minor.

Chairwoman Greene 32:26

Go ahead.

David Gordon, Esq. 32:27

Okay. On the top, whereas on that page reads, "WHEREAS on September 16, the Agency transmitted a Notice of Intent to be lead." This was sort of a, we passed the ball back and forth between me and Vicky on this. And Vicky was... Vicky put in September 16, because that was the date of Tim DeGraff's letter.

However, the information I got from Nettie was that it was transmitted to us electronically, on the 18th. And that was the date I originally drafted and Vicky replaced it with the 16th, because that was the date on the letter. I think it came to us on the 18th. And Tim might be able to help us with that. Or we may want to replace it, or just leave Vicky's draft, because that's the date that it was on the letter.

The other one is just language. In the second line of the last, whereas, there's the phrase, "priority municipal technologies." And either I didn't, I didn't draft this correctly or got lost in the bouncing back and forth. I meant "priority municipal solid waste technologies." And I would suggest putting in the word "solid waste" between "municipal and technologies."

Fawn Tantillo 33:47

But can you tell me exactly where that it is? I don't see where we're talking about.

David Gordon, Esq. 33:50

The second line of the last whereas it says, "feasibility of the priority municipal technologies."

Fawn Tantillo 33:59

Okay. Yeah. That should say "solid waste."

David Gordon, Esq. 34:01

It should be "municipal solid waste technologies." I'm not sure how it got lost. I may have missed drafting it before. So, those are my two sort of housekeeping suggestions for the committee to consider.

Chairwoman Greene 34:14

I think that one is clear. I'm a little unclear on the date of September 16 versus 18th. The transmission was done electronically before. Oh, I see the transmission occurred, but the letter was dated on September 16?

David Gordon, Esq. 34:39

My information is that the letter was dated on the 16th. The transmission occurred electronically on the 18th. And also, hardcopy, by certified mail, was received on the 22nd. So, I wanted to use the 18th but I think Vicki put in the 16th because that's what was on the letter. That's my understanding of it.

Chairwoman Greene 34:58

Okay.

Fawn Tantillo 35:00

I thought that I thought legally it had to be the date on the letter. In fact, in the letter it says 30 days from the date of the letter. I thought it was...

David Gordon, Esq. 35:09

It's the date sent to us and it was sent on the 18th. I that's what Nettie had told me.

Fawn Tantillo 35:16

I just haven't been able to confirm that email.

David Gordon 35:18

Okay.

Legislator Petit 35:21

Chairwoman, is it possible to hear from the Executive Director of the RRA at this point? Or are we splitting the verbiage?

Chairwoman Greene 35:35

If you have specific function, by all means. I just don't want to go get into a general discussion. Yeah.

Legislator Petit 35:45

No.

Chairwoman Greene 35:45

Is there a question.

Timothy DeGraff 35:46

No, I don't plan on getting into a debate or anything. I'm just a little confused that everything that's going on, I just want to...

Frederick Wadnola 35:57

You can't have a discussion with the committee [inaudible--background noise, conversation and background television noise].

Chairwoman Greene 36:04

Fred, can you please unmute, we hear you, and go back in.

I would be glad to recognize you. I want to let you know that it's really hard to make out the words you're saying. And I don't know whether you even speaking to us or someone else.

Legislator Bruno 37:16

Manna, it wasn't very hard to make out his words at all.

Chairwoman Greene 37:20

So, okay, let's, let's continue. Laura was speaking with Tim and I'll be glad to recognize Fred but he'll have a you know, he'll have to be able to be at a you know, a distance to the mic that we can hear him. So...

Legislator Bruno 37:43

Manna. Manna he's in front of us. Can you not see his screen?

Chairwoman Greene 37:49

I can see him. Yeah.

Legislator Bruno 37:50

He's sitting in front of his computer now before he was not.

Chairwoman Greene 37:54

So he may have been talking to someone else.

Legislator Bruno 37:56

He definitely was talking to someone else.

Chairwoman Greene 37:59

Okay, good. Tim, go ahead.

Timothy DeGraff 38:03

Yeah, I was just wanted to point out the fact that I, I came into the middle of all this, I believe the first meeting I attended of this committee was the one where Amanda Laval brought up the potential requirement for SEQRA. And I even asked the question of Dave Gordon, because I admitted to being ignorant to the whole process. And I had since learned the process of SEQRA, to some extent, afterwards.

My understanding was that we didn't do SEQRA. You guys felt as though we needed to do SEQRA. I spoke to... I reached out to people in the private industry and the public industry, other authorities. I put a lot of time in trying to learn about all this. We actually contacted a completely separate engineer, not Cornerstone who did the Solid Waste Management Plan. So, that I could get a second set of eyes and ears on this. And this individual used to work at the DEC, has tons of experience in the solid waste industry. He concluded... and I concluded based on what he said, that it didn't seem that it was required, but it made sense that we did it.

Which is why I had sent out a letter, and I even thanked Amanda and David Gordon for bringing up this potential SEQRA need and to move forward for us to be lead agency. Because, ultimately, I thought that first meeting I was at, it was brought up that we needed SEQRA. So, ultimately, that's what the agency decided to do was to, okay, we will do it, then you're okay. You're right. Thanks for the info.

And I don't know... I'm not really sure where we're where we're all going and all this. So, I feel a little left in the dark. I don't know if there's contention on this or where we're going. I thought you guys wanted SEQRA. Ultimately, we agreed. So we did it. So, now I'm not really sure what where we are on all this? So, I'm just looking for clarification.

Ken Gilligan, Esq. 40:06

I think Tim is asking is what is really behind this? Do you want to rewrite the plan? Because if it's a minor technicality, what... the reason we did it all in once to speed this up. This has been going on for... you had it for almost three months. And we've tried to move it quickly. Once we agreed that we would do SEQRA, we did it. And we sent the intent, together with the [fief] form, letting you know what our intention was, to speed things up. If you want to fight us over that that, then so be it. But we were communicating to you that we found that there was no need for a positive dec. And I believe, I don't know what else you guys want? Do you want to rewrite it? Let us know.

Chairwoman Greene 40:58

Okay. I'm going to redirect us back to the matter at hand, because I think we agreed that we're not going to debate this. And if it gets into discussing legalities, I think we're going to have to go into Executive Session. So, at this point, I would, you know, you're welcome to read the memo that Attorney Gordon provided, that gives all the background information, not all the research that he's done, and tried to summarize it, but it's a lot. And there were some inconsistency in the process that is inconsistent with SEQRA that we're trying to correct.

Ken Gilligan, Esq. 41:50

Okay, so if we correct it, the way you want it done, what, what's the next step? Do you want to rewrite it? You should tell us what your real your real intentions are.

Chairwoman Greene 42:01

We are telling you our real intentions. And I think you're being rude. And I am...

Ken Gilligan, Esq. 42:07

I am just trying to find out what's behind this.

Chairwoman Greene 42:11

There's nothing behind it other than trying to follow the law and get the best possible result.

Legislator Bruno.

Ken Gilligan, Esq. 42:18

So, I asked you if we do another resolution, and we apply for...

Chairwoman Greene 42:26

I'm going to...

Multiple speakers 42:27

[Inaudible]

Ken Gilligan, Esq. 42:28

Are you're going to fight it? That's what I want to know. We need to know what you're up to.

Chairwoman Greene 42:32

This is what I did not want to have happen.

Ken Gilligan, Esq. 42:37

Then why did to invite us?

Chairwoman Greene 42:39

So that you could hear our deliberations and understand by listening to what...

Ken Gilligan, Esq. 42:47

We have listened. You're asking us for some new... we're not even getting any input. We listen to you.

Chairwoman Greene 42:55

Under a...

Ken Gilligan, Esq. 42:57

We got a notice of this at one o'clock, Manna Jo, and we all are here tonight.

Chairwoman Greene 43:02

I believe Ken Gilligan is being very rude. Fawn, is there a way that you can please mute Mr. Gilligan?

Ken Gilligan, Esq. 43:09

Well, I can leave the meeting.

Chairwoman Greene 43:15

Oh, you don't want I think, you know...

Chairwoman Greene 43:18

Yeah, Al.

Legislator Bruno 43:20

We kind of that last whereas, that we had the issue with, everybody else seems to be okay with that. I like to call a vote on this. Let's stop the arguing. This could go on all night long.

Legislator Criswell 43:32

I agree with Legislator Bruno.

Legislator Petit 43:35

Yes.

Chairwoman Greene 43:38

Alright, so, you know, there will be other opportunities to have a discussion. Right now we're focusing on this amendment to Resolution No. 323.

Legislator Bruno 43:56

I'd like to make a motion. I'd like to make a motion, we pass this...that for this... Resolution 323, as amended, and changed tonight with the few words that we amended, however, it needs to be put into a...

Legislator Criswell 44:12

I'll second that.

Fawn Tantillo 44:14

Can you see it on the screen now?

David Gordon, Esq. 44:17

Wait.

Chairwoman Greene 44:17

Yes, I see that...

Legislator Bruno 44:19

The words feasibility and other technologies. I'm happy with that. So, I'll make a motion. We passed this resolution, as amended.

Chairwoman Greene 44:26

All right. Let me get a second and then I'll acknowledge David Gordon.

Legislator Criswell 44:32

I believe we haven't finished figuring out the September 16th issue. That's my guess, is that what attorney Gordon is going to talk about, we haven't decided whether that's 16 or 18.

Chairwoman Greene 44:44

All right. We're still in discussion. I'm not calling the question yet. We don't even have second.

Legislator Criswell 44:52

Personally, my take on that would be, it would be the date that it's written. The date that it is signed by the person writing would be Number 16.

Chairwoman Greene 45:04

Attorney Gordon.

David Gordon, Esq. 45:05

Manna, I think we need to, we're going need two votes, we still... we're going need a vote on a motion to amend. And then we'll need a vote on the amended resolution.

David Gordon, Esq. 45:14

So, my suggestion would be to have a motion to amend. And in that motion, we should specify that we had a bunch, we had some questions about the language. The person who moves the amendment should specify the language that he or she wants for each of the sections, and then we'll have something to vote on. But we should have two separate votes.

Chairwoman Greene 45:14

Yes.

Legislator Bruno 45:35

All right.

Chairwoman Greene 45:36

So Legislator Bruno, do you want to do that?

Legislator Bruno 45:39

I'd be happy... I'd be happy to. I'd like to make, I'd like to make the motion that we amend. Resolution Number 323 that's before us. Putting in the words "feasibility" where "possibility" was and using the words or "other technologies" where "biotech SRS facilities" were. And the date of September 16 to September 18. I don't think I missed any did I?

Legislator Criswell 46:08

No, I think the 16th stays the 16th.

Legislator Bruno 46:10

The 16th, I'm sorry. And continue to keep the September 16, as it was. I'd to make the motion that we passed this resolution as those, with those amendments.

David Gordon, Esq. 46:20

Motion to amend first.

Chairwoman Greene 46:21

Let's make the amendments first and...

Legislator Bruno 46:25

I make a motion to amend the resolution 323 in that manner. Thank you

Legislator Criswell 46:34

I'll second that amendment.

Chairwoman Greene 46:36

Okay. And I saw a hand before I call the vote. Attorney Gordon.

David Gordon, Esq. 46:43

Yeah. Legislator Bruno might also want to make a motion in his motion to amend the resolved clause.

Legislator Bruno 46:51

We're, oh, I'm sorry. You're right. And I'll start over again, if it's okay with everybody. And I apologize.

I'll make a motion that we amend Resolution Number 323 to use the words "feasibility" where "possibility" was. To use the word "other technology" where "biotech SRF facility" used to be. And to change the last paragraph to say, "respond to the agency's notice of intent to be lead agency for Ulster County Solid Waste Management Plan by opposing the agency's attempt to be lead agency unless the agency rescinds its negative declaration."

Legislator Criswell 47:35

And to add 'solid waste' in front of 'technologies.'

Legislator Bruno 47:39

And to add "solid waste" in front of "technologies." Yes.

Legislator Criswell 47:45

I will second that.

Chairwoman Greene 47:49

Okay. Any further discussion by the Committee on the amendments? The amendments to the overall amended resolution.

Okay. So we will call the vote on these specific amendments, as made by Legislator Bruno, and seconded by Legislator Criswell.

All in favor, please indicate by saying aye.

Committee Members 48:15

Aye.

Legislator Bruno 48:15

I make a motion that we pass the resolution...

Chairwoman Greene 48:22

Hold on. Hold on. Is anyone opposed? All right, the motion carries unanimously.

Fawn Tantillo 48:29

But next, you need to accept all of the amendments as presented now.

Legislator Bruno 48:34

Yeah, those are the words. Thanks Fawn.

Fawn Tantillo 48:36

I'd like to make a motion that we pass resolution 323 with all of the amendments, as amended.

Fawn Tantillo 48:36

You amended the amendment. So, now you need to accept all of these amendments.

Fawn Tantillo 48:37

You just have to.. I'm sorry, because...

Fawn Tantillo 48:53

Did I miss something again here?

Fawn Tantillo 48:54

Yeah. Yeah. You amended the amendments, was your first... you only talked about the amendments we were making to the bold typed amendments. So, now you need to accept all of the bold typed amendments, including

Legislator Bruno 49:05

That's what I said.

Unidentified off-screen speaker 49:06

Oh my god. [Inaudible].

Fawn Tantillo 49:07

Then you need to, then you vote to approve the resolution as amended. Sorry, we need

Unidentified off-screen speaker 49:14

Inaudible.

Legislator Bruno 49:15

You're saying I need two votes here? Just went out.

Fawn Tantillo 49:18

It's just the way you worded the first one because you only spoke about the changes to the amendment. There are several amendments in here in bold.

Fawn Tantillo 49:25

I would like to make a motion we accept resolution 323 as amended. Period. Okay.

Chairwoman Greene 49:33

Now, let's be specific. So, we don't have to do this a fourth time. With the changes in bold and the deletions.

Legislator Bruno 49:42

Amendments, as amended.

Chairwoman Greene 49:45

Yeah.

Fawn Tantillo 49:46

Okay.

Legislator Criswell 49:48

I'll second that.

Legislator Bruno 49:51

Thank you Mr. Criswell.

Fawn Tantillo 49:51

Thank you, Peter.

Chairwoman Greene 49:52

All in favor? Please signify by raising your hand and or saying aye.

Chairwoman Greene 49:59

Aye. (Raised hands on screen)

Chairwoman Greene 50:02

All right. And now we should take a vote on, as a committee, on the entire amended Resolution 323.

Committee Members 50:19

Aye. (Raised hands on screen)

Fawn Tantillo 50:23

Somebody move it.

Legislator Bruno 50:24

We just did that.

Fawn Tantillo 50:25

Well, that's all right.

Legislator Bruno 50:27

Didn't we just do that?

Chairwoman Greene 50:30

Moved by Legislator Bruno. Seconded by Legislator Criswell.

Chairwoman Greene 50:35

All in favor?

Committee Members 50:36

Aye. (Raised hands on screen)

Chairwoman Greene 50:38

Anyone opposed? Motion carries.

Chairwoman Greene 50:42

Now before we adjourn, I don't like cutting people off. But I also do not think this is the appropriate place for a debate or a discussion. I actually think that we need to facilitate an opportunity to have a facilitated discussion, step by step. But for now, I don't want to cut anyone off.

Legislator Criswell 51:18

Manna?

Chairwoman Greene 51:19

Yes.

Legislator Criswell 51:20

Can I just go on the record as saying that we have in committee many, many times said we really want to work in a positive fashion with the RRA to make sure that we get this right. Our intentions are very clear. And there's no malfeasance going on our part, we are not trying to be shady. We're not trying to have some sort of street fight with the RRA. We are just trying to follow the law as we know it. And we are trying to come up with a comprehensive plan that is best for the county. That is what we are trying to do. So, I would really like to clear the notion that we are trying to do something that is underhanded or not on the up and up because that is absolutely not true.

Chairwoman Greene 52:08

We have no hidden agenda.

Legislator Bruno 52:11

And I want to echo Mr. Legislator Criswell, his comments, we have no, regardless of who thinks what, this is all about, doing it the right way. Period.

Chairwoman Greene 52:28

Okay.

Frederick Wadnola 52:30

Before you leave, could I make a comment?

Chairwoman Greene 52:33

Yes, please.

Frederick Wadnola 52:35

I'm not quite sure really what's going on. You've had several months to review the plan. You don't like to plan. It seems, in my judgment, that there is... you want to rewrite the plan. I mean, I don't know what else to think, Manna Jo. Because we worked on this for hours, hours and hours.

Frederick Wadnola 52:58

And, you know, there's a lot of things to take into consideration. You're talking about looking for other technologies. You're looking for a landfill. You know, you, you know that we have no bonding authority.

Everything has to go through the Legislature. We spent an additional \$19,000 so the Legislature could be involved with Cornerstone in the preparation of the plan.

Frederick Wadnola 53:26

You've had to plan for three months. We incorporated everything that, you know, outside people commented on, if they read the plan, they'll see their comments and so forth. I guess I'm frustrated because I don't know, really where you're coming from at this point in time.

Frederick Wadnola 53:49

Maybe somebody to clarify that because I'm not sure maybe, maybe you don't want the RRA to be successful and to continue. Maybe you want it to be a county department. I mean, if that's what you really want to do, tell us and we can abolish the RRA.

Frederick Wadnola 54:07

It's so frustrating. We work very hard. And we're all volunteers. You know, we don't get paid to do anything. We put a lot of hours out there in the, you know, operation with the executive director, and the director of operations and so forth.

Frederick Wadnola 54:24

So, it's a very frustrating situation, on my part, having spent all those years in government to see what's going on. So, maybe someone could give me some clarification about your feelings and what's going on.

Chairwoman Greene 54:39

I think Legislator Bruno was very clear and if you haven't read attorney Gordon's memo, I really urge you to do so. But Legislator Bruno, do you want to answer Chairman Wadnola or...

Legislator Bruno 54:59

Yep. Right, I'll be honest with you, I just want to make sure that we're doing it the right way so nothing comes back and bites us in the butt. It's got nothing against the RRA, or no hidden agenda, we just want to make sure that we do it correctly. As far as, in the beginning, we will all of us, I think most of us here, want to want to see zero waste, we want to reduce the amount of trash, the amount of the amount of stuff that goes into a landfill, we want to do the best that we could possibly do with the technologies available for the constituents of Ulster County.

Legislator Bruno 55:32

And that includes the right SEQRA, the right technologies that are out there, that's all we're trying to do. We got nothing against the RRA, we want to work with you. We just want you guys to work with us as well. So, if the process takes a little bit longer than we anticipate, on both parties, it takes a little longer. But at the end result, is all good. We're all we're all in this together. We're trying to do the right thing for everybody, and your volunteers, essentially, so are we in a lot of ways. But what I'm saying is that there is nothing behind the scenes, we have nothing to gain, other than do the right thing. That's all.

Frederick Wadnola 56:07

You know, Dave Gordon was my vice chairman and sat on the RRA board. So, he understands how the RRA operates.

Legislator Bruno 56:16

And that's why we ask him all the time. Are we working this right? Are we doing this right? He's here. There's no agenda. It's just we're trying to do the right thing. We may have different opinions on how that right thing ends up. But we're all in this together.

Legislator Bruno 56:32

So, when Mr. Gilligan got upset, and he was, you know, hinting to the fact that we have some other ulterior motives, it's almost an insult, because it's really we're not doing that. We're trying to do the right thing. And I don't think there's anybody here, on this screen that I'm looking at, that wants to do anything other than that, on both sides of the fence.

Ken Gilligan, Esq. 56:52

Let me defend myself, please. I'm not... all I want to know is what you really want to do. If we make these technical changes, and we still, as a board, find a negative dec, what is in it? What's going to change? Are you going to try and rewrite it? That's what we want to know. We're entitled to that. There's no reason for you doing what you're doing.

Legislator Bruno 57:16

I will defer... I will defer that comment to Manna, or Laura, or somebody, or Tracy or somebody else.

Chairwoman Greene 57:21

Let me just say one other thing in that there has been a request to work together on the Zero Waste Implementation Plan. What we're talking about tonight has to do with SEQRA legalities. But because it's going to take time to work through that. It may be another month before you, if you... if we get this passed, if you rescind, and do it in the correct sequence, then... But during that time, we could be meeting and working together to resolve the unresolved question of a collaboratively developed Zero Waste Implementation Plan.

Chairwoman Greene 58:16

And when I bring this up, one of the board members, Charlie Landi, repeatedly said, we can do that in two years. But on the other hand, if we agree now, we can be diverting waste for the next two years as we evolve the Zero Waste Management Plan. I don't want to wait two years. And our request to the Agency has been resolved that this year and work together, take the work that's been done by both the Agency and the ROC, the Recycling Oversight Committee, blend it into a document that we all support and move forward in a collaborative manner. That is not a... this resolution is not contingent on that. On the other hand, the action that the legislature takes, with regard to actually passing the plan, this is just about lead agency status.

Chairwoman Greene 59:23

And the other thing is we want to be sure that the Agency takes a hard look and uses a coordinated process. And that we start working together. And that's all it is. There's no other hidden agenda, nothing behind that other than trying to get us working together for the good of the county.

Chairwoman Greene 59:48

It is true that the Agency is basically responsible for managing solid waste in the county. But that doesn't mean that the Agency alone has good ideas about how to, in this case, divert more waste. So, that's another question. And that's not one we're addressing tonight.

Chairwoman Greene 1:00:10

But by way of trying to answer your questions, Tim's questions, Fred's questions and Attorney Gilligan's questions. That's, you know, we've been very clear about that since the Solid Waste Planning Committee was meeting, in numerous correspondences. And, you know, several of us have attended the Agency meetings to try to stress that. So, I think we've accomplished as much as, as we can tonight.

Chairwoman Greene 1:00:49

There is one other question, and that is, because of the timing issue, I believe that we may need to ask Chairman, you know, we, the Legislature is not scheduled to meet until after the 30 days is up. So, we may need to request Chairman Donaldson, who I think was going to try to be on the call tonight, but it's traveling, to call a special meeting for this purpose. So that's I think the last item of business that we have to address tonight. And maybe now could just be put in the form of a motion.

Legislator Criswell 1:01:36

May I ask a quick question, Chairman Greene?

Chairwoman Greene 1:01:39

Yeah, please.

Legislator Criswell 1:01:40

So, when's the last time that this committee has actually sat down with the RRA itself, and talked through what our concerns are, what the issues are, and how to move this forward in a collaborative way?

Chairwoman Greene 1:01:56

The closest thing I can come to that is that we worked on... we work together on the Composting Law. And then we also began to work together on a Zero Waste Implementation Plan. Or at the time, I think it was called the Zero Waste Action Plan. And that, those conversations, partly because of COVID, and a lot of other things, just didn't come to fruition. But we have been seeking that collaboration. And I absolutely think that if we can engage in it, we can get through these difficulties, and move forward.

Legislator Criswell 1:02:48

I second that. I mean, I have a background in facilitation of groups. And these two groups need a facilitation, right now. There's conversations that are going on that are misfiring, there's mistrust happening right now. We need to all sit down, clear the air. I think, with a third party, who actually is a disinterested party, who can actually say, I hear you saying this, I hear you saying this, there's a disconnect here, and move us forward. Because clearly, we're not moving forward in concert. And that's what this, that's what the people, that's what our taxpayers deserve, is for us to move together, as one unit.

Chairwoman Greene 1:03:28

I've even... Yeah, I'll recognize you in one second, Tim. I've even been thinking of possibly, just because they have the skills, asking the Dispute Resolution Center, or someone like that..

Chairwoman Greene 1:03:44

Tim.

Timothy DeGraff 1:03:47

Hi. Yeah, I'm still a little bit confused with regard to working with the committee. Because it's... I believe that the Agency is completely autonomous and we just report to the committee. So, if we're working with the committee to develop policies and plans, that kind of blurs the line with regard to our entity and the county. I think maybe that needs to be addressed and explained ahead of time before anyone moves forward with working on plans and policies of that nature.

Timothy DeGraff 1:04:27

Because I specifically, I personally have a huge concern with the Recycling Oversight Committee and some of the people involved in that. There's perceived conflicts of interest there, with a private entity, in composting. They can't be involved in developing a policies and a Zero Waste Plan with essentially their competitor. I personally, I can't be involved in that. My, you know, my certification. I would have to recused myself and step away from any discussions with that committee. And that's separate from the Environment Committee. So, I think we need an even more basic understanding of the Agency's role. And the Ulster County Legislative Energy and Environment Committee's role in this as well.

Timothy DeGraff 1:05:15

I think what Legislator Criswell is talking about is ultimately we have the same goals. Absolutely. It's Ulster County, we're still the Ulster County Resource Recovery Agency. We're still the planning unit. And you guys are the Legislators, you know, you legislate. So, we have the same goals. It's a matter of how we technically go about getting there.

Timothy DeGraff 1:05:35

And I think, I feel that we are completely separate from those issues. That's got to be explained and addressed to the to all those involved. I'm not sure how much everybody actually knows, knows about that. And maybe a little education on it standpoint would be helpful for all of us as well. Before we get into

potentially arguing about, debating, or even developing things. I think that should be considered. Thank you.

Chairwoman Greene 1:05:58

And that... you're most welcome. I think, from my experience with dispute resolution, that's exactly what happens. Is those issues get mapped out and discussed before you move forward to an actual planning process.

Chairwoman Greene 1:06:20

Legislator Bruno.

Legislator Bruno 1:06:22

I have one question for Mr. DeGraff, you made the comment that you're a totally autonomous entity.

Chairwoman Greene 1:06:30

Come closer to your mic, please.

Legislator Bruno 1:06:32

Sorry, I see you made the, you made the comments here that the RRA is a totally autonomous entity. That comes across... does that mean that you take no input from anyone else?

Timothy DeGraff 1:06:49

No, that's not what...

Legislator Bruno 1:06:50

That's what your trying to do.

Timothy DeGraff 1:06:51

No, that's not what I'm saying. I'm saying the setup... we were set up through state legislation. We're autonomous from an operational standpoint. And your committee has involvement with us as we're supposed to report to you on a monthly basis.

Legislator Bruno 1:06:54

[Inaudible.]

Timothy DeGraff 1:07:07

That what that reporting is exactly, I'm not sure. I put some inquiries out there. I don't know if you guys want reports from us, or just a general operational explanation. But there you got to... You guys provide more of an oversight. We can take recommendations from you or... but developing a formal plan and policy, I think we need to determine where that exact line is. Where it stops with the Legislature. And where it stops with the Agency as well.

Legislator Bruno 1:07:35

So, it's the... at the same time you also mentioned the Recycling Oversight Committee. That you there was an issue with.

Timothy DeGraff 1:07:42

Yes.

Legislator Bruno 1:07:42

And honestly, I'd like you to expand a little bit more on that. On where you're coming from with that, because I thought the three of us... when I say three of us are Recycling Oversight Committee, the Energy Environment Committee, and the Ulster County Resource Recovery Agency. We're all on the same team. Just different arms of that team.

Timothy DeGraff 1:08:01

Yeah. Correct.

Legislator Bruno 1:08:01

We're supposed to be doing the same thing. So, to put one above the other one or the other is kind of like, ech.... you understand what I'm saying? I think...

Timothy DeGraff 1:08:10

Yeah. No. No.

Legislator Bruno 1:08:12

That's what Legislator Criswell was talking about.

Timothy DeGraff 1:08:14

Yeah, no, I get it. So the Recycling Oversight, the Recycling Oversight Committee was set up as part of the Recycling Law. And it was having, has to do with deciding what's a regulator recyclable and what's not. And it's branched out into something else. And when you branch out into that something else, it you also bring in the potential for people to be involved that weren't intended to be involved as far as the makeup of that committee.

Timothy DeGraff 1:08:40

And that's... what I... like I said, this is just my personal feeling. And I feel like some of the people that were brought into that could, ultimately down the road, if they're writing a plan, and trying to dictate certain things, there could be a perceived conflict of interest with that. That's what I'm saying with the Recycling Oversight Committee.

Legislator Bruno 1:08:57

Okay. I just think, also, but the name of itself, the Ulster County Resource Recovery Agency, is just that, recovering the resources that are available to them. We're referring to our refuse, whether it be through recycling, or through landfill, or through composting, or through whatever means are necessary to deal with that. And all we're trying to do, as a committee, is see that all the avenues are explored. And the avenues that are most beneficial to our environment and to our constituents, on all three levels. It's a pretty simple thing.

Legislator Bruno 1:09:35

I don't think there's a conflict of interest on anything. I think, because we're all on the same team. We're all looking for the same goal. Dave Gordon put his hand up, there might be some legal technicalities in between. But fighting among each other and accusing each other of having ulterior motives and or underlying whatever, is not productive on any level.

Legislator Bruno 1:09:58

And that's where I believe that Legislator Criswell is spot on. We really need to eliminate all of that. We need to work together. Because the bottom line is, we have to stop the amount of crap that we're throwing into our environment, one way or another. And we all need to work together to accomplish that goal.

Ken Gilligan, Esq. 1:10:20

Legislator Bruno, if I may, just for a second, this has been going on for over a year. And there has been input from all these committees, including Manna Jo's committee, she was at every meeting of the Legislature and open to public comment all the time. We had a public hearing on this. We've had input from the Legislature. And we wrote, and they wrote to the, to Cornerstone, and they included a lot of what they wanted. So, what else do you want is what we're really trying to find out. There has been a lot of public access. We've done our diligence.

Legislator Bruno 1:10:58

It's not like you guys against the world. It's not what it is. The end result we're trying to get to.

Frederick Wadnola 1:11:04

And Legislator Bruno, Albert. I apologize, I should have had you out there for the tour. But I've been busy. But you need to come out. And we need to give you the tour. So you see our operation. And you know, when you when you talk about diversion, right now, we're pretty close between 30 and 40% of material that comes in that we're diverting... the metal and cardboard and so forth. You need to see our... come out and see our operation. So, I'm going, I'm going call you later on tonight, and make...

Legislator Bruno 1:11:43

Tonight... believe me, I... tonight is probably... this week has been stressor enough. But listen...

Ken Gilligan, Esq. 1:11:48

You want to watch the Yankees tonight.

Legislator Bruno 1:11:50
No. Me?

Legislator Bruno 1:11:52
Fred, I can honestly tell you, I understand, I do go out to the facility, probably once a month, twice a month. That's beside the point. The last time it took me two hours because you're redoing the scale. So, I understand.

Frederick Wadnola 1:12:05
You get it.

Legislator Bruno 1:12:07
So, as far as that goes, I see the mounds of compost. I know what you guys do there. I'm not belittling or diminishing anything, in any way. You guys do an incredible job. I really think that. I just think that, you know, more eyes can look at things in better directions. And that's all we're trying to do. And then you know, it's like...

Frederick Wadnola 1:12:27
No, I agree with you. I agree with you.

Legislator Bruno 1:12:29
That's all we're trying to say.

Frederick Wadnola 1:12:30
You know, we just need to understand and make... and what Legislator Criswell said. We need to understand a little better.

Frederick Wadnola 1:12:39
Exactly.

Frederick Wadnola 1:12:40
The collaboration.

Legislator Bruno 1:12:42
Yeah, I think we're all coming from... Fred, I, I get it. I understand. Believe me, I've known you for forever. I know. I'm not saying that.

Frederick Wadnola 1:12:52
Okay.

Legislator Criswell 1:12:54

And I want to publicly apologize to everybody. I'm not just laying down on the job. I'm actually recuperating from surgery. Just so everyone's clear that I'm not just hanging out here on my couch, laying down.

Frederick Wadnola 1:13:07

Sure. I am too. I just had knee surgery.

Chairwoman Greene 1:13:13

I saw Dave Gordon's hand.

David Gordon, Esq. 1:13:15

Yeah. I... just a couple of points. I wanted to respond directly to Tim, Tim DeGraff's question. And also, I think to Fred and Ken's point. With respect to Tim's question, the things that were that are happening tonight, and hopefully, we'll have conversations in the next few weeks, don't grow out of the Legislature or the Committee's oversight of the RRA, in general. And when you know, for instance, when you come and report to us each month.

David Gordon, Esq. 1:13:42

This is very specific to the Legislature's approval authority over the Local Solid Waste Management Plan. And so, whatever issues are coming out of the, you know, the other committee meetings, etc. All we're talking about, very specifically, is solving some of the back issues relating to that. So, it's coming out of that specific authority. Not sort of an oversight where you report to us. This is where we're both, literally, involved agencies. Just to clarify for your own perspective.

David Gordon, Esq. 1:14:10

With respect to Fred's point, and I think Ken's as well. I honestly think that there are some very narrow issues that I guess it hasn't been clearly communicated before. But I think if we sit down, I think we'll find that there were a couple of very narrow procedural issues, and some other narrow substantive issues, in terms of the issues that the committee is concerned about.

David Gordon 1:14:33

I know that the committee, I've talked about them for a number of months with the committee, but I haven't had a direct face to face. Some members have. But if the communication hasn't worked over the last couple of months, I think there's a real interest in getting a couple of issues addressed. I don't think it's rewriting the plan. I just think it's a couple of issues. I hope that we can sit down in the next couple of weeks and just work through those.

David Gordon 1:14:58

And again, very discreet, very particular. I think we can get it on paper in a few minutes. I know Manna has been working on this for a while. She understands them. And if I made a mistake she should... I would

suggest that the Chairperson would say so. But otherwise, I really think we can solve this in a couple of meetings if we can agree to do that.

Chairwoman Greene 1:15:20

I also do want to let 'em know that I'm beyond the legislation that created the Recycling Oversight Committee, there also is a Zero Waste Policy. And I believe, if I'm not mistaken, that's where the authority to work on a Zero Waste Plan came from. That the Recycling Oversight Committee, it was more than their enabling legislation.

Chairwoman Greene 1:15:54

And, Laura, do you want to just verify that? Or anybody else on the committee that we... since then, the Legislature, in making policy has created a Zero Waste Policy. So, I think that's one other thing to take into consideration.

Legislator Petit 1:16:19

[Inaudible] back in November, as far as far as policy goes. And kind of like to jump back to the, you know, the Oversight Committee too. The plan for the Zero Waste, you know, was written with input. I don't feel there's anything in there that would put a competitor, you know, into the mix at all, to give an unfair advantage. Obviously, we were very cognitive of someone being in the composting field. But, you know, I also run a reuse center. And there's just too much waste in the world for it to be competitive at all. I wish it was that easy. So, yes, the Zero Waste Action Plan, and the Implementation Plan, and the policy, are all part of the county's vision.

Legislator Petit 1:17:23

And I'm really hoping that we can come to some sort of resolution, so that when we do put in a landfill or incinerator, we don't have to over spec it. And it won't be as much as an environmental impact.

Legislator Petit 1:17:38

Now, one of your board members didn't care much for a zero waste policy, I'm still waiting to get some changes from her. I believe there were going to be some revisions made. So, we'd be happy to look and redress that as well. These are all living documents. In addition to that, once we pass the Zero Waste Implementation plan that will help the county as far as Climate Smart Points go. In fact, it's pretty significant. Waste is pretty significant. So...

Chairwoman Greene 1:18:11

Okay, I think we've touched on many issues. I hope that we can follow through with Legislator Criswell's suggestion that there be one or two facilitated meetings, outside of the committee, that where we can talk any unresolved issues through and get clarity, and ultimately get agreement.

Chairwoman Greene 1:18:41

But for now, I just need to get clarity from the Legislators, members of the committee on a motion to ask Chairman Donaldson to call a special meeting so that we can address the Resolution No. 323 in a timely manner because the SEQRA clock is ticking. So, do we want to make a motion to do that?

Legislator Criswell 1:19:25

I'm sorry. I'm a little confused on that, Chairwoman Greene. Do we have to call a special meeting of the entire Legislature or this committee, who are you talking about is a special meeting.

Chairwoman Greene 1:19:38

Fun, are you in a position to answer that I can do the best I can but you and Vicki, or even maybe...

Fawn Tantillo 1:19:47

I can. I can explain. Right now this resolution is slated to go before the legislature on October 20. October 20 is more than 30 days after that 30-day clock started ticking. So, on the 16th, or the 18th, or whatever day you agree the clock started ticking, the RRA becomes lead agency if we don't formally object as a Legislative body. The only way we could possibly do that before that deadline would be if the Chairman was willing to call a special meeting. And only the Chairman of the Legislature can call a special meeting.

Legislator Bruno 1:20:28

Specifically for this.

Legislator Criswell 1:20:30

And is it likely that the chairman will call a special meeting for this issue?

Fawn Tantillo 1:20:37

I...

Legislator Bruno 1:20:38

What's the last date that that meeting will have to take place?

Fawn Tantillo 1:20:42

I believe that the 15th, or the 17th, the day before the 30 days, I would think runs out. The 16th. I mean, the attorneys will have to tell us when that drop dead date is. But the... I would suspect that they're going to do it, we would do it on caucus night. Next week.

Legislator Wawro 1:21:07

And we use the date of the 16th, didn't we? So, on what we just passed.

Chairwoman Greene 1:21:13

Yes.

Legislator Wawro 1:21:14

So, don't we have to stick with that?

Multiple speakers 1:21:19

[Inaudible.]

Legislator Bruno 1:21:20

It's kicked in November either way?

Legislator Criswell 1:21:23

Well, I think if it's connected with caucus night, there's a better chance that that will actually happen then. So, I make a motion that we request that the Chairman of the Legislature call a special meeting, on caucus night, to resolve this issue. Yeah, I need...

Fawn Tantillo 1:21:44

I would just suggest you don't tell them when to do it.

Legislator Criswell 1:21:46

I think I will... I will resend that when to do it and allow him to make that decision himself.

Legislator Wawro 1:21:54

Legislator Bartels.

Legislator Bartels 1:21:58

I was just going to say the same thing Fawn just said.

Chairwoman Greene 1:22:04

Okay, so we have a motion to request a special meeting. Has that been seconded?

Legislator Bruno 1:22:15

While I cannot attend the meeting that weekend of the 15th through the 19th. I will second that motion on the way.

Chairwoman Greene 1:22:24

Thank you. Anybody have any questions or further discussion? Any of the Legislators or committee members?

Chairwoman Greene 1:22:35

Mary?

Legislator Wawro 1:22:35

No, no, I was trying to mute myself, I'm on my phone.

Chairwoman Greene 1:22:45

All in favor of making that request to the chairman, to hold a special meeting so that we can take... the Legislature can take the action that this committee is recommending or not, it's up to the Legislature but, can act on tonight's resolution in a timely manner. Given the fact that we have a SEQRA clock running.

Chairwoman Greene 1:23:14

All in favor, please specify by raising your hand or endorsing, aye.

Committee Members 1:23:19

(Raised hands on screen)

Chairwoman Greene 1:23:20

Anyone opposed? All right. Thank you all.

Chairwoman Greene 1:23:26

I think we're actually, step by step, getting closer to working through this. And I know that certainly most, if not all of the people on this call really do want to see us working together for the good of the county. And respecting the autonomy of the Agency, and the roles, of not only the legislature, but the Executive branch and the community at large. So, thank you for a very good meeting. It took a little longer than we hoped but I think we've made some progress.

Chairwoman Greene 1:24:08

Legislator Bruno, do I hear motion?

Legislator Bruno 1:24:10

Yeah, I could make a motion we adjourn.

Chairwoman Greene 1:24:14

Anyone else? Want a second?

Legislator Criswell 1:24:16

I'll second that.

Chairwoman Greene 1:24:19

Okay. All in favor of adjournment?

Committee Members 1:24:22

Aye. (Raised hands on screen).

Chairwoman Greene 1:24:23

And anyone opposed?

Chairwoman Greene 1:24:25

Motion carries. Meeting is adjourned. Thank you all.

Legislator Bruno 1:24:29

See ya.

Fawn Tantillo 1:24:31

Thanks.