

**Energy & Environment Committee
Meeting Minutes**

DATE & TIME: July 11, 2019; 6:00
LOCATION: KL Binder Library, 6th Floor, COB, Kingston, NY
PRESIDING OFFICER: Chairman Manna Jo Green
LEGISLATIVE STAFF: Fawn A. Tantillo
PRESENT: Legislators Lynn Eckert (arrived 6:14), Jonathan Heppner, Mary Wawro, Brian Woltman and Legislative Chairwoman Tracey Bartels (arrived 6:09)
ABSENT: None
QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislators Kathy Nolan and Laura Petit; Legislative Counsel David Gordon; Tim Rose, Ulster County Resource Recovery Agency (UCRRA); Mel Sadownick; Steve Malloy, Kevin Smith, Woodstock Land Conservancy (WLC); Dave Haldeman, Ulster County Environmental Management Council (UCEMC)

Chairman Greene called the meeting to order at approximately 6:04 pm, lead the Pledge of Allegiance and asked for a moment of silence in memory of Legislator James Maloney who recently passed away.

Motion No. 1 - To Approve the Minutes June 6, 2019
Motion Made By: Legislator Wawro
Motion Seconded By: Legislator Heppner

Discussion: None

Voting in Favor: Legislators Greene, Eckert, Heppner, Wawro and Woltman
Voting Against: None
No. of Votes in Favor: 5
No. of Votes Against: 0
Disposition: Approved

UCRRA Update

Mr. Rose told the committee 5 New York State landfills submitted bids for waste disposal and the UCRRA was pleasantly surprised that bids for waste disposal came in lower than expected. He warned the committee that the bigger concern was transportation of waste. Tomorrow, July 12, bids for transportation of waste will be opened.

There was a brief discussion regarding the timeline for the UCRRA budget preparation and approval.

Chair Greene noted that in light of dwindling landfill space in New York there is an urgency for Ulster County to develop and implement alternative solid waste solutions within the next 5 years.

850 Route 28 Project – Town of Kingston

Chair Greene gave Kevin Smith the opportunity to make a brief presentation regarding a manufacturing facility on land surrounded by the Catskill Park Bluestone Wild Forest in the Town of Kingston.

Mr. Smith distributed a fact sheet prepared by the Woodstock Land Conservancy and recognized that the Ulster County Legislature has no formal jurisdiction to take any action. The proposal is generating a great deal of public concern.

Mr. Smith stated that New York State Department of Environmental Conservation had approval over two minor areas, a stream and wetland and the Ulster County Planning Board would play their usual review and feedback to the Town of Kingston Planning Board. They feel the impacts to the environment and the neighborhood go far beyond the stream impacts the NYSDEC has considered. This left neighbors and environmental organizations to advocate for these recreational lands and resources. He described the site plan review process to date and the continuation of the Town's site plan review and environmental concerns of WLC and Open Space Institute that have not been addressed or mitigated.

Legislator Heppner discussed the importance of this public asset to both the Town of Kingston and neighboring districts and the region. He sent a letter to the Town of Kingston and suggested that other legislators who share this concern do the same.

Mr. Sadownick spoke about the scope of work and timeline of the project and the negative impact that will have on this recreational area.

Mr. Gordon noted the limited authority of the legislature but said he would speak with Mr. Smith and do some additional research to gain a better understanding of the details of this project and how the legislature might address and/or influence the process.

Motion No. 2: to approve Resolution No. 268 - Setting A Public Hearing On Proposed Local Law No. 3 Of 2019, A Local Law Amending Chapter 304, Article I Of The Code Of The County Of Ulster, To Be Held On Tuesday, August 13, 2019 At 6:10 PM

Resolution No. 268 Summary: This resolution will set a date and time for a public hearing on an amendment to Local Law 3 of 2019 to update the legislative intent and definitions of Chapter 304 Solid Waste I Use of Disposal Sited to include new definitions of Regulated Waste, Non-Regulated Clean Fill, Constructing and Demolition debris

Motion By: Legislator Wawro
Motion Seconded By: Legislator Woltman

Discussion: Legislator Petit explained that this resolution will update the original law to ensure it includes all solid waste brought into Ulster County from outside the county and will not impact operations within Ulster County. She discussed current NYS regulations with Mr. Rose who told her Construction and Demolition (C&D) materials could only be stockpiled for 30 days at a permitted site.

Legislators Wawro, Eckert, Heppner and Greene asked to be added as sponsors.

Mr. Gordon recognized that this resolution was inspired by concerns raised by a company operating a C&D processing facility and C&D landfill site in and around Rt. 212 in Saugerties. He noted the NYSDEC had aggressively enforced regulations and recently moved to stop the operation with a Notice of Violation (NOV). Unfortunately, the facility is ignoring the NOV and continued to operate. The results of the DEC testing of materials revealed toxic materials were present.

The committee discussed the inherent problems a town has when taking on a large corporation; delays in the court case; concerns about similar operations in other parts of the county; what the members could do to encourage the NYSDEC to act and enforce existing regulations more effectively.

Chair Bartels thanked Legislator Petit for the resolution and the future responsibilities of controlling the full cycle of all solid waste in the waste stream in the county.

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

Motion No. 3: to approve Resolution No. 271 - Setting A Public Hearing On Proposed Local Law No. 4 Of 2019, A Local Law Amending Local Law No. 2 of 2019, A Local Law Requiring Restaurants And Fast Food Service Establishments Provide Plastic Beverage Straws Solely Upon Request, To Include Plastic Stirrers, Plastic Cutlery And Condiment Packets, To Be Held On Tuesday, August 13, 2019 At 6:20 PM

Resolution Summary: This resolution will add plastic stirrers, plastic cutlery and condiment packets to the recently approve law requiring food service establishments to provide straws only when requested.

Motion By: Legislator Heppner
Motion Seconded By: Legislator Eckert

Discussion: Legislator Wawro expressed her continued objection to a Local Law rather than working directly with local businesses to encourage the reduction of single use plastics but said she would support the public hearing.

Motion No. 4 to amend proposed Local Law No. 4 Effective Date to read “This local law shall be effective ~~three (3) months~~ subsequent to filing in the Office of the Secretary of State and on the same date Local Law No. 2 of 2019 becomes effective.”

Motion By: Legislator Heppner
Motion Seconded By: Legislator Eckert

Voting in Favor: Legislators Greene, Eckert, Heppner, Wawro, Woltman and Bartels
Voting Against: None
No. of Votes in Favor: 6
No. of Votes Against: 0
Disposition: Amendment Approved

Motion No. 5 to amend the title of Local Law No. 2 of 2019 to read as follows: A Local Law Requiring Restaurants And Fast Food Service Establishments Provide Plastic Beverage Straws, Plastic Stirrers, Plastic Cutlery, And Condiment Packets Only Upon Request

Motion By: Legislator Heppner
Motion Seconded By: Chair Bartels

Discussion: Legislator Nolan asked that the title be amended to make the intent clear. There was agreement to pass the intent of changing the title and ask the Legislative Clerk to create the appropriate language to accomplish that change.

Voting in Favor: Legislators Greene, Eckert, Heppner, Wawro, Woltman and Bartels
Voting Against: None
No. of Votes in Favor: 6
No. of Votes Against: 0
Disposition: Amendment Approved

Discussion: The committee discussed how information will be communicated to food establishments.

Voting on Resolution 271 and Proposed Local Law 4 of 2019 as amended

Voting in Favor: Legislators Greene, Eckert, Heppner, Wawro and Bartels
Voting Against: Legislator Woltman
No. of Votes in Favor: 5
No. of Votes Against: 1
Disposition: Approved

Motion No. 6 – to postpone Resolution No. 272 - Setting A Public Hearing On Proposed Local Law No. 5 Of 2019, A Local Law Amending The Code Of The County Of Ulster To Include Mandatory Food Scraps Composting By Large Generators, To Be Held On Tuesday, August 13, 2019 At 6:25 PM at the request of the sponsor.

Resolution Summary: This resolution will set a public hearing to discuss a local law that would establish mandatory diversion of food scraps by large food waste generators for beneficial use including composting.

Motion By: Legislator Heppner
Motion Seconded By: Legislator Woltman

Discussion: Chair Greene asked to postpone voting on this resolution for one month to allow some details regarding enforcement to be worked out between various stakeholders. There was a discussion of the points that need to be clarified.

Voting in Favor: Legislators Greene, Eckert, Heppner, Wawro, Woltman and Bartels
Voting Against: None
No. of Votes in Favor: 6
No. of Votes Against: 0
Disposition: Resolution postponed

Motion No. 7 – to approve Resolution No. 306 - Authorizing Additional Funding For Capital Project No. 528 – Veteran’s Cemetery To Meet The Environmental And Permitting Requirements, And Seeking Lead Agency Status Under the New York State Environmental Quality Review Act (SEQRA) – Veteran Services Agency

Motion By: Legislator Wawro
Motion Seconded By: Legislator Heppner

Discussion: Chair Greene explained there has been extensive discussion in other committees regarding this project but in short this step was overlooked and is a requirement.

Voting in Favor: Legislators Greene, Eckert, Heppner, Wawro, Woltman and Bartels

Voting Against: None
No. of Votes in Favor: 6
No. of Votes Against: 0
Disposition: Approved

New Business

Executive Order 1 of 2019 – Regarding the County’s use of renewable energy for the years 2019 and 2020.

Chair Greene wanted to acknowledge and applaud this Executive Order. Members of the Public Works Committee are working to clarify a policy to require that moving forward, whenever a roof is replaced it be evaluated for any upgrades to include upgrades in insulation and allow it to support solar.

Chair Bartels looks forward to partnering with the County Executive to execute this Executive order. She noted that green fleet goals set by Local Law 9 of 2015 have been met and exceeded so it is time to revisit those goals and update the green fleet policy. She also wants to update the green building policy. She was concerned that the discussion of solar installations when repairing or replacing roofs has been repeated over and over and feels it is time for county to be more aggressive. She believes that Ulster County needs to make it clear that solar and/or other energy considerations be included in all roof work.

Chair Greene agreed and wants to be sure the Department of the Environment be included in developing this policy.

Legislator Nolan recognized part of the problem of this issue being repeated on various projects is that the County’s green building policy did not address SUNY Ulster buildings. She feels that SUNY Ulster shares these goals but working with DASNY adds another layer of approval. She reminded the members that the Department of Environment is finalizing a Flex Tech study that will address many of these energy and environmental concerns.

The committee discussed other projects past, present and future. They discussed other environmental upgrades to address climate change such as roof garden roofs, paving, and other new technologies. They anticipate that responsible environmental upgrades will generally cost more initially but pay off in the long run both financially and/or environmentally. They discussed the need to change the approach to mandate the inclusion of state of the art environmental upgrades rather than it being an afterthought.

Chair Greene agreed that many products may be taken under consideration but suggested the efforts to set a policy focus on roofs initially and then expand to other areas.

Legislator Nolan was pleased with the Executive Order 1 of 2019 and reached out to the Clerk of the Legislator to draft a formal policy establishing the county’s use of renewable energy. She distributed a copy of a proposed Resolution to be introduced in August. It uses the language of the Executive Order and lists some of Ulster County’s environmental achievements to date.

Legislator Nolan explained that this will also impact Ulster County’s Climate Smart Community (CSC) goals. Ulster County achieved CSC Bronze status but as NYS restructured the goals, Ulster County

was upgraded to CSC Silver status without much additional effort. Although NYS has not established what would be required to achieve Gold Status, Legislator Nolan, in consultation with Amanda LaValle, Director of the Department of the Environment, assumes NYS will establish a Gold CSC criteria before 2025 so she is asking the legislature to commit to achieving Gold CSC status by 2025 even before we know what that entails.

Legislator Petit suggested rather than “considering energy efficient equipment”, the legislature should be more aggressive and require it. She suggested an added “Resolved” that if Ulster County is not able to provide our own energy we will buy from a local generator.

Chair Greene noted the Climate Leadership Community Protection Act (CLCPA) was passed and it would be useful to create a chart to identify how Ulster County aligns with CLCPA.

Local Solid Waste Management Plan (LSWMP)

Chair Greene reported the Solid Waste Planning Commission completed a matrix of criteria and submitted it to Cornerstone, consultants hired by the UCRRA. Cornerstone completed a draft of the first 5 chapters of the plan and sent that to the Commission and the UCRRA. That draft is very preliminary and makes no recommendations of technologies.

Chair Greene asked Legislator Petit to make a presentation on zero waste at the July 24 meeting of the Commission. The Commission is going on a tour of Delaware County’s MSW Composting facility on July 17. Presentations on other SW technologies have been made to the commission. Chair Greene restated the urgency of a developing the components of a LSWMP that can be implemented and operational within 5 years.

Legislator Nolan has two links she will share with the committee on cutting edge SW technologies – one on a concrete that uses calcium carbonite effectively locking the carbon in the concrete and one regarding using larva of a specific fly to compost waste – the protein produced can then be used to make pet food.

Climate Smart Committee (CSC)

Chair Greene reported that CSC attendance has been dropping so she and members of the committee are reaching out to all town CSC’s to request they send a representative to the county wide CSC.

Hudson Valley Mid-Hudson Regional Sustainability Coalition

Chair Greene attended a recent coalition meeting where they are discussing a Regional Renewable Energy Implementation Plan model to be done by utility zones. Working with utilities they hope to answer questions about how to implement plans and ensure community buy in.

As part of that discussion she introduced a somewhat radical idea and hopes to begin a discussion about modifying SEQUR to include an analysis of the full life cycle of carbon emissions. She envisions an analysis that includes long term concerns regarding sequestering carbon and other environmental long term climate costs beyond the initial project.

Environmental Management Counsel

Mr. Haldeman reported Danskammer Energy LLC made a presentation to the UC EMC regarding the transition of the plant from coal to natural gas in an effort to replace some of the energy from the closing of Indian Point. He said it was an informative presentation that covered many environmental concerns.

Chair Greene encouraged the UC EMC to reach out to other environmental groups and individuals that had concerns regarding the Danskammer plans.

Chair Greene spoke briefly about another power plant that was converted to solar and managed to keep all the employees.

Battery Storage

The committee discussed the need for local municipalities to understand the issues of large battery storage facilities and prepare zoning guidelines and other regulations to ensure they are done safely. Chair Greene said this topic will be featured at the September 21 NYS Climate Summit at SUNY New Paltz this fall.

Legislator Nolan said that Evelyn Wright and a group from Town of Ulster have developed model legislation for zoning on battery storage.

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

Motion to Adjourn

Motion Made By: Legislator Heppner

Motion Seconded By: Legislator Wawro

No. of Votes in Favor: 6

No. of Votes Against: 0

Time: 7:47 pm

Respectfully submitted by: Fawn Tantillo

Minutes Approved: August 8, 2019