

**Energy & Environment Committee  
Meeting Minutes**

**DATE & TIME:** September 5, 2019; 6:00 PM  
**LOCATION:** KL Binder Library, 6<sup>th</sup> Floor, COB, Kingston, NY  
**PRESIDING OFFICER:** Chairman Manna Jo Greene  
**LEGISLATIVE STAFF:** Fawn A. Tantillo  
**PRESENT:** Legislators Lynn Eckert, Jonathan Heppner, Mary Wawro and Brian Woltman  
**ABSENT:** None  
**QUORUM PRESENT:** Yes

**OTHER ATTENDEES:** Legislators Herb Litts, III, Kathy Nolan, Laura Petit, Hector Rodriguez; Deputy County Executive Marc Rider; Director Dennis Doyle and Chris White, Ulster County Planning; Amanda LaValle, Coordinator, Ulster County Department of Environment; Tim Rose, Executive Director, Ulster County Resource Recovery Agency (UCRRA); Ralph Durham, Friends of Catskill Mountain Rail Trail; Sarah Brainard, Kingston Land Trust; John Grossbohl

Chairman Greene called the meeting to order at approximately 6:10 pm, lead the Pledge of Allegiance.

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**Motion No. 1** – To approve Resolution No. 391 - Adopting And Issuing A Negative Declaration Under 6 NYCRR Part 617 State Environmental Quality Review Act (SEQRA) By The Ulster County Legislature For The Construction Of The Ulster County Midtown Linear Park (PIN 8761.82) – Capital Project No. 479 – Department Of Planning

**Resolution Summary:** This resolution will allow Ulster County to issue a SEQRA Negative Declaration in order to proceed with ongoing work to develop the Midtown Linear Park in the City of Kingston

**Motion By:** Legislator Woltman  
**Motion Seconded By:** Legislator Wawro

**Discussion:** Deputy Director White gave a brief overview of the project and explained that the project is a SEQUA Type 1 action due to the proximity to historic sites. It was determined the project has no negative impact on these historic sites and in fact the project will have many positive impacts including cleaning up contamination, debris and old fencing, improving neighborhood security with more appropriate lighting and cameras and creating much needed park space.

Mr. Doyle noted that the packet included a letter from the NY State Historic Preservation Office stating that the project will have no adverse effect.

Chair Greene noted the resolution was postponed by the Public Works and Capital Projects Committee. She asked Legislative Attorney Gordon to clarify SEQRA implication and Legislator Litts to discuss an amendment to address his concerns.

Mr. Gordon was impressed with the detail and thoroughness of the SEQRA report. He had a few questions about grading and crossing that Mr. White clarified.

Legislator Heppner noted that this committee is concerned with the environmental issues related to the project and in light of the SEQRA negative declaration report he encouraged the committee to move the resolution forward and discussed the benefits of the project.

Legislator Woltman informed the committee of this densely populated neighborhood's need for greenspace and discussed how this project will facilitate the removal of decades of contamination.

Legislator Litts expressed concerns about the resolution being a thorough and transparent description of the SEQRA process. He wanted it to be clear to anyone looking at it now or in the future that the legislature had done its due diligence and noted there were many benefits to the City of Kingston.

A discussion ensued about potential language for an amendment and the committee agreed on a plan to move the project forward and still include new language.

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

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<b>Motion No. 2</b>	To Approve the Minutes August 8, 2019
<b>Motion Made By:</b>	Legislator Woltman
<b>Motion Seconded By:</b>	Legislator Heppner

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

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## UCRRA Update

Mr. Rose reported that bids were opened for transportation and disposal for the next 5 years. The UCRRA anticipated an increase of at least 20% and put money into reserve. The reserve fund is currently at 22% and the New York State Comptroller guidelines want to see it at 10-20% so some reserve funds are higher than recommended.

When bids were opened for landfill disposal they were only 10% higher than this year. However, when bids were opened for trucking they were 30% higher. After rebidding them they got the trucking fees down a little. The result is that the actual cost of disposal and trucking is increasing about \$11/ton. Mr. Rose said the UCRRA plans no increase for any servicers except the tipping fee. The tipping fee next year will go from \$103/ton to \$105/ton and will not reflect the actual increase of \$11/ton.

Legislator Petit said the towns received notice from the UCRRA that the fee to haul containers would increase by \$2 as well. She expressed concern that the tipping fee would not increase by the full \$11.

She explained the proportion of material from the municipalities was about 11% of the MSW that UCRRA handles. The remaining 89% comes from private haulers. She questioned the policy to use agency reserves to subsidize the tipping fee.

Mr. Rose emphasized that everyone pays the same tipping fee. He said the agency had completed planned capital projects and would be redirected to cover the tipping fee increases. He asked members to review the agency budget.

A discussion of this policy ensued.

Chair Greene suggested this discussion be continued at the Solid Waste Planning Commission and reminded the members that the Local Solid Waste Management Plan will come before the legislature in the near future. She urged members to review the draft plan.

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Mr. White presented a letter from HVEA Engineers he promised to the Public Works and Capital Projects committee the night before regarding costs associated with the Kingston Midtown Linear Park. He noted that there is time for the Trail & Rail Advisory Committee to meet to discuss the section between the Kingston Plaza and Col. Chandler Drive and if the Legislature makes a determination about this section it should not impact the cost of the work of the HVEA Engineers.

It was noted that Resolution No. 390 regarding the HVEA Engineer contract was not before the Energy & Environment Committee; a TRAC meeting was scheduled on September 12; the potential to schedule a Public Works & Capital Projects meeting before the September 17 legislative session and the impacts on the project if the resolution is delayed.

A discussion ensued.

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**Motion No. 3** – To approve Resolution No. 392 - Authorizing The Chair Of The Ulster County Legislature To Execute An Intermunicipal Agreement With The New York State Energy Research And Development Authority (NYSERDA) – Department Of The Environment

**Resolution Summary:** This resolution will authorize the Chair to execute an agreement and any related amendments with NYSERDA to fund an Ulster County Transit Fleet Electrification Feasibility Study.

**Motion By:** Legislator Heppner

**Motion Seconded By:** Legislator Wawro

**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

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**Motion No. 4** – To approve Resolution No. 395 - Authorizing The Chair Of The Ulster County Legislature To Execute An Agreement With The New England Interstate Water Pollution Control

Commission (NEIWPC) To Accept Grant Funds And Amending The 2019 Ulster County Adopted Budget – Department Of The Environment

**Resolution Summary:** This resolution will authorize the Chair to execute an agreement and any related amendments with the New England Interstate Water Pollution Control Commission in the amount of \$106,590.00 as well as all necessary understandings, assurances, and additional information as may be required, in the form as filed with the Clerk of the Ulster County Legislature or as modified with the approval of the County Attorney.

**Motion By:** Legislator Heppner  
**Motion Seconded By:** Legislator Wawro

**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

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**Motion No. 5** – To approve Resolution No. 396 - Authorizing The Chair Of The Ulster County Legislature To Execute An Intermunicipal Agreement With The New York Power Authority (NYPA) For Completion Of A Geothermal Clean Energy Challenge Stage 3 Design Study – Department Of The Environment

**Resolution Summary:** This resolution will authorize the Chair to execute an Authorization to Proceed (“ATP”) and any related amendments for the Geothermal Clean Energy Challenge Stage 3 Geothermal Design and Procurement service at the Ulster County Office Building.

**Motion By:** Legislator Heppner  
**Motion Seconded By:** Legislator Woltman

**Discussion:** Ms. LaValle explained this was a 50% cost share with NYPA. Ulster County has successfully completed the first two rounds.

**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

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**Motion No. 6** – To approve Resolution No. 397 - Authorizing The Chair Of The Ulster County Legislature To Execute An Agreement With The New York State Department Of Environmental Conservation (NYSDEC) To Accept Grant Funds Under The 2018 Municipal Zero-Emission Vehicle (ZEV) And ZEV Infrastructure Rebate Program – Department Of Public Works

**Resolution Summary:** This resolution will authorize the Chair to execute an agreement and any related amendments with NYSDEC for the purpose of accepting the rebates totaling \$27,500.00 for the purchase of ZEV vehicles.

**Motion By:** Legislator Woltman  
**Motion Seconded By:** Legislator Heppner

**Discussion:** Ms. LaValle explained this a rebate program for 10 vehicles.

**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

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**Motion No. 7** – To approve Resolution No. 398 - Authorizing The Chair Of The Ulster County Legislature To Execute An Intermunicipal Agreement With The New York Power Authority (NYPA) For Solar Advisory Services At The Quarryville Site And Declaring Intent To Act As Lead Agency Under SEQRA – Department Of The Environment

**Resolution Summary:** This resolution will authorize the Chair to execute an Authorization to Proceed (ATP), a Customer Project Commitment (CPC), and any related amendments for the NYPA Solar Advisory Services at the Quarryville Site and declares Ulster County Legislature’s intent to serve as Lead Agency for the project.

**Motion By:** Legislator Wawro  
**Motion Seconded By:** Legislator Eckert

**Discussion:** Chair Greene related the history of this site that was once a 650,000-tire dump and the successful community effort to clean it up.

Ms. LaValle explained the very involved process to move this solar project forward.

**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

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**Motion No. 8** – To approve Resolution No. 401- Setting A Public Hearing On Proposed Local Law No. 9 Of 2019, A Local Law Amending Local Law 6 of 2014, To Improve And Strengthen The Sustainable Energy Loan Program, To Be Held On Thursday, October 10, 2019 At 6:30 PM

**Resolution Summary:** This resolution will set a public hearing on a proposed local law to amend the Sustainable Energy Loan Program

**Motion By:** Legislator Heppner  
**Motion Seconded By:** Legislator Eckert

**Discussion:** Mr. Rider gave an overview of the program, the need to update it and how Ulster County businesses can benefit from it.

**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

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**Motion No. 9** – to bundle Resolution Nos. 402, 403 and 404 for discussion and voting.

**Motion By:** Legislator Heppner  
**Motion Seconded By:** Legislator Eckert

**Discussion:** Chair Greene was pleased to see so many solar projects.

**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

**Motion No. 10** – to approve Resolution No. 402, Resolution No. 403 and Resolution No. 404

Resolution No. 402 - Authorizing The Chair Of The Ulster County Legislature To Execute A Payment In Lieu Of Taxes Agreement With ELP Myer Solar, LLC For Solar Energy Systems Pursuant To Real Property Tax Law Section 487 – Department Of Finance

Resolution No. 403 - Authorizing The Chair Of The Ulster County Legislature To Execute A Payment In Lieu Of Taxes Agreement With Landau Solar, LLC For Solar Energy Systems Pursuant To Real Property Tax Law Section 487 – Department Of Finance

Resolution No. 404 - Authorizing The Chair Of The Ulster County Legislature To Execute A Payment In Lieu Of Taxes Agreement With Landau Solar II, LLC For Solar Energy Systems Pursuant To Real Property Tax Law Section 487 – Department Of Finance

**Resolution Summary:** These resolutions authorize a payment in lieu of taxes (PILOT) for various solar installation projects.

**Motion By:** Legislator Heppner  
**Motion Seconded By:** Legislator Eckert

**Discussion:** Mr. Rider explained how the various rates are determined.

**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

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**Motion No. 11** – To approve 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 Thursday, October 10, 2019 At 6:15 PM

**Resolution Summary:** This resolution will set a public hearing for Proposed Local Law No. 5 of 2019

**Motion By:** Legislator Heppner  
**Motion Seconded By:** Legislator Woltman

**Discussion:** Chair Greene noted a meeting of large food waste generators was held earlier in the evening and several issues and good suggestions were discussed. She described the outreach to stakeholders and businesses that would potentially be impacted. She discussed the need for better definitions of “what is a hardship” and a better method to identify the businesses that will be covered by the regulations. It is her goal to address any concerns before the law is passed.

**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

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**Motion No. 12** – To approve Resolution No. Resolution No. 315- Establishing A Policy Regarding Ulster County’s Use Of Renewable Energy

**Resolution Summary:** This resolution will set renewable energy goals for Ulster County.

**Motion By:** Legislator Heppner  
**Motion Seconded By:** Legislator Woltman

**Discussion:** Legislator Nolan asked to add language to increase the goals and require annual reports to ensure the county is meeting those goals and allow the legislature to evaluate and adjust the goals as needed.

Ms. LaValle explained some of the issues using statewide goals that used 1990 figures as a baseline vs Ulster County using 2012 figures for a baseline. She discussed the facts that Ulster County has already achieved more than many other areas around the state. Many of the steps should be thoughtfully evaluated such as the cost of replacing busses before they need to be replaced and could be funded with outside dollars.

Legislator Heppner acknowledged the good intentions of the proposal and the need to understand the methodology used to evaluate progress. He thanked Ms. LaValle for giving him a better understanding of the State goals. He felt the annual reports on the Ulster County Green Fleet policy helped him as a freshman legislator to understand the accelerated achievement of that policy and suggested similar reports on renewable energy would be useful.

Chair Greene agreed and discussed the need to develop a sustainability roadmap for the Hudson Valley Region to help municipalities reach important energy and environmental goals.

Ms. LaValle reminded the legislators that in addition to the Green Fleet report, the county posts a building benchmark report of all the energy each building uses and each building's greenhouse gas emissions.

**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

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**Motion No. 13** – To approve Resolution No. 375 - Declaring Ulster County A Pollinator Friendly Municipality And Promoting Landscape Maintenance and Practices To Attract And Sustain Pollinator Species

**Resolution Summary:** This resolution will establish a policy to promote habitat for pollinator species on Ulster County property and highways.

**Motion By:** Legislator Heppner  
**Motion Seconded By:** Legislator Woltman

**Discussion:** The original resolution was amended in Public Works & Capital Projects.

**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

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**Motion No. 14** – To approve Resolution No. 379 - Adopting Proposed Local Law No. 3 Of 2019, A Local Law Amending Chapter 304, Article I Of The Code Of The County Of Ulster

**Resolution Summary:** This resolution will amend the Code of the County to change the definition of solid waste to include regulated construction and demolition material.

**Motion By:** Legislator Heppner  
**Motion Seconded By:** Legislator Wawro

**Discussion:** Legislator Petit described the problem with contaminated construction and demolition dumping in and around Ulster County.

**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

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**Motion No. 15** – To approve Resolution No. 380 - Adopting 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

**Resolution Summary:** This resolution will amend Local Law 2 to add plastic stirrers, cutlery and condiment packets to the list of items business may only provide when consumers request them.

**Motion By:** Legislator Heppner  
**Motion Seconded By:** Legislator Eckert

**Discussion:** Legislator Woltman said lauds the goals but he would not approve this proposed law for the same reasons he opposed Local Law 2. He cited issues with the enforcement.

Legislator Wawro said she could not support this proposed local law and repeated her desire to work with businesses rather than try to regulate these items.

Chair Greene noted that recently the County passed several environmental laws and other are being considered that will require some level of enforcement. She believes that soon it will be beneficial to hire someone who is skilled at both education and enforcement and include an environmental compliance officer.

Legislator Woltman noted that while a compliance officer may be necessary, this particular law would require whoever is tasked with compliance to prove the vendor didn't ask the customer if they wanted a straw or plastic fork. He applauded business who are taking steps to reduce the use of plastics and/or offer alternatives to plastics but he believes it will be extraordinarily difficult to prove a vendor violated this law and apply punitive measures.

**Voting in Favor:** Legislators Greene, Eckert and Heppner  
**Voting Against:** Legislators Wawro and Woltman  
**No. of Votes in Favor:** 3  
**No. of Votes Against:** 2  
**Disposition:** Approved

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### **Solid Waste Planning Commission**

Chair Greene reported the Commission is reviewing the latest draft of the Local Solid Waste Management Plan. She said it is fairly comprehensive but she believes the timeline needs to be expedited.

### **Climate Smart Committee**

September 21 is the Climate Solutions Summit at SUNY New Paltz. Chair Greene encouraged everyone to attend this important event.

## **Green Business Coordinator**

Chair Greene asked Deputy Executive Rider about progress hiring a Green Business Coordinator and that there was an agreement to have a Green Business Coordinator on board by October. Mr. Rider noted it was only September and said they were making progress.

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

### **Motion to Adjourn**

**Motion Made By:** Legislator Woltman

**Motion Seconded By:** Legislator Heppner

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

**No. of Votes Against:** 0

**Time:** 7:52 pm

**Respectfully submitted by:** Fawn Tantillo

**Minutes Approved:** October 3, 2019