

Energy & Environment Committee

Regular Meeting Minutes

DATE & TIME: January 21, 2016
LOCATION: Karen L. Binder Library, 6th Floor, COB
PRESIDING OFFICER: Chairman Richard A. Parete
LEGISLATIVE STAFF: Krista J. Barringer, Deputy Clerk
PRESENT: Legislators Tracey A. Bartels, Jonathan Heppner, Ron G. Lapp, Jr, and Mary Wawro
EXCUSED: None
QUORUM PRESENT: Yes
OTHER ATTENDEES: Legislators Manna Jo Greene and John Parete, Resource Recovery Agency Executive Director Tim Rose, League of Women Voters of the Mid Hudson Valley Observation Corps Member Vic Melville, and Department of Planning Director Dennis Doyle

Chairman Parete called the meeting to order at 6:03 PM and all attendees introduced themselves.

MOTION NO. 1 RESOLVED To Approve the Minutes of December 9, 2015 as Presented

Motion Made By: Legislator Bartels

Motion Seconded By: Legislator Wawro

Discussion: Legislator Bartels and Chairman Parete discussed a vote in abstentia and the vote to move the minutes as presented.

Roll Call Vote: No

Voting In Favor: Legislators Bartels, Heppner, Lapp, Parete, and Wawro

Voting Against: None

No. of Votes in Favor: 5

No. of Votes Against: 0

Disposition: Carried

Guest Presentation – Resource Recovery Agency Executive Director, Tim Rose

Resource Recovery Agency Executive Director Rose noted there were two Board Member appointment terms expired. He noted the Board was just at a quorum. He noted the Board was holding off on holding it's Annual Meeting until February to allow time for the Legislature to fill the vacancies. He noted the next meeting was scheduled for Wednesday, January 27, 2016. He stated they would email Committee members directly and welcomed all to attend their meetings.

He noted commodities were not doing well and indicated China's growth is down to 7% where it was up to the 20% range in the past few years.

Chairman Parete asked if they were just sitting on the materials. Resource Recovery Agency Executive Director Rose replied they were sitting on as much as possible with the dual stream giving consideration to the fire hazards and safety at the facility. He noted they are still receiving revenue for the dual stream but were having to pay to get rid of single stream at about \$10 per ton with trucking fees included. He noted some plants in the region were shutting down and indicated they may not be able to take single stream in the future.

Legislator Bartels inquired as to where the single stream was coming from. Resource Recovery Agency Executive Director Rose replied single stream was received from the City of Kingston and the Towns of Saugerties, Ulster, and Marbletown but that about 70% of single stream is coming from the private haulers. He stated they were seeing a 33% increase in single stream materials in one year because there is a 0% tipping fee for these materials at the RRA.

Legislator Bartels inquired into the agency's options and if they could charge a tipping fee for single stream. Resource Recovery Agency Executive Director Rose replied they could and that it was not unusual. He noted the agency no longer serviced the Towns of Saugerties, Ulster and Marbletown. Legislator Bartels noted these Towns and the City would fall under the requirement of paying a tipping fee. Resource Recovery Agency Executive Director Rose concurred if that was what the agency decided to do. Legislator Bartels noted the agency was subsidizing the tipping fees for single stream recycling. Legislator Parete noted it was the municipal solid waste users of the system that would be subsidizing. Resource Recovery Agency Executive Director Rose reviewed the tonnage numbers and revenue. He noted they would need to raise the tipping fee by one dollar to pay for getting rid of the single stream material.

Legislator Parete noted he was following the market and felt this was predictable. He felt if the County wants recycling then maybe the County should subsidize it. He felt they could not make the people pay more for MSW disposal because of recycling as it was not a good business model. Resource Recovery Agency Executive Director Rose noted Waste Management was closing facilities and explained dual and single streams. He noted one broker has indicated they can recover about 90% of dual stream paper but only 40% on single stream paper. He noted the cost savings of single stream for the hauler is on the street with the use of a single truck.

Legislator Greene clarified the application of fees to the municipalities not being serviced by the agency. Resource Recovery Agency Executive Director Rose replied all, including the private haulers, were charged the same.

Legislator Greene confirmed only single stream was costing the agency. Resource Recovery Agency Executive Director Rose confirmed the agency did not have a processing plant for single stream material. Legislators and Resource Recovery Agency Executive Director Rose discussed the market impact and the decisions of municipalities and private haulers on the agency.

Legislator Bartels inquired as to the Legislature's progress regarding the appointments to the Board and these appointments being vetted by the Energy and Environment Committee.

Legislator Parete noted the Legislative Chairman recommended the appointments. He stated he would follow up with Chairman Ronk.

Resource Recovery Agency Executive Director Rose closed his report with a highlight that the agency was purchasing 82 new recycling roll-offs for #380,000 off a national bid that manufactures in Columbia County. He noted he toured the factory last week and that this would be keeping the money in the Hudson Valley. Chairman Parete suggested the agency send out a press release announcing the local purchase, if approved by the Board.

Old Business: Climate Smart Committee – Brief Update

Legislator Greene announced a kick off breakfast for Energize NY that would be occurring on January 27, 2015 at 8:00 AM at the Best Western in Kingston. She noted this was part of the Energy Improvement Corporation approved by the Legislature; which allowed businesses to borrow money to do solar installations or energy retrofits and pay it back on their taxes.

She stated the Committee would need a new appointment from the Energy and Environment Committee to replace Legislator Loughran.

Chairman Parete asked Legislator Greene to bring back the handouts from breakfast to the Committee.

Motion No. 2 Resolutions No. 45 January 26, 2016

Discussion: Department of Planning Director Doyle noted this project expanded on the Town of Lloyd’s efforts to expand on the rail trail. He stated the County received \$1.5 million to expand the rail trail to South Street. He stated the consultant provided a draft design report and it was on file with the Legislature. He stated as part of this process, they were asking the Legislature to make the negative declaration based on the design report. Deputy Clerk Barringer noted the design report was emailed to the Committee members.

Department of Planning Director Doyle reviewed the activities to date on the project. He noted the movement off the railroad bed and onto the Department of Transportation (DOT)’s right-of-way on Route 299. He stated they were in discussion with the DOT for future expansion to the Wallkill Valley Rail Trail. He stated they were seeking a commitment from the DOT to extend to New Paltz and highlighted the trail was fully on DOT property. He discussed the proposals for connecting to the rail trail.

Motion Made By: Legislator Wawro

Motion Seconded By: Legislator Bartels

Text of Motions: **Resolved to approve Resolution No. 45** - 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 Hudson Valley Rail Trail West: Phase 4 - Capital Project No. 451 – Department Of Planning

Resolution No. 45 Summary: This Resolution states that pursuant to 6 NYCRR Part 617 et seq. of the Regulations of Article 8 of the Environmental Conservation Law of New York State (SEQRA), the Ulster County Legislature hereby adopts and issues the Negative Declaration under SEQRA upon the vote thereupon and the signature of the Ulster County Legislature Chairman herewith, directs the Clerk of the Legislature to file this Resolution and accompanying

Negative Declaration with the Involved and Interested Agencies as enumerated in the Negative Declaration and states that the adoption of the Negative Declaration shall constitute the SEQRA Decision of approval for the construction of the Hudson Valley Rail Trail West: Phase 4, together with all plans and documents associated therewith.

Roll Call Vote: No
Voting In Favor: Legislators Bartels, Heppner, Lapp, Parete, and Wawro
Voting Against: None
No. of Votes in Favor: 5
No. of Votes Against: 0
Disposition: Carried

Motion No. 3 Resolution No. 20 January 21, 2016

Motion Made By: Legislator Bartels for discussion

Motion Seconded By: Legislator Wawro

Text of Motion: Resolved to approve Resolution No. 20 - Authorizing The Chairman Of The Ulster County Legislature To Execute An Agreement With The New York State Department Of Environmental Conservation (DEC) To Accept Grant Funds, For A Comprehensive Culvert Assessment, And Amending The 2016 Ulster County Budget – Department Of The Environment

Resolution No. 20 Summary: This Resolution authorizes the Chairman of the Ulster County Legislature to execute the agreement, and any amendments thereto, with the New York State Department of Environmental Conservation (Contract DEC01-T00060GG-3350000) for the purpose of accepting a grant in the amount of \$47,000.00 from the Hudson River Estuary Program and amends the 2016 Ulster County Budget to increase Appropriation #AA.8090.3552-4300.4360 (Professional Services Environmental) by \$21,000.00, Appropriation #AA.8090.3552-1400.1400 (Part Time Pay) by \$5,000.00, and Revenue #AA. 8090.3552-3300.3902 (State Aid – Planning Studies) by \$26,000.00.

Discussion:

Chairman Parete expressed his frustration with the lack of communication from the County Executive’s office regarding the resolutions and that no one was in attendance to discuss. He stated he was not in opposition to the resolutions but would reach out to inform them that he will not put future resolutions on the Committee’s agenda without hearing from them first. Legislator Bartels and Chairman Parete indicated they would call the County Executive’s office regarding their concerns. Chairman Parete noted the back up documentation was great but that he wanted someone from their office to discuss or provide an overview of the resolutions.

Roll Call Vote: No
Voting In Favor: Legislators Bartels, Heppner, Lapp, Parete, and Wawro
Voting Against: None
No. of Votes in Favor: 5

No. of Votes Against: 0
Disposition: Carried

Motion No. 4 Resolution No. 79 January 26, 2016

Discussion: Legislator Parete reviewed the impact of the waterway issues in the Esopus Creek. He stated no one agency held the responsibility of oversight for review for hazards. He noted the loss of a young life in the Esopus Creek last year because of a strainer. He noted the impact of the City’s release of water. He stated it would be the goal of the Committee to develop a mechanism for surveying and assessing the waters. He stated this action was long overdue and that he met with friends in the mountains that indicated nothing could be done with a “wild river”. He indicated they felt the signage was sufficient but in his review found a lack of warning signs. He stated, in terms of economic development, the water was all the community had. He felt the Committee could do a review and put a plan together. He stated he reviewed 1987 legislation from another County and has been thinking of this since then. He highlighted his communications with the various State agencies. He noted the 1987 legislation that identified ways to protect the waterway.

Chairman Parete spoke of the strainer concerns that were communicated to him from the Town supervisors. Legislator Parete noted a number of Town supervisors had expressed a desire to serve on this Committee.

Legislator Heppner spoke of his experience working at the Town of Shandaken. He questioned how the Committee would choose which waterways to review and analyze. Legislator Parete felt the Committee could start with the Upper Esopus Creek due to the critical needs. He recognized the flooding issues with the Rondout and Wallkill. Legislator Heppner noted there are concerns with all tributaries and felt the Legislature could get the opinion of the Committee on other tributary issues.

Legislator Parete stated this was about more than environment; it was about safety, saving lives and the environmentally friendly use of the waterways.

Legislator Bartels suggested if the Committee would began with the Esopus creek the resolution should specify the focus within the Watershed and then expand if successful. She expressed concern with attempting to address issues with all waterways in Ulster County. Legislator Parete felt if the Committee found success in their plans for the Esopus, they could be transferred to the other waterways. Chairman Parete noted the expressed issues were in waterways outside of the watershed.

Legislator Bartels wondered why the Trails Advisory Committee was indicated as a group to seek input from. Legislator Parete indicated the list of groups was just to give examples and not limit the Committee from talking to all.

Legislator Parete noted having to balance a forever-wild waterway with concerns for loss of life.

Motion Made By: Legislator Wawro

Motion Seconded By: Legislator Bartels

Text of Motion: Resolved to approve Resolution No. 79 - Establishing the Ulster County Waterways Advisory Committee

Resolution No. 79 Summary: This Resolution establishes the “ULSTER COUNTY WATERWAYS ADVISORY COMMITTEE” for the purpose of:

- a. Conducting a thorough examination and study of the waterways within Ulster County for the purpose of creating a maintenance plan to protect against flooding and resulting property damage, and to mitigate potential life-threatening dangers;
- b. Retaining the services of an expert in the field of water management or other related fields, within Legislative appropriations, that may provide the Advisory Committee with knowledge and insight into the various issues confronting the maintenance of Ulster County waterways;
- c. Facilitating communication with the New York City Department of Environmental Protection to provide assistance with issues specific to regulations imposed on residents and businesses situated within the New York City Watershed; and
- d. By no later than October 31, 2016, the Advisory Committee shall present its findings to the Legislature recommending next steps for carrying out the maintenance of Ulster County waterways, and detailing specific barriers to development faced by residents and businesses within the NYC Watershed; and

that the membership of the Ulster County Waterways Advisory Committee shall be appointed by the Chairman of the Ulster County Legislature comprised of the following members:

- 1. The Chairman of the Ulster County Legislature or his or her representative, who shall serve as Chairman of the Advisory Committee;
- 2. Two additional Legislative members;
- 3. A member of the Ulster County Supervisors and Mayors Association representing a municipality within the NYC Watershed; and
- 4. A member of the public at large who owns or operates a business within Ulster County effected by an Ulster County waterway.

The Resolution further states the Ulster County Waterways Advisory Committee will seek input from groups including, but not limited to, the Environmental Management Counsel, the Ulster County Trails Advisory Committee, Ulster County Soil and Water Conservation District, the Coalition of Watershed Towns and the Catskill Watershed Corporation and that the County Executive may appoint staff from the Executive branch of government to assist the Ulster County Waterways Advisory Committee in its work.

Roll Call Vote:	No
Voting In Favor:	Legislators Bartels, Heppner, Lapp, Parete, and Wawro
Voting Against:	None
No. of Votes in Favor:	5
No. of Votes Against:	0
Disposition:	Carried

New Business: Committee Meetings

Chairman Parete noted in looking at the date of the Committee meetings that he received a call from Legislator Donaldson. He indicated he was supportive of moving the Energy and Environment Committee meeting to the 2nd Mondays at 6:00 PM or immediately following the Legislative Programs, Education, and Community Services Committee meeting at the College. All Committee members supported the date and location movement for the Energy and Environment Committee meetings.

Old Business: Microbeads

Legislator Bartels noted a Federal bill had passed and that she was following up with the Attorney General's office to determine if the County should still pass it's own legislation. She noted the timing might be an issue as the Federal bill was not fully implemented until 2018. She noted a local bill might force the change quicker. Legislator Heppner suggested they review the Federal bill for exemptions as it might exempt products beyond what the County legislation wanted.

Old Business: Solid Waste Management Improvement Commission – Brief Update

Legislator Bartels noted the Commission had to cancel it's last meeting and had been meeting since last spring. She highlighted the Commission's activities including the touring of final disposal facilities across the state and provided some examples. She stated the Commission was in the process of writing a report with it's recommendations. She provided an overview of the Commission for new legislators.

New Business: Committee Oversight

Chairman Parete requested a list of appointments to Boards to which the Energy and Environment Committee has oversight. Legislator Bartels noted the Soil & Water Conservation District's Legislative appointments were seeking to be replaced.

Adjournment

Motion Made By: Legislator Lapp

Motion Seconded By: Legislator Heppner

No. of Votes in Favor: 5

No. of Votes Against: 0

TIME: 7:25 PM

Dated the 3rd day of February, 2016

Krista J. Barringer, Deputy Clerk

Minutes Approved on: February 8, 2016