

Energy & Environment Committee

Regular Meeting Minutes

DATE & TIME: September 3, 2015, 7:00 PM
LOCATION: Karen L. Binder Library, 6th Floor, COB
PRESIDING OFFICER: Chairman Peter Loughran
LEGISLATIVE STAFF: Krista J. Barringer, Deputy Clerk
PRESENT: Legislator Hector Rodriguez, Ken Ronk and Mary Wawro
EXCUSED: Legislators Richard Parete
QUORUM PRESENT: Yes
OTHER ATTENDEES: Legislator Manna Jo Greene, Riverkeeper Advoacy and Volunteer Coordinator Jeremy Cherson, Town of Marbletown Resident Stuart Greenfield, Resource Recovery Agency Executive Director Tim Rose and Recycling Coordinator Merlyn Akhtar, League of Women Voters of the Mid Hudson Valley Observation Corp Member Vic Melville.

Chairman Loughran called the meeting to order at 7:01 PM.

MOTION NO. 1 RESOLVED To Approve the Minutes of August 12, 2015

Motion Made By: Legislator Rodriguez
Motion Seconded By: Legislator Ronk
Discussion: None
Roll Call Vote: No
Voting In Favor: Legislators Loughran, Rodriguez, Ronk and Wawro
Voting Against: None
No. of Votes in Favor: 4
No. of Votes Against: 0
Disposition: Carried

Guest Presentation: Resource Recovery Agency Report – Tim Rose, Executive Director

Resource Recovery Agency Executive Director Rose introduced the Committee members to the new Recycling Coordinator, Merlyn Akhtar. He noted she started on Monday.

He reported the Agency Board approved a preliminary budget and highlighted that for the third year in a row there would be no increase to the tipping fee for 92% of system users and for the second year in a row it would stay the same for 100% of the users. He noted the tipping fee was \$103 per ton plus fuel charges. He noted the Agency will have maintained approximately 15% of the operating budget in the fund balance by the end of this year. He noted the State Comptroller recommends they maintain 10 – 20% of the

operating budget in the fund balance. He indicated in the operating budget there was a net loss noted of about \$19,000, which was a close to zero as one can get. He stated the Agency was in financially good condition.

He noted fourteen towns had approved and signed agreements with the Board for service. The five that did not sign on and their intents for delivering their municipal solid waste to the Agency were: Town of Marbletown – using private sector company; Town of Marlboro – was not sure yet; City of Kingston – using own equipment and staff; Town of Ulster and Saugerties – Town of Ulster buying equipment and Saugerties may be entering into a shared service agreement. Legislator Ronk noted as of this meeting, Town of Saugerties had not yet signed on with the Town of Ulster.

Resource Recovery Agency Executive Director Rose noted the recycling revenue was down for the year as this was dependent on an overseas market.

Legislator Greene asked if all towns were continuing to participate with the recycling program and if the treatment would remain the same. Resource Recovery Agency Executive Director Rose replied they were and noted the Ms. Ahktar and Ms. France from the Agency would be visiting all the Transfer Stations to offer a meet and greet with the new recycling coordinator and increase education regarding recycling.

Guest Presentation: Proposed Microbead Local Law - Jeremy Cherson, Advocacy & Volunteer Coordinator, Riverkeeper

Mr. Cherson distributed materials and passed around samples of the microbeads found in typical products. He explained what microbeads were as well as their purpose. He noted typical microbeads range in size from 1-5 millimeters. He noted the waste systems were not able to handle microbeads and that they were passing through the filtration systems into the surface waters. He noted there is an estimated 19 tons of microbeads annually in the New York State water ways. He stated the microbeads not only break down slowly but also act as sponges. He stated chemicals, such as PCP as well as other hydrophobic chemicals which do not break down in water, attach to the microbeads and affect fish and wild life as the chemicals bio-accumulate and bio-magnify up the food chain.

He noted 18 states in the United States, Canada, and Australia were considering bans. He provided a review of the United States bans. He highlighted the biodegradable loophole in many of the bans. He noted to biodegradable the products, an industrial composter would be needed. He stated the New York waters did not meet any of the industrial composter criteria. He noted even if there were biodegradable standards, who would determine the standards which would provide a prohibitively high proof to prosecute a violator of a microbead ban.

He noted the New York State Assembly passed the “Microbead Free Waters Act” by 139 to 1. He noted in the New York State Senate they had enough sponsors and co-sponsors for it to pass but that it was not brought to the floor for a vote. He stated they were working with the local governments to propose bans to get the State Legislature to act when they return to session in January 2016. He noted the bill numbers were S3932 and A5896. He noted the local bans were

also to push the corporations into statewide solutions. He felt single county bans would force large retailers to stop selling in order to not ship to one store and not another.

Chairman Loughran asked if it would be legal to ban these products. Mr. Cherson replied it was legal and highlighted the ban was passed by Erie County and was in serious consideration in Suffolk County. He suggested these counties be considered as resources in looking at bans locally. He stated they can provide model bans.

Chairman Loughran and Legislator Rodriguez discussed the of labeling products with microbeads. Legislator Rodriguez noted they modeled the proposed ban for Ulster County in consultation with Riverkeeper and ____.

Mr. Cherson highlighted the attorney generals report. Chairman Loughran concurred the danger of the product and noted the discussions occurring at the state.

Mr. Cherson and the Committee discussed the Senate bills. He noted there were two submitted and in addition to S3935, the other bill, S4924, included the industry biodegradable clause. He noted this second bill only had one sponsor.

Legislator Wawro discussed her experience with the Styrofoam ban and corporations contacting her. She noted this ban could bring attention to the corporations.

Mr. Cherson noted Senator Gillibrand was the sponsor of the Federal legislation but that there was no traction for it at the Federal level.

Legislator Greene requested to be added as a sponsor.

Motion No. 2 Resolution No. 318 September 15, 2015

Motion Made By: Legislator Ronk

Motion Seconded By: Legislator Rodriguez

Text of Motion: Resolved to approve Resolutions No. 318 - Authorizing The Commissioner of Finance To Accept The New York State Department Of Environmental Conservation's Offer To Purchase A Parcel Of County-Owned Real Property In The Town Of Lloyd And Authorizing The Chairman Of The Ulster County Legislature To Convey Such Parcel – Department Of Finance

Discussion: Chairman Loughran noted he spoke with Town of Lloyd Supervisor Hansut and Legislator Litts regarding the parcel and that there was no issues regarding the selling of the property from the Town. Deputy Clerk Barringer noted Department of Planning Director Doyle had provided the maps as requested by the Committee at the last meeting and that they were in the materials distributed.

Roll Call Vote: No

Voting In Favor: Legislators Loughran, Rodriguez, Ronk and Wawro

Voting Against: None

No. of Votes in Favor: 4

No. of Votes Against: 0

Disposition: Carried

Motion No. 3 **Resolution No. 325** **September 15, 2015**

Motion Made By: Legislator Ronk for discussion

Motion Seconded By: Legislator Rodriguez

Text of Motion: **Resolved to approve Resolution No. 325** - Setting A Public Hearing On Proposed Local Law No. 14 of 2015 (A Local Law Prohibiting The Sale Of Personal Care Products Containing Microbeads In Ulster County) To Be Held On Wednesday, October 14, 2015 At 6:05 PM

Resolution No. 325 Summary: This Resolution submits and tables Proposed Local Law No. 14 of 2015 pending the holding of a public hearing thereon, directs the Clerk of the Ulster County Legislature to cause a legal notice of said public hearing to be published according to law, and sets the date and time for the public hearing as Wednesday, October 14, 2015 at 6:05 PM in the Legislative Chambers, Ulster County Office Building, 6th Floor, 244 Fair Street, Kingston, New York.

Discussion:

Legislator Ronk noted four concerns he had with the proposed local law:

1. The definition of a person included the possibility that a store clerk could sell a product as part of their job function and be fined \$2,500.
2. Items with microbeads are not labeled and yet the selling of such would be monitored by the Weights and Measures. He asked if the Department staff would be sent to school or a training to learn how to identify products that contain microbeads.
3. He felt this ban should be done at a State level and not local. He noted store franchises that cross over county lines.
4. He noted at the last committee meeting (Public Works and Capital Projects Committee), a policy was defeated because it was too soon to consider, even though equipment is installed and already exists. He felt this should also be given time.

Legislator Rodriguez noted the proposed Local Law was submitted to obtain input and stated he would look into the hypothetical situation of a store clerk selling and being fined. He replied in response to the Weights and Measures training concern that a lab was not needed as it was not a major impediment. He noted there were websites dedicated to identifying sample products. He stated the issue regarding multi-jurisdictional banning was already occurring and that the State was not moving on a ban. Chairman Loughran noted when the State moves on the ban, this law would be null and void. Legislator Wawro noted the potential to move the state with these local bans. Legislator Ronk provided example language that could be inserted to protect a store clerk.

Committee members discussed the voting on the proposal as a local law or a policy. Chairman Loughran noted his opposition to voting on local laws that govern only county employees.

Legislator Greene noted the difference between this proposal and the policy defeated at the prior committee was that this product was already doing harm and that this was well documented. She noted the impact on the PCP clean-up.

Legislator Rodriguez motioned to postpone the resolution to next month. Legislator Wawro seconded and with all voting in favor, the resolution was postponed to next month.

New Business

Legislator Ronk requested the Committee discuss the electronic vehicle charging station even though it failed in the last committee. Legislator Greene noted the previous committee's discussion indicated it would be premature as they should get the data and understand the impacts. Legislator Ronk noted the premature discussion would be on charging stations that were already in use. He expressed confusion in why the County should not have a policy on the stations use.

Legislator Rodriguez noted he read the local law quickly a couple of days ago and asked what the local law would be addressing. Legislator Ronk noted two people without electric cars can park in electric charging spots thereby making it so that people with electric cars could not charge. He stated he heard electric cars could be charged from up to two spots away but wondered if others could then pull in and block other vehicles. He noted the charge takes less than an hour and yet the spots could be taken for up to three-four hours which would make it so that others would be unable to charge during that time. He noted both he and the Chairman, as the resolution sponsors, were open to suggested changes. He reiterated his feeling that it was asinine to not have a policy when the charging stations were being used. Legislator Wawro noted a policy could always be updated if needed. She noted there were dedicated handicapped spots in the parking lot.

Chairman Loughran felt the County should address the whole idea of county parking. He stated this issue was part of the whole parking problem. He felt the proposal was premature and not comprehensive.

Legislator Rodriguez felt there should have been a lot more thought as to where the charging stations were placed and that they do need to figure out where they are, how many are using them, and if they are in the right place. Legislator Ronk indicated it was too late for that discussion. He noted the cost to move the existing charging stations.

Legislator Greene stated as an electric car owner, she was still learning the details and process of how to charge. She did not want to be penalized for attending a meeting. She noted the need to have to leave a meeting or session to move her vehicle from the electric charging stations. She agreed there was a need for a policy for other people abusing spots. She noted, through the use of the chargepoint cards, the cost was so little to charge. She felt if it would cost more to the County to collect payment would indicate the need to learn more data. She felt the Legislature should hear from people using it and learn if there are any problems. Legislator Ronk noted the local law specified it was leaving open to the County Executive the possibility of charging for any fees as well as the electricity received.

Legislator Ronk discussed his interpretation of this as an illegal gift. Legislator Ronk noted certain individuals were getting a benefit that the rest of the general public were not allowed and the county tax payers, how ever small the fee, are paying for it. He stated he understands the financial impact and would not be looking to have the County pay more for the use of the charging stations. He reiterated the policy was keeping open the possibility if the County Executive needed to charge in the future, if he/she deemed it appropriate. He felt this discussion

was prudent among the Committee members as he expected there would be a petition to discharge successfully filed.

Legislator Greene noted there was a greenpass discount on the Thruway for electric car users to incentivize electric vehicle use. Legislator Ronk noted there was a difference between a discount and a gift.

Old Business: Solid Waste Management Improvement Commission – Brief Update

Held for next month

Old Business: Climate Smart Committee – Brief Update

Held for next month

Adjournment

Motion Made By: Legislator Rodriguez

Motion Seconded By: Legislator Ronk

No. of Votes in Favor: 4

No. of Votes Against: 0

TIME: 7:48 PM

Dated the 21st day of September, 2015

Krista J. Barringer, Deputy Clerk

Minutes Approved on: October 8,2015