

Energy & Environment Committee

Regular Meeting Minutes

DATE & TIME: October 8, 2014, 6:30 PM
LOCATION: Karen L. Binder Library, 6th Floor, COB, Kingston, NY
PRESIDING OFFICER: Chair Tracey A. Bartels
LEGISLATIVE STAFF: Krista J. Barringer, Deputy Clerk
PRESENT: Legislators Manna Jo Greene, Richard Parete (arrived at 7:04PM), and Mary Wawro (left at 8:30 PM)
EXCUSED: Legislator Kenneth J. Ronk
QUORUM PRESENT: Yes
OTHER ATTENDEES: Legislator Ken Wishnick, Deputy County Executive Ken Crannell, Resource Recovery Agency Executive Director Tim Rose, Resource Recovery Agency Executive Board Member Charlie Landi, League of Women Voters Representative Vic Melville, and Department of the Environment Director Amanda LaValle

Chair Bartels called the meeting to order at 6:30 PM.

**MOTION NO. 1 RESOLVED To Approve the Minutes of September 15, 2014
and September 23, 2014**

Motion Made By: Legislator Wawro

Motion Seconded By: Legislator Greene

Discussion: Chairman Bartels confirmed all voting attended each meeting.

Roll Call Vote: No

Voting In Favor: Legislators Bartels, Greene, and Wawro

Voting Against: None

No. of Votes in Favor: 3

No. of Votes Against: 0

Disposition: Carried

Motion No. 2 Resolution No. 372 – October 21, 2014

Text of Motion: Resolved to approve Resolution No. 372 - Approving The Execution Of A Contract In Excess Of \$50,000.00 Entered Into By The County – Lime Energy Co. – Department Of Public Works

Resolution No. 372 Summary: This Resolution states the Ulster County Legislature has examined the contract, and hereby approves the contract in the form as filed with the Clerk of the Ulster County Legislature or as modified with the approval of the County Attorney and Legislative Counsel.

Discussion:

Director LaValle noted Lime Energy Company is sole source company with Central Hudson on their commercial outdoor lighting program. She state this retrofit program is for organizations that own their own lights and poles and will replace outdoor lights for more efficient lighting systems. She stated they identified seven sites with 320 fixtures and the potential savings of over 300,000 kilowatts per year. She stated this was expected to be an annual savings of \$50,000. She noted the biggest savings was at the law enforcement center with over \$25,000 per year in savings. She noted most of the cost for the program is born by Central Hudson and about 40% of the total program cost will be paid by the County. She stated the payback is eighteen months and after that the County will be realizing the savings. She stated this program dovetails the County Executive's order for purchasing renewable energy credit to offset the County's electric consumption. She stated this program was a budget neutral process.

Legislator Wishnick asked if the bulbs were 20 year bulbs. Director LaValle replied she the bulbs do come with a warranty and that she was reviewing them now. She stated they would be at least 10-year bulbs. She noted in the last retrofits approximately 100 LED street lights were installed at UCAT and on Golden Hill.

Chairman Bartels confirmed the individual bulbs have warranties for replacement. Director LaValle replied they did as did the retrofit and that they did not experience any problems. She stated they looked at the law enforcement center due to the building size and the fact that it is a 24/7 operation. She noted it has a prescribed operations and maintenance due to it being energy intensive. She handed out a building by building energy report (ATTACHED). She reviewed the handout and discussed the individual building usage.

Legislator Wishnick asked if there were any abnormal usages that popped out. Deputy County Executive Crannell stated the law enforcement center was highlighted. He noted the County Executive included a capital project in his 2015 proposed budget to replace light switches with lighting sensors. Director LaValle stated they look for items with good retrofit with efficient lighting and discussed successful retrofit projects and squeezing down energy usage. She discussed the impact on energy usage on 24/7 buildings.

Legislator Wishnick asked if this was specific to county government and if the Legislature sent this out to other municipalities, it might be viewed differently. Deputy County Executive Crannell noted the County Executive's vision of balancing fiscal and social responsibilities. Legislator Greene noted this would be done in conjunction with

the Climate Smart Committee. Chairman Bartels suggested drafting a communication from the Committee and the County Executive to the municipalities.

Deputy County Executive Crannell reported the county has submitted a four-mega watt solar application to NYSERDA. He noted this submission was in partnership with the Resource Recovery Agency and would be located at the old Town of Ulster landfill. He stated they were not funded this round but were encouraged to reapply in 2015. He noted the United States Environmental Protection Agency is assessing the old landfills for potential solar farms.

Legislator Wishnick suggested solar farms on closed landfills include storm water collection systems to save on leachate collection costs.

Chairman Bartels noted Deputy County Executive Crannell and Director LaValle have agreed to attend a special meeting of the Legislature to discuss energy and environment initiatives in the 2015 budget.

Roll Call Vote:	No
Voting In Favor:	Legislators Bartels, Greene, and Wawro
Voting Against:	None
No. of Votes in Favor:	3
No. of Votes Against:	0
Disposition:	Carried

Old Business: Renewable Energy REC – Update and Information

Chairman Bartels noted she distributed the electric usage, purchasing green power, and the rec offset statistics information provided by Director LaValle (ATTACHED). She noted they had been hearing about MEGA (Municipal Energy Gas Alliance) but that the purchasing agent went with a different company. Deputy County Executive Crannell stated through the county’s ability to piggyback off state contracts, the Purchasing Agent found additional savings for the county at the last minute.

Chairman Bartels clarified the invoice was for the first six months and then it would be twice that amount for the second year. Deputy County Executive Crannell stated that was the \$22,000 - \$23,000. Chairman Bartels noted this was eighteen (18) months worth of renewable energy credits (REC). Deputy County Executive Crannell noted the goal to be net neutral on the budget.

Legislator Greene confirmed the county’s agreement did include the community college. Deputy County Executive Crannell confirmed the community college has it’s own energy and it’s own budget.

RRA Report: Tim Rose, Executive Director & Charlie Landi, Board Member, Resource Recovery Agency

Resource Recovery Agency Executive Director Rose announced a public hearing on the 2015 RRA budget scheduled for Tuesday, October 14, 2014 at 5 PM at the RRA office. He noted as long as he has been the Executive Director no one has showed up for this hearing but that he expected turn out this time. He expected the turn out would include Town Supervisors. Chairman Bartels noted the receipt of a letter from the Supervisor of Shandaken supporting the Supervisor's recommendation to increase the tipping fee for all by \$2 per ton. She did not know if all Supervisors had voted on to the letter or this proposal. Legislator Greene noted there was a subcommittee of the Association that meets to discuss RRA matters. She stated while no formal vote had been taken at the Supervisor's meeting, there had been consensus at the subcommittee and there was a decision to write a letter.

Resource Recovery Agency Executive Director Rose stated Town of Rochester Supervisor and President of the Town Supervisors and Mayors Association Carl Chipman presented a letter on behalf of the Association at the last meeting. He noted this letter requested the agency increase the tipping fee by \$2. Chairman Bartels stated she would forward the Town of Shandaken Supervisor's letter to Resource Recovery Agency Executive Director Rose.

Legislator Greene noted her concern that the RRA Board was only expecting to budget for the recycling for six months. Resource Recovery Agency Executive Director Rose noted they budgeted for the elimination of the roll-off service after July 1, 2015. He noted this was a Board decision and Resource Recovery Agency Executive Board Member Landi confirmed this Board decision.

Legislator Greene asked what would happen if the Towns sign the agreement to participate and pay for the roll off service. Resource Recovery Agency Executive Director Rose replied the Agency would need to revise the budget. Chairman Bartels indicated her understanding based on Resource Recovery Agency Executive Board Chair Smith's presentation at the last Committee meeting that RRA would be able to operate without a six-month extension being signed by the Towns. She noted the continuation of the services after six-months was contingent upon the signing of a contract. Resource Recovery Agency Executive Director Rose explained the Town contracts expired at the end of 2014 and in discussion with the Towns, back in May 2014, the Towns requested a full year and it was agreed to continue the service for six months to June 30, 2015.

Chairman Bartels confirmed the "all or nothing" proposal to which the budget numbers were run. Resource Recovery Agency Executive Board Member Landi confirmed the Board agreed to an "all or nothing" proposal. Resource Recovery Agency Executive Director Rose stated the crux of the issue was the need to break even in the roll off service and that the numbers change some if some of the towns do not sign on. Legislator Wishnick clarified the location of the towns that sign on also impacted the numbers. Resource Recovery Agency Executive Director Rose confirmed this and provided the two extreme examples to the impact.

Legislator Greene questioned the half-year service message being sent that the Agency wants to get out of the business. She noted the Agency was created to solve the solid waste problem for the County. She felt confident that the Towns would not find a better deal than what the Agency provides.

Resource Recovery Agency Executive Director Rose noted two years ago, when the two-year agreements expired, the Agency communicated to the Towns that there would need to be new boxes purchases and at the time the decisions were needing to be made, the Towns were expressing a desire to leave the Agency's contracts. Legislator Parete discussed the County role or lack of role in the RRA oversight, financial assistance, and management of solid waste. He stated he did not feel the intent of flow control was to keep raising the rates of the private hauler customer. Legislators Wishnick and Parete discussed the policy of the County as a partner and contributor in Agency decisions and finances prior to and following the introduction of flow control.

Chairman Bartels discussed the public perception of the RRA. She noted with the refinancing of the County's debt and the not siting of a County landfill impacted the state of solid waste disposal currently. She concurred with Legislator Greene the Towns finding their best deal for solid waste disposal at the RRA and the result of the Town of Saugerties RFP and bidding process. She felt the message from the County has been no net service fee, do not come back to the County despite the County's decision to refinance and push out the Agency's debt, and the ultimate impact this has had on the Agency's equipment.

Chairman Bartels distributed a draft resolution to establish a Solid Waste Disposal Improvement Commission. She expressed kudos to Resource Recovery Agency Executive Board Member Landi for keeping the discussion of siting a landfill on the forefront and felt the County needed to become a partners with the Agency in developing long-term solutions. She noted the Agency is the place of last resort and that ultimately solid waste disposal is a County responsibility that is more than just about the numbers. Resource Recovery Agency Executive Board Member Landi requested to have the draft resolution emailed.

Legislator Greene noted the inclusion of the League of Women Voters on the proposed Commission and highlighted their monthly discussion group that has amassed a large amount of information and expertise. She noted they are a neutral party in this discussion. She noted the County Executive requested to have an honorary position and would attend regularly but did not want to be listed in the membership.

Resource Recovery Agency Executive Director Rose noted the mention of the Solid Waste Management Plan in the draft resolution. He reported the Agency has still not received comments back from the New York State Department of Conservation. Chairman Bartels noted the timeliness of the reviewing the issue as the draft plan removes the siting of a landfill. Resource Recovery Agency Executive Director Rose

noted the Legislature would have two opportunities for input on the plan and reviewed the process for the Legislature's approval of the plan.

Chairman Bartels asked Committee members to review the proposed commission resolution and indicated her plan to have the resolution in the packet for next month. Legislator Parete proposed flexibility in the number of Supervisors. Chairman Bartels indicated two at-large members could be added.

Legislator Wishnick mentioned the possibility of the Commission needing to hire a consultant. Committee members discussed a solid waste expert consultant, input from DEC and involvement from County departments. She felt this discussion needed to start at home and could add a regional discussion as the Commission deems it appropriate.

Legislator Parete asked where the Agency's budget stood at this point. Resource Recovery Agency Executive Director Rose replied the tipping fee is currently \$103 for all. He discussed the expected Public Hearing attendance and the occupancy at the RRA office.

Legislator Greene inquired as to the Agency's openness to raising the tipping rate. Resource Recovery Agency Executive Board Member Landi replied it may have to raise the rate but the Board was trying to avoid this as it is recognized that the Agency's rates are one of the highest tipping fees in the region. Resource Recovery Agency Executive Director Rose noted all County's in the region use Seneca Meadows for their disposal. He noted Dutchess County is at \$82 per ton but also receives a net service fee from the County. He indicated if the County stopped its net service fee, the County's fee would be the same as Ulster County. He provided examples from Rockland County and other counties. Resource Recovery Agency Executive Board Member Landi requested Resource Recovery Agency Executive Director Rose send over a nationwide tipping fee graph to Chairman Bartels. Legislator Greene suggested the League of Women Voters Study Group be asked to gather the data. Chairman Bartels stated the data would be helpful if it also indicated if they receive a net service fee and if there was flow control in the County. Resource Recovery Agency Executive Director Rose also indicated it would be good to know if there is a separate annual user fee which is similar to an ad valorem.

Committee members discussed C&D (construction and demolition) disposal, the cost to update the facility to process C&D, and the goal of keeping C&D out of the solid waste disposal.

Chairman Bartels and Legislator Parete discussed the Renewable Energy Credit (REC) purchase being on top of the County's energy use cost. They noted with this purchase there is no change in how energy is created but that extra money is given to renewable energy sources to ensure more energy is created through renewable sources. They discussed the difference of what a REC is and what the County did. Legislator Greene noted her focus on the County putting real renewable energy infrastructure in.

Motion No. 2 To Postpone Resolutions Nos. 314, 344 and 345 to the Next Committee Meeting

Text of Motion: **Resolved to Postpone Resolution No. 314** - Setting A Policy For County Owned Vehicles To Utilize Alternative Fuel Sources

Text of Motion: **Resolved to Postpone Resolution No. 344** - Setting A Public Hearing On Proposed Local Law No. 12 of 2014 (A Local Law Regulating The Use Of Polystyrene Foam Disposable Food Service Ware By Food Service Establishments In Ulster County) To Be Held On Tuesday, November 18, 2014 At 7:05 PM

Text of Motion: **Resolved to Postpone Resolution No. 345** - Setting A Public Hearing On Proposed Local Law No. 13 of 2014 (A Local Law Regulating The Use Of Polystyrene Foam Disposable Food Service Ware And Requiring The Use Of Biodegradable Or Compostable Food Service Ware By Chain Food Service Establishments In Ulster County) To Be Held On Tuesday, November 18, 2014 At 7:10 PM

Resolution No. 314 Summary: This Resolution requires upon successful completion of at least one pilot program, at least 50% of the Ulster County Fleet shall utilize alternative fuel sources by the year 2020 and 75% of the Ulster County fleet should utilize alternative fuel sources by the year 2025.

Resolution No. 344 Summary: This Resolution accepts the submission of Proposed Local Law No. 12 of 2014 to the Ulster County Legislature and tables it pending the holding of a Public Hearing on Tuesday, November 18, 2014 At 7:05 PM in the Legislative Chambers, Ulster County Office Building, 244 Fair Street, Kingston, New York and directs the Clerk of the Ulster County Legislature to cause a legal notice of said Public Hearing to be published according to law.

Resolution No. 345 Summary: This Resolution accepts the submission of Proposed Local Law No. 13 of 2014 to the Ulster County Legislature and tables it pending the holding of a Public Hearing on Tuesday, November 18, 2014 At 7:10 PM in the Legislative Chambers, Ulster County Office Building, 244 Fair Street, Kingston, New York and directs the Clerk of the Ulster County Legislature to cause a legal notice of said Public Hearing to be published according to law.

Resolution No. 314 Discussion:

Chairman Bartels reviewed the actions and activities that had taken place over the last month. She felt more research was needed and suggested bringing the resolution to the special committee meeting being scheduled to discuss environmental items in the proposed 2015 budget.

She stated she did the research and pulled a lot of numbers from other county and state policies. She felt it would be great to get a comprehensive policy down. She noted the activities lead back to the take-home-vehicle policy. Legislator Parete requested a copy

of the take-home policy. She stated she would also send sample policy and indicated, similar to the Styrofoam policy, if it took another month, the Committee should take the time to make it better and requested the Committee review the information for discussion next month.

Legislator Parete and Chairman Bartels discussed the County Executive's objection to the Sheriff's vehicle proposal versus a cost analysis, his connecting it to compressed natural gas and the desired steps away from fossil fuels. She stated she has three to four policies under review and would be exploring how it has worked elsewhere.

Resolutions Nos. 344 & 345 Discussion:

Chairman Bartels stated she spoke with Department of the Environment Director Amanda LaValle about both resolutions and received more feedback on Resolution No. 345. She felt any policy will require a conversation with the Commissioner of Health. She stated she was in the process of scheduling a meeting with the Commissioner. She stated she was getting local price lists and wanted to see if the difference was marginal or substantial, which would impact the cost of the meal. She asked Committee members to please look closely at the two resolutions and give any feedback to Chairman Bartels or Legislator Wawro.

Legislator Greene felt the Department of Health was the logical entity to educate and inform the local restaurants but felt there should be cautions to not stretch the department. She felt the Department would not be the enforcement entity and asked who would be responsible. Chairman Bartels stated in both resolutions, the Department of Health had responsibility but under enforcement there was no intention to create a police force. She felt there would be a long period of education, such as 6 months to one year, before enforcement of the law. She felt enforcement would be based on complaints.

Chairman Bartels indicated the Committee should move to merge both resolutions into one and sought a motioned to postpone Resolutions 314, 344, and 345 to an appropriate meeting in November.

Motion Made By: Legislator Greene

Motion Seconded By: Legislator Wawro

Roll Call Vote: No

Voting In Favor: Legislators Bartels, Greene, Parete, and Wawro

Voting Against: None

No. of Votes in Favor: 4

No. of Votes Against: 0

Disposition: Carried

Motion No. 3 Resolution No. 348 – October 21, 2014

Motion Made By: Legislator Greene

Motion Seconded By: Legislator Parete

Text of Motion: **Resolved to approve Resolution No. 348** - Adopting Proposed Local Law No. 4 of 2014 (A Local Law Amending Local Law No. 2 Of 2006 (A Local Law Adopting A County Charter Form Of Government For The County Of Ulster, State Of New York) And Amending Local Law No. 10 Of 2008 (A Local Law Adopting An Administrative Code For The County Of Ulster, State Of New York), To Update The Term Of Membership To The Environmental Management Council)

Resolution No. 348 Summary: This Resolution adopts Proposed Local Law No. 4 of 2014 by the Ulster County Legislature, and, pending the approval of the County Executive, assigns a local law number consecutive to the last local law adopted and approved in 2014.

Discussion:

Chairman Bartels noted this only amends the terms of membership for the Environmental Management Council and that it should be noted at a future charter revision that there is a need for an ministerial fix.

Roll Call Vote:	No
Voting In Favor:	Legislators Bartels, Greene, Parete, and Wawro
Voting Against:	None
No. of Votes in Favor:	4
No. of Votes Against:	0
Disposition:	Carried

Motion No. 5 Resolution No. 349 – October 21, 2014

Text of Motion: **Resolved to approve Resolution No. 349** - Adopting Proposed Local Law No. 6 of 2014, A Local Law To Establish A Sustainable Energy Loan Program In The County Of Ulster

Resolution No. 349 Summary: This Resolution adopts Proposed Local Law No. 6 of 2014 by the Ulster County Legislature, and, pending the approval of the County Executive, assigns a local law number consecutive to the last local law adopted and approved in 2014

Discussion:

Chairman Bartels noted she and Legislator Greene have been in communication with Legislators regarding any outstanding questions for this program. She noted the receipt of the New York State Comptroller’s response which was forwarded to the County Attorney. She requested the Committee move the resolution to the floor and if any

additional questions arose, she requested they be forwarded to her or Legislator Greene. She noted the sponsors would postpone the resolution prior to the floor vote, if needed. She noted Dutchess County is now moving forward with this program.

Motion Made By: Legislator Greene

Motion Seconded By: Legislator Wawaro

Roll Call Vote: No

Roll Call Vote: No

Voting In Favor: Legislators Bartels, Greene, Parete, and Wawro

Voting Against: None

No. of Votes in Favor: 4

No. of Votes Against: 0

Disposition: Carried

New Business: Proposed Solid Waste Disposal Improvement Commission

Chairman Bartels requested Committee members to review the proposed resolution. She noted she would amend the membership as discussed previously to include two at-large members. She highlighted the third Resolve on page three for membership and indicated the need for consistent language. Members discussed a structure and where nominations would be based.

Old Business: Climate Smart Committee - Update

Legislator Greene stated she would pass on the update this month and provide a report next month.

Old Business: Catskill Watershed Corporation (CWC) - Watershed Hydro-Vac Truck - Update

Legislator Parete stated he was attending the Public Works and Capital Works Committee meeting tomorrow to discuss and hoped to have a resolution for next month. He noted it is now the third month that this issue was being discussed.

Old Business: Emerald Ash Borer - Update

Chairman Bartels indicated the discussion would be held next month. She stated the following people would be invited to attend and present: Department of the Environment Director Amanda LaValle, a representative of the Ulster County Emerald Ash Borer Task Force, a representative of the Department of Environmental Conservation, a representative from the Rainbow Tree organization, and a representative from the Ulster County Soil and Water Conservation District. Chairman Bartels requested beginning the regular, November 10, 2014 earlier at 6:00 PM.

Old Business: Pilgrim Pipeline - Update

Chairman Bartels noted Jennifer Metzger would be present at the November meeting. Deputy Clerk Barringer was requested to resend the information electronically.

Old Business: Recycling Oversight Committee Appointments

Chairman Bartels reviewed the membership and with approval will send out a letter to applicable organizations. Chairman Bartels requested a motion to allow the letter to be sent.

Motion Made By: Legislator Greene

Motion Seconded By: Legislator Parete

Roll Call Vote: No

Roll Call Vote: No

Voting In Favor: Legislators Bartels, Greene, Parete, and Wawro

Voting Against: None

No. of Votes in Favor: 4

No. of Votes Against: 0

Disposition: Carried

New Business: Niagara Bottling Company

Legislator Greene noted the proposed Kingston bottling water situation was bubbling up as an environmental issues. She indicated there may be some hydrological impacts. Legislator Parete noted IBM used more water than the proposed bottling company when it was fully operational. She reported there was a local brewery approved to take water out of Cooper Lake. She noted Niagara was a national company, second, in scale, only to Nestle. Chairman Bartels noted she received a call from an individual wanting the Committee to take action against individuals drinking bottled water and increasing education. Legislator Greene indicated she would keep the Committee posted on the community discussions.

Adjournment

Motion Made By: Legislator Greene

Motion Seconded By: Legislator Parete

No. of Votes in Favor: 3

No. of Votes Against: 0

TIME: 8:42 PM

Dated the 29th day of October, 2014

Krista J. Barringer, Deputy Clerk

Minutes Approved on: November 10, 2014