

Energy & Environment Committee

Regular Meeting Minutes

DATE & TIME: November 10, 2014, 6:00 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, John Parete (arrived 6:08 PM), Richard Parete (arrived at 7:08PM), and Mary Wawro

EXCUSED: Legislator Kenneth J. Ronk

QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislator David Donaldson, Deputy Clerk Jay Mahler, 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, Department of the Environment Director Amanda LaValle, and Department of Public Works Deputy Commission for Fleet Management Kim Millian

Chair Bartels called the meeting to order at 6:03 PM.

MOTION NO. 1 RESOLVED To Approve the Minutes of October 8, 2014

Motion Made By: Legislator Wawro

Motion Seconded By: Legislator Greene

Discussion: None

Roll Call Vote: No

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

Voting Against: None

No. of Votes in Favor: 4

No. of Votes Against: 0

Disposition: Carried

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

Resource Recovery Agency Executive Director Rose stated the Town issue previously discussed at the Committee has been resolved. He stated the Agency would be charging

the municipal solid waste C&D rate and would be breaking even. He stated they were backing off and there would be no pull charges or rental fees for recycling containers as well as no ten-year agreements with the Towns. He noted it put the Agency at risk as they could spend \$10,000 on rental containers and the Towns could go some place else with their recycles but that the compromise went two-ways street and with no agreements it was easier for the Agency to end services with a Town that is destroying their equipment.

Chairman Bartels asked if they considered a five-year agreements with the Towns. Resource Recovery Agency Executive Director Rose stated he had heard the Town Supervisors and Mayors Association President Carl Chipman mention this but that included a cap, which the Agency and its Board is not interested in establishing a cap on the tipping fee. He stated the Agency needed to break even and required the flexibility to adjust rates.

Legislator Greene noted two RFPs received for five-year agreements. She noted what was missing was the commitment for capital expenses and that she felt there was elbow room to negotiate with the Towns about the capital investments in keeping the current system going while beginning to look into the future of recycling facilities and long term solid waste disposal. She felt a five-year contract would offer the Agency some security and the Towns some flexibility. She noted the question was on fixed price. She asked if the capital was removed and the consideration was on the operating costs what the variability be. Resource Recovery Agency Executive Director Rose replied if the Board voted to build a single stream plant, the Agency would need to be able to cover those costs and would need the ability to raise rates. He noted the intent of treating everyone the same and the result of raising rates for that segment that did not have a contract with the Agency. He felt a contract would then need to be establish with the private haulers. He stated the Towns had no risk by not signing a contract whereas the Agency risks with not having contracts is on the \$355,000 cost for new recycling containers. He noted the need for the Agency to spend without a commitment from the Towns to continue with their recycling service.

Legislator Greene stated she is seeking information to help encourage the Towns to sign contracts. She noted with two secure agreements for the cost of disposal for the next five years, why not enter into 5-year agreements with the Towns. Resource Recovery Agency Executive Director Rose stated he felt the Board would be in favor of 5-year agreements as long as there was no cap on the tipping fees. He noted the economy's impact on the Agency's budgeting, the risks on recycling, and the commodity market based on dow jones predictions.

Chairman Bartels inquired if conversations were still happening with the Towns. Resource Recovery Agency Executive Director Rose stated no Supervisors had called him. He noted the letter went out last week and he had no responses from the Towns.

Chairman Bartels inquired if the Agency would be sitting down with the Towns to seek a contractual agreement. Chairman Bartels and Resource Recovery Agency Executive Director Rose discussed the employees at the Town agencies mining for bottle deposits. Chairman Bartels noted the need for continued communication.

Chairman Parete noted his feelings of how well flow control was not thought out prior to implementation.

Resource Recovery Agency Executive Director Rose stated one Town was looking at its own disposal of recycling and C&D. He noted the Towns only had to send their MSW to the Agency and could do so in their own trucks, if so desired.

Legislator Greene stated the Town Supervisor and Mayors Association plans to continue working on this and they would be in communication with the Agency.

Chairman Parete noted his contact with Town Supervisors and their communication to him that just a few people were generating a lot of this. He noted as a small business owner, one does not close for days if the goal is to generate more revenue but rather to open for additional days or longer hours.

Chairman Bartels noted the discussion to occur on Resolution No. 394 regarding the establishment of a Solid Waste Disposal Improvement Commission. Resource Recovery Agency Executive Board Member Landi asked if Resource Recovery Agency Executive Board Chair Smith's comments were the only comments received on this Resolution. Chairman Bartels replied it was.

Resource Recovery Agency Executive Director Rose reported Resource Recovery Agency Executive Board Chair Smith requested a tour of the Dutchess County Waste Energy Plant. He invited the committee to attend this tour. Chairman Bartels requested Resource Recovery Agency Executive Director Rose inform her and/or Deputy Clerk Barringer of the exact times and dates chosen for the tour.

Chairman Bartels noted once the Solid Waste Disposal Improvement Commission was established, she would like to see repeats of the tours to the Oneida-Herkimer and Delaware County facilities and spoke of the benefits of these other facility tours.

Resource Recovery Agency Executive Director Rose spoke of his concerns regarding capping the tipping fee or a net service fee.

Energy Initiatives in Proposed 2015 Ulster County Budget: Ken Crannell, Deputy County Executive and Amanda LaValle, Director, Department of the Environment

Director LaValle highlighted the projects in the Capital Improvement program. She noted she brings environmental concepts to them all and that there were a couple of neat and new projects to highlight.

She noted the green infrastructure work done in the parking lot. She stated this project treats 7,000 square feet off storm runoff. In response to questioning from Legislator Wishnick, Director LaValle noted it treats the percolation and near surface ground water table. Chairman Bartels inquired if the road ditches expedited the road run off into the water system. Director LaValle noted the double edge sword of also needing to protect infrastructure. She discussed the best practices attempted to protect the water as well as the infrastructure. She stated the budget funds more projects at other locations.

Chairman Parete inquired if there was data on the runoffs prior to installation. Director LaValle stated they would have had to dig a well to determine the accurate amount of runoff but that they are monitoring the rain fall amount and volume. Chairman Bartels asked if they were seeing a decrease of water run off to which Director LaValle replied the water is definitely going into the ground and not carrying as much pollution to the surface water table.

Director LaValle highlighted the Plug In Hybrid Vehicle Infrastructure project. She stated the County would be setting up [electrical plugcharging stations](#) in locations at County facilities. She noted this would be available for commuting employee, fleet vehicles and the general public in the future. She noted the identification of a vendor, Charge Point, which offers a national network of charge points and the opportunity of free versus fee based charged points. She noted this project was in the capital plan and reviewed the plug in opportunities for the variety of uses in the fleet. She noted the possibility of charge points being established at the County Building, Courthouse, Golden Hill, Trudy Farber Building and the Business Resource Center. Chairman Bartels noted the Sophie Finn facility was being redeveloped with charge points in mind.

Director LaValle highlighted the LED Outdoor Lighting project already in the capital plan that is moving ahead. She stated they anticipate the retrofits being completed by the end of the year. She noted the following locations receiving retrofits: Mental Health parking lot, Ulster County Law Enforcement Center, County Office Building, County Courthouse, and the DPW Quarry yard. She stated they estimate \$50,000 in savings.

Director LaValle noted the installation of lighting sensors is another lighting project being done at the Ulster County Law Enforcement Center with an estimated saving of \$11,000 per year with a conservative five-year pay back point. She noted the detailed energy audit completed in 2010 which recommended this project.

Director LaValle noted her Department's review of fleet management usage and data in partnership with the Fleet Manager, Kim Millian. She noted the fleet is aged. She distributed and reviewed the data (attached to minutes).

Chairman Bartels inquired if the County was using biodiesel for larger vehicles to which Director LaValle and Fleet Manager Millian replied no.

Chairman Bartels suggested a meeting with the County Executive and Chairman Parete to cull out a policy now that real data is available.

Legislator Wishnick inquired into the current County policy in determining between the use of an employee's own vehicle or a county vehicle. Fleet Manager Millian and Director LaValle noted vehicle use policies are determined at the Department level as it is based on need for visibility, safety, and/or client transportation.

Chairman Bartels stated she would like to review how the vehicle use interfaces with the vehicle take home policy. She felt the greening of the fleet should also encompass the primary goal of downsizing the fleet. She discussed the experience when they established the take home vehicle policy.

Deputy County Executive Crannell noted the availability, on the web, of an annual report of take come cars. Chairman Bartels stated she would look forward to a time to sit down with Fleet Manager Millian and review this information.

Legislator Greene inquired what the presenters thought of biodiesel, ethanol gas, and other waste derived fuels. Fleet Manager Millian stated they were recently looking into these opportunities, especially the biodiesel. She noted the primary goal of updating the fleet as a whole.

Chairman Bartels noted Deputy Clerk Barringer would distribute electronically the information on Alternative Fuel Sources being distributed today. She stated she hoped to have something to put forward at the next Committee meeting.

Motion No. 2 Postpone Resolution No. 314 – November 18, 2014

Chairman Parete discussed and distributed packets of information regarding Alternative Fuel Sources. He noted Sheriff Blarcum was the only County Official to respond to his inquiry to the full County regarding establishing a pilot. He noted the amount of ideas expressed after he and the Sheriff submitted their proposal. He highlighted the Legislature establishes policies. He noted the discrepancies in the number of county vehicles reported by the County and the State Motor Vehicle Department. He noted the proposed policy of greening the fleet by 2020 with establishing a pilot in 2015 which the Committee did not support and the Executive removed from the budget. He noted the distinction between the Executive's proposed hybrid vehicle program and his policy to allow flexibility for other green fleet opportunities. He noted in the van data provided, the proposed pilot investment would be paid for in two years. He felt the Legislature should establish a policy and if the Committee does not want a policy, they should vote it down. He suggested the Resolution be amended to remove the words "upon successful completion of a pilot" as the Executive removed the funding for the pilot from the budget. Chairman Bartels stated the pilot was not over as the Legislature could vote to fund a program. Legislator Parete suggested following the State policy on green

vehicles. Chairman Bartels reiterated her feeling that the take home vehicle policy and the green fleet policy need to be reviewed together.

Text of Motion: **Postpone the Approval of Resolution No. 314 to the next Energy and Environment Committee meeting** - Setting A Policy For County Owned Vehicles To Utilize Alternative Fuel Sources

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.

Discussion:

Chairman Bartels requested Committee members review the packets of information. She stated she would like to distill the information into something the Committee can vote on. She indicated she would meet with Fleet Manager Millian. She requested the Committee postpone the Resolution to the next Committee meeting.

Legislator Wishnick suggested exploring vehicles that are getting low usage and increase the pooling of vehicles across the Departments.

Chairman Bartels suggested a sit down with the Fleet Manager would offer a better understanding of the use on each vehicle. Legislator Wishnick noted as part of county policy the fleet requests should be filled with most efficient vehicle based on availability.

Chairman Bartels and Legislator Parete discussed the County’s acquisition of a free hummer vehicle which included high gas usage and training.

Chairman Bartels spoke about boiler plate policies based on green fleet. She suggested moving something progressive and thorough. Legislator Greene noted the Mid Hudson Regional Sustainability Plan had a transportation section. Chairman Bartels requested Deputy Clerk Barringer distribute a copy of the Mid Hudson Regional Sustainability plan as well as a separate distribution of the transportation section.

Chairman Bartels spoke about the benefit of a January public hearing.

Motion Made By: Legislator Bartels

Motion Seconded By: Legislator Wawro

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:	Resolution Postponed

Motion No. 3 To Postpone The Approval of Local Laws No. 12 & 13

Text of Motion: **Resolved to Postpone The Approval of Local Law No. 12** - A Local Law Regulating The Use Of Polystyrene Foam Disposable Food Service Ware By Food Service Establishments In Ulster County

Text of Motion: **Resolved to Postpone The Approval of Local Law No. 13** - 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

Discussion:

Chairman Bartels stated she would meet with Legislator Wawro to tweak the Resolutions into one resolution. She noted the Committee heard when Albany County held a public hearing, the industry flew in people to oppose the policy enactment. She noted Resolution No. 344 had dates for rolling out and while these dates were now ~~irreverent~~ **irrelevant**, she requested Committee feedback on the rollout dates starting with change restaurants or prefer a longer lead up that affects everyone at the same time.

Motion Made By: Legislator Greene

Motion Seconded By: Legislator Parete

Chairman Bartels noted Resolutions 314, 344, and 345 would be the first items on the December agenda.

Roll Call Vote:	No
Voting In Favor:	Legislators Bartels, Greene, Parete and Wawro
Voting Against:	No
No. of Votes in Favor:	4
No. of Votes Against:	0
Disposition:	Resolution Postponed

Motion No. 4 Resolution No. 394 – November 10, 2014

Text of Motion: **Resolved to approve Resolution No. 394** - Establishing The Ulster County Solid Waste Management Improvement Commission

Resolution No. 394 Summary: This Resolution establishes the Ulster County Solid Waste Management Improvement Commission consisting of up to eleven (11) members, whose members shall serve without compensation other than for actual and necessary expenses with appropriations made therefore, unless other provided by resolution of the County Legislature, pursuant to Section C16 of the Ulster County Charter and Section A211 of the Administrative Code. The Resolution indicates the membership of the Solid Waste Management Improvement Commission shall include (1) the Chair of the Legislature or designee; (2) the Chair of Ulster County Legislature’s Ways and Means

Committee or designee; (3) the Chair of Ulster County Legislature's Energy and Environment Committee or designee; (4) the President of the Ulster County Association of Town Supervisors and Village Mayors or designee; (5) the Mayor from the City of Kingston or designee; (6) the Chair of the Resource Recovery Board of Directors or designee; and the following members to be recommended to the full Legislature for appointment by the Energy and Environment Committee: (7) a Representative from the Solid Waste Disposal Industry; (8) a Representative from the Reuse and Recycling Community; (9) a Representative from the League of Women Voters or related Environmental Group Representative; (10 & 11) two ad hoc Representatives of the General Public and that a request will be made for a Representative from the Executive's Office to serve in an ex-officio manner in order to provide support as needed, to encourage an open dialogue and to provide continuity. The Resolution states all tentative appointments to the Solid Waste Management Improvement Commission shall be made within thirty (30) days from the passage of this resolution and subsequently will require approval by the full Legislature and that the Commission shall first meet within thirty (30) days of its membership appointment approval by the full Legislature. The Resolution states the Solid Waste Management Improvement Commission shall comprehensively review the new technologies, grant funding and host benefits available to newly established solid waste disposal facilities is authorized to seek information from and/or visit solid waste disposal, recycling and composting facilities as well as any other federal, state, or local agency or group it deems prudent. The Resolution requires the first meeting of the Solid Waste Disposal Improvement Commission be called by the Representative of the Energy and Environment Committee and at that meeting the permanent Chairman of the Committee shall be elected and that within one (1) year of its initial meeting, the Solid Waste Disposal Improvement Commission shall provide a written report, including its activities to date, to the Ulster County Legislature and the County Executive. The Resolution assigns a Legislative staff person to the Solid Waste Disposal Improvement Commission for the purpose of providing support and recording services as requested by the Commission and to ensure a comprehensive review and evaluation process, all levels of available municipal data, tools, resources, assets and opportunities will be made available for the Commission and the public to have direct input into the Commission's ultimate recommendations for consideration by the full Legislative body.

Discussion:

Chairman Bartels discussed the concerns received from Resource Recovery Agency Executive Board Chair Smith. The Committee reviewed the resolution language.

Legislator Greene motioned to amend the third resolve on page three membership category #7 to indicate "an Ulster County licensed hauler". Legislator Parete seconded. With all voting aye, the Resolution was amended.

Legislator Greene motioned to amend the third resolve on page three to delete the word “related” and add “an” environmental group representative. Legislator Wawro seconded. With all voting aye, the Resolution was amended.

Legislator Greene and Chairman Bartels spoke about the benefit of having the hauler perspective on the Commission.

Legislator Greene suggested the Commission include a representative from the Climate Smart Committee.

Resource Recovery Agency Executive Director Rose noted the definition of a hauler exists in the Solid Waste comprehensive plan.

Committee members discussed the hauler representatives and the ad hoc/at large positions.

Legislator Greene suggested to amend the third resolve on page three to delete “ad hoc” and replace with “at large”. Legislator Parete motioned and Legislator Wawro seconded. With all voting aye, the Resolution was amended.

Legislator Wishnick inquired if the Commission’s purview would be to review new technologies to the exclusion of old technologies. Legislator Parete motioned to delete the word “new” in the second resolve located on page 4. Legislator Wawro seconded. With all voting aye, the Resolution was amended.

Legislator Wishnick suggested the third resolve on page 4 be amended to delete the including of its activities to date and add “of its findings and recommendations” Legislator Parete motioned and Legislator Greene seconded. With all voting aye, the Resolution was amended.

Committee discussed the term and natural end of the Commission

Chairman Bartels suggested the Resolution be amended to clarify the membership categories 1-6 with the exception of 5 to specify the designee must be a member from the associated entity. Legislator Wawro motioned to add the entity name before the word “designee” in each of the categories 1-4 and 6. Legislator Greene seconded. With all voting aye, the Resolution was amended.

Chairman Bartels motioned to amend the first resolve on page 4 to indicate “RESOLVED, Commission members, once appointed, shall serve for the duration of the Commission assignment”. Legislator Wawro seconded. With all voting aye, the Resolution was amended.

Chairman Bartels motioned to amend the third resolve on page three from “Ulster County Hauler” to read “Ulster County RRA Licensed Hauler”. Legislator Parete seconded. With all voting aye, the Resolution was amended.

Resource Recovery Agency Executive Director Rose discussed the vested interest of Waste Management and County Waste on the process as they were bidders on the solid waste disposal. Chairman Bartels requested Resource Recovery Agency Executive Director Rose provide to her and Deputy Clerk Barringer a list of RRA licensed haulers.

Legislator Greene motioned to amend the third resolve on page three to include “(7) the Chair of the Climate Smart Committee or Climate Smart Committee member designee”, to increase the number of total members on the Commission as indicated in the second resolve on page three to “twelve (12)”, and to adjust all other membership category numbers accordingly. Legislator Parete seconded. With all voting aye, the Resolution was amended.

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

Old Business: Climate Smart Committee - Update

Legislator Greene reviewed the progress of the Committee. She noted Director LaValle presented an in depth report on the energy audit. She noted the business representative, Patrice Courtney Strong, was unable to attend this meeting but was expected to attend future meetings. She indicated she would be sending a thank you and an invite to the New Paltz gentlemen who expressed interest in participating and invite him to come and participate in future meetings. She noted Mark ~~D~~Lowery and Dazzle from the New York State Department of Environmental Conservation’s Climate Smart Taskforce was in attendance and indicated that the County’s Climate Smart Committee was right on track.

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

Legislator Parete stated Deputy County Executive Sudlow and DPW Deputy Commissioner Bolles would be attending the Democratic Caucus to discuss this. He noted he spoke with County Executive Hein and Deputy County Executive Sudlow and that they both indicated they were committed to addressing this issue and would ensure the equipment was available for work in the Watershed.

Chairman Bartels suggested the Legislature pass a new Resolution to re-establish the partnership with the Catskill Watershed Corporation. Legislator Parete noted the issue

was not the partnership but rather having the equipment accessible when the Watershed communities need to use it. He felt they could wait and see what Deputy County Executive Sudlow and DPW Commissioner Bolles say at Caucus.

Legislator Parete noted the Catskill Watershed Corporation was still waiting for numbers and information about maintenance.

Chairman Bartels stated she would follow-up on this issue at Caucus.

Old Business: Emerald Ash Borer

Chairman Bartels stated the presentation was on hold and she would look to hold this presentation in January.

Old Business: Pilgrim Pipeline

Chairman Bartels stated when Jennifer Metzger was available she would put this topic on the agenda. She requested Deputy Clerk Barringer resend the pilgrim pipeline materials.

Legislator Greene noted on November 17th at 7:00 PM there would be a presentation on the Pilgrim Pipeline at SUNY Ulster.

Old Business: Energy Improvement Corporation (EIC)

Chairman Bartels noted the next step is a municipal agreement between the County and the Corporation.

New Business: Announcements

Legislator Greene announced there would be a PCB Forum at Vasser on November 12th from 4 – 6 PM.

Legislator Greene noted the Committee should anticipate people seeking time on the agenda regarding the Niagara Bottling project in the Town of Ulster. Legislator Wawro noted the project was far down on the process. Legislator Greene reported the Community was seeking a different lead agency. Legislator Wishnick noted an application had been submitted as part of the NY Startup Initiative.

Legislator Greene requested the minutes of October 8, 2014 be reviewed to confirm the MEGA name.

Adjournment

Motion Made By: Legislator Parete
Motion Seconded By: Legislator Greene
No. of Votes in Favor: 4
No. of Votes Against: 0

TIME: 8:38 PM

Dated the 5th day of December, 2014

Krista J. Barringer, Deputy Clerk

Minutes Approved on: December 8, 2014