

Energy & Environment Committee

Regular Meeting Minutes

DATE & TIME: March 4, 2015, 6:00 PM

LOCATION: Karen L. Binder Library, 6th Floor, COB, Kingston, NY

PRESIDING OFFICER: Chair Peter Loughran

LEGISLATIVE STAFF: Krista J. Barringer, Deputy Clerk

PRESENT: Legislators John Parete, Richard Parete, Hector Rodriguez, and Kenneth Ronk

EXCUSED: Legislator Mary Wawro

QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislators Tracey Bartels and Manna Jo Greene, Legislative Counsel Cappy Weiner, League of Women Voters of the Mid Hudson Valley Representative Vic Melville, Deputy County Executive Ken Crannell, Resource Recovery Agency Executive Board Member Charles Landi, and Department of the Environment Director Amanda LaValle

Chair Loughran called the meeting to order at 6:07 PM.

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

Motion Made By: Legislator Ronk

Motion Seconded By: Legislator Richard Parete

Discussion: None

Roll Call Vote: No

Voting In Favor: Legislators Loughran, John Parete, Rich Parete, Rodriguez, and Ronk

Voting Against: None

No. of Votes in Favor: 5

No. of Votes Against: 0

Disposition: Carried

MOTION NO. 2 RESOLVED To Approve the Minutes of February 4, 2015

Motion Made By: Legislator Rodriguez

Motion Seconded By: Legislator Ronk

Discussion: None

Roll Call Vote:	No
Voting In Favor:	Legislators Loughran, John Parete, Rich Parete, Rodriguez, and Ronk
Voting Against:	None
No. of Votes in Favor:	5
No. of Votes Against:	0
Disposition:	Carried

RRA Report: Charlie Landi, Board Member, Resource Recovery Agency

Resource Recovery Agency Executive Board Member Landi reported the Agenda has completed an audit by Sickler, Torchio, Allen and Churchill. He stated the audit was good and nothing was indicated as concerns. He stated the Board had some concerns and they directed the auditors to look at the transfer station scale houses and fuel diesel/gasoline pumps. He stated the auditors completed three days of surveillance at the transfer stations and nothing was found. He stated they recommended surveillance cameras as back up equipment. He stated the Board authorized Resource Recovery Agency Executive Director Rose to piggyback a bid on the County’s bid and quotes for surveillance cameras were coming in and they expected to have the equipment in place shortly.

He noted his attendance at the first meeting of the Solid Waste Management Improvement Commission which is looking at the solid waste and recycling impacts. He noted three agenda items were not address at the meeting including flow control, the 10-year solid waste plan, and roll off containers. Board Member Landi distributed photos demonstrating the overloaded roll off containers. He stated the Board has authorized the Agency to pull the boxes from the transfer stations at Marbletown and Wawarsing. Legislator Rich Parete and Board Member Landi discussed the Marbletown Transfer Station. Board Member Landi provided the detail to his experience at the Town of Wawarsing Transfer Station and noted they would not be pulling the roll offs after discussing the matter with the Town of Wawarsing Supervisor.

Chairman Loughran asked about the danger to the roll offs. Legislator Ronk noted the increasing pressure being placed on the sides and door of the roll offs with the use of heavy equipment to crush the solid waste in the roll offs. He noted the concern with a possible catastrophic accident on the road. Board Member Landi concurred with this concern also being express by their insurance agent. Legislator Rich Parete noted the Towns were seeking to save money on pull charges.

Legislator Bartels requested the RRA circulate the letter send to the Towns to the Legislature. Board Member Landi stated he would ask Resource Recovery Agency Executive Director Rose to email the letter directly to the members of the Legislature. Legislator Ronk requested this also include a list of frequent offenders.

Board Member Landi read the letter from Resource Recovery Agency Executive Director Rose to the two Town Supervisors, which stated “Be advised that pursuant to the Board of Director’s directive, there will be no further warnings prior to the removal of Agency equipment. Moreover, because of the severity of the violation and the pattern of ignoring Agency directive,

service to the MRDC will not be instituted. Should you have any questions in regards to this matter, I may be reached at...” He stated they were waiting for a written response from the Towns. Chairman Parete noted the Agency is independent of the County and if the Towns were abusing the equipment and not living up to the procedures, the Agency had to do what it needed to do. Board Member Landi noted the need to keep the volume up and maintain the relationship with the Towns. Chairman Parete noted hearing that Towns were taking material out of the recycling roll offs and placing it in their tin piles.

Board Member Landi stated the Agency’s Code Enforcement Officer had found Towns that were providing residents with free passes to their transfer stations. He noted Towns were taking recyclables and deposit bottles. He stated the revenue generated at the transfer station would offset the expenses but that they were taking the recyclables to make some money for the Town. Legislator Bartels noted without a contract there was no requirement to provide the Agency with the recyclables. Chairman Parete felt the swiping of tin was different from providing free passes. He noted if a Town wanted to underwrite the entire cost of solid waste disposal, the tipping fee and the roll off cost would be the same to the Town. Legislator Bartels concurred with Chairman Parete that if the Towns wanted to give away free passes, it was a Town budgetary problem.

Legislator Ronk noted in the pictures it appeared the Towns were not separating their solid waste and that C&D, garbage and metal were all being combined.

Legislator Bartels asked how long has the practice of the crushing of garbage been going on. Board Member Landi stated it had been since 2012. He provided a photo of the boxes that are being abused.

Board Member Landi the Board of Director had given permission for scrap value of approximately 75 boxes that are so deteriorated they have no useful value. He noted a piggyback bid with the County for the purchase of a scrap dealer. Legislator Rodriguez confirmed the Agency was getting a better deal by piggybacking on the County’s bid.

Legislator Greene asked if the Agency had a plan for purchasing new roll offs. Board Member Landi replied the plan to purchase was being held up until the Agency knew what the Towns were planning to do regarding future solid waste disposal.

Legislator Greene asked if they would be repairing or purchasing some boxes. Board Member Landi replied they only have one welder on staff and it takes time to repair the boxes. Legislator Greene stated the Towns would like to see movement and investment in the roll offs and felt this would result in five-year agreements with the Towns. She suggested a budget for gradual replacement. She felt a plan for gradual replacement would be a positive signal for invest and noted the current signals from the Agency to the Towns were negative and punitive. Board Member Landi stated the Towns entered agreements to not abuse the equipment before purchasing new equipment. Legislator Greene felt the boxes were in a period of neglect. Board Member Landi stated the neglect was accelerated by the abuse of the boxes.

Legislator Ronk noted the contracts' importance for the Agency's business decision and the Agency could not make these large capital investments without knowledge of the Town's plans. He discussed the Town and Agency agreements, with all looking for a better deal.

Chairman Parete noted some folks were looking for the Agency to get out of the roll off business and let the Town's go to private bidders. He noted the impact this would have on Agency employees.

Legislator Parete noted closer transfer stations have the ability to hurt Towns farther away and the Agency's interest to keep Towns in service and on board. He noted if not, it would mean a huge increase to specific Towns.

Legislator Bartels noted the difference between a business perspective and being a public benefit corporation. She highlighted the experience the Town of Saugerties had when they attempted to bid out the service. She noted this was a service for rural communities and the impact if transfer stations closed.

Chairman Parete noted the impact the Flow Control decision had on these discussions. Legislator Ronk discussed the impact with a transfer station was closed without public knowledge. He reiterated the concern of spending millions of dollars without a commitment from the users that they will be using the equipment and using it appropriately.

Legislator Parete suggested the County put the money up to purchase the roll offs. Legislator Bartels suggested this be reviewed again.

Motion No. 3 Approve Resolution No. 42 – March 17, 2015

Text of Motion: Resolved to approve Resolution No. 42 - Establishing An Environmental Remediation Reserve Account

Motion Made By: Legislator Ronk

Motion Seconded By: Legislator Richard Parete

Resolution No. 42 Summary: With this Resolution, the proceeds of the tax sale for fiscal year 2015 beyond the budgeted revenue (\$675,000) will be placed into an environmental remediation reserve account by the Commissioner of Finance at the close of the fiscal year and current and future members are recommended that the surplus financial yield of this annual event be invested in this fund until such time as the Legislature determines funding to be adequate to address issues of concern on a timely and responsible basis.

Discussion:

Counsel Weiner stated he and Counsel Ragucci reviewed the Resolution with the suggested changes and found them to be legally sound. He discussed the memos written by Counsel Ragucci and County Attorney Havranek.

Chairman Loughran noted this was a remediation reserve account to be used to fund homes found to be contaminated. Chairman Parete concurred this would be for properties already deemed to be delinquent in the taxes.

Chairman Loughran asked why not leave the remediation work to the responsibility of the new owner. Legislator Parete noted the County does not take title of the property so the County does not have the responsibility to clean it up. He noted if the IBM property, as an example, needs remediation and is paying its taxes, there is no need to take title but a property such as Woodland Road, where construction material was being dumped and if it is not cleaned up, no one will buy the property. He stated this proposal would clean up the properties and put them back on the tax rolls. He noted this would not be done for every property. Chairman Parete concurred the County may only choose one property in a commercial area and determine if the remediation would improve its estimated value. Chairman Loughran reiterated his belief that if a buyer was found they could be responsible for the remediation.

Legislator Rodriguez stated he would feel comfortable with the Resolution if it included the number of properties to be covered under this policy. He felt the focus should be on the phase 1 aspect of remediation as later phases could be a slippery slope. He noted the funding stream was the proceeds of the tax sale and asked how much this number was in flux. Deputy County Executive Crannell replied number does fluctuate and that Commissioner of Finance Gulnick did an analysis at the Ways and Means meeting.

Legislator Parete stated the County can predict they will make money as they have for the last few years. Deputy County Executive Crannell stated there are years that they make money and years that they lose money.

Legislator Bartels asked if the proceeds of the tax sale beyond the budgeted revenue was the whole amount and if it took into account the in rem procedures and other revenue. Chairman Parete replied the proposal was designed to break even and get the properties back on the tax rolls.

Legislator Bartels asked if anyone had the data from the past couple of years of budgeted revenue versus the tax sale. Deputy County Executive Crannell stated it was provided to the Committee last month.

Legislator Bartels clarified her question was if the whole proceeds of the tax sale would go to the remediation program or if it was just the amount over the budgeted amount for the tax sale. She stated she would like to see the overages over the last few years as well as a list of current eligible properties.

Chairman Parete stated there were about 42 eligible properties according to Counsel Ragucci.

Legislator Ronk noted in item #5 of the policy/procedure of use, the remediation starts with phase #1 and then the decision for phase #2 is determined by the Committee.

Legislator Ronk stated he wanted to get Deputy County Executive Crannell side comment on record that the County expects to make more money each year and that money goes to reducing the tax increases.

Legislator Rodriguez reiterated his concern that remediation could enter something that is much deeper than anticipated.

Legislator Parete stated this was similar to the Town of Wawarsing charging a cable franchise fee and using the proceeds to pay to expand the internet in the Town. He noted this would take a percentage to rehabilitate properties and increase tax revenue.

Legislator Rodriguez stated it was not a percentage amount but all proceeds over the budgeted amount.

Counsel Weiner noted the proposal was for evaluation and investigation of properties and they do not have to take on an environmental nightmare.

Department of Environment Director LaValle stated item #5 provides for temporary incident of ownership which would allow for phase #2 investigations and discussed the differences in contaminations.

Legislator Rodriguez noted the impact of this proposal on existing County and State systems.

Deputy County Executive Crannell suggested caution as the County Executive is known of conservatively budgeting.

Chairman Loughran asked if Chairman Parete was willing to limit the amount for the proposal. Chairman Parete stated he was open for discussion. Legislator Parete suggested capping it at \$500,000. Legislator Bartels felt this would lock the money in the fund. Legislator Ronk stated the \$675,000 only applied for this year and highlighted the County Executive could raise the budgeted amount for next year.

Legislator Bartels requested the budgeted number for the proceed, the actual overage of the budget, the actual cost of taxes over five years and the number of properties that are candidates as well as how long they were on the list.

Legislator Parete asked if information was available for the Ways and Means Committee, why it was not available at the Energy and Environment Committee.

Legislator Ronk stated he would be willing to move the Resolution on the environmental issues and let Ways and Means handle the money aspect.

Chairman Loughran requested the Committee consider holding the Resolution for another month. Chairman Parete discussed his desire to move it out of committee.

Roll Call Vote: No
Voting In Favor: Legislators John Parete, Richard Parete, and Ken Ronk
Voting Against: Legislators Loughran and Rodriguez

No. of Votes in Favor: 3
No. of Votes: 2
Disposition: Carried

Motion No. 4 Approve Resolution No. 43 – March 17, 2015

Text of Motion: Resolved to approve Resolution No. 43 - Establishing Policy And Procedure For Use Of The Environmental Remediation Fund

Motion Made By: Legislator Ronk

Motion Seconded By: Legislator Richard Parete

Resolution No. 43 Summary: With this Resolution, the following policy and procedures is approved;

1. Reserve to be accessed to evaluate, investigate and/or remediate property identified in the County's annual tax foreclosure process as having, or potentially having, environmental problems, including any legal fees incurred in the process.
2. Remediate property and replenish the reserve by the public sale of the property involved. The fund should not be used as a source of grants, rather as a revolving fund in which monies expended are recaptured by the County's sale of the property. The gain (amount above the taxes owed) will be placed in the Reserve.
3. Remediation of parcels not connected to the County's tax foreclosure process will be considered on a case by case basis. Funds expended on such projects are expected to be repaid when these parcels are sold or placed on the tax rolls.
4. Throughout this process a list of at least ten parcels to evaluate and remediate will be created and maintained using the following criteria and considerations:
 - a. property which has already been evaluated/studied;
 - b. property which can be more easily remediated, or which may involve limited environmental problems;
 - c. parcels which have large market value;
 - d. ongoing businesses which are not paying taxes and are not being foreclosed on due to environmental concerns;
 - e. property which has had interest in purchase expressed and/or has high potential for redevelopment and reuse.
5. An Environmental Site Review of these parcels will be conducted. This review will involve the preparation of a data report listing information sources and findings, site features and conditions observed during the visual inspection, and conclusions regarding the potential or confirmed

existence of recognized environmental conditions that warrant further investigation and/or remediation. Recommendations for further site investigation or remediation, if necessary, will be included. It is anticipated that the County, in its' tax foreclosure process, may request County Court to grant "temporary incident of ownership" to gain access to the property for remedial investigation.

6. In cases involving parcels which have been remediated by NYS Department of Environmental Conservation or the New York State Environmental Protection and Spill Compensation Fund, the County will negotiate with the State to permit its' tax foreclosure process to continue, by seeking the removal of any environmental liens covering State cleanup costs.

7. Parcels will be selected for evaluation and remediation, using the criteria and considerations defined above, by a team that includes the Chairman of the Energy and Environment Committee, the Chairman of the Ways and Means Committee, the Commissioner of Finance, the Director of the County Planning Department, and Director of the Department of the Environment and the County Attorney.

8. Approval for the expending of funds from this Reserve Account will be required by resolution of the Ulster County Legislature.

9. Funds received from the annual auction sale of properties above the amount allocated within the annual County budget will be added to this fund unless otherwise directed by the Ulster County Legislature,

Discussion:

Legislator Ronk motioned to amend Resolution No. 43 as presented. Legislator Richard Parete seconded.

Roll Call Vote: No
Voting In Favor to Amend: Legislators Loughran, John Parete, Richard Parete, Rodriguez, and Ronk
Voting Against Amendment: None
No. of Votes in Favor of Amendment: 5
No. of Votes Against of Amendment: 0
Disposition: Resolution Amended

Roll Call Vote: No
Voting In Favor: Legislators John Parete, Richard Parete and Ronk
Voting Against: Legislators Loughran and Rodriguez
No. of Votes in Favor: 3
No. of Votes Against: 2
Disposition: Carried

Motion No. 5 Resolution No. 98 – March 17, 2015

Text of Motion: Resolved to approve Resolution No. 98 - Appropriation For The Ulster County Soil And Water Conservation District

Motion Made By: Legislator Ronk

Motion Seconded By: Legislator Rodriguez

Resolution No. 98 Summary: This Resolution authorizes and directs the Commissioner of Finance to pay the Chairman of the District Directors of the Ulster County Soil and Water Conservation District, the sum of \$91,500.00 to be used by the Directors as authorized pursuant to said Section 223 (1) of the County Law; that the Ulster County Soil and Water Conservation District shall render a true and accurate report of its operations for the year 2014 prior to the release of any authorized funding for 2015; that no County money be paid to the District until a Memorandum of Receipt signed by the Chairman of the District Directors, agreeing to comply with the terms of this Resolution, is delivered to the Commissioner of Finance; that said Ulster County Soil and Water Conservation District shall render a verified account of disbursements with certified vouchers attached and refund any unused amount on or before the 31st day of December 2015; that the Ulster County Soil and Water Conservation District shall render a true and accurate report of its operations for the year 2015 on or before January 15, 2016 with the Clerk of the Ulster County Legislature containing a true and accurate account of all receipts and expenditures; that the Comptroller and/or any and all officers of the County of Ulster, their agents and representatives, shall be allowed full access upon reasonable notice and at reasonable times to the books, papers, records and premises of the Ulster County Soil and Water Conservation District during the period that this Resolution is in effect for the purpose of ascertaining the manner in which the above sum of money is being used or applied; and that the above organization agrees to comply with all applicable Federal, State and local regulations including, in particular, any forbidding discrimination by such organization.

Discussion:

Legislators Bartels noted she and Legislator Ronk serve on the Solid and Water Conservation District and that they are planning to ask the Legislature to audit the District. She highlighted the successful operation at the District and noted they have never been formally audited. She noted they are seeking an outside audit to help them with possible methods of improvement.

Legislator Rodriguez applauded the District's pro-active approach to improvement and echoed Legislator Bartels' sentiments of the District being a successful, cost affective and well administered entity.

Legislator Ronk spoke of the benefits of the Soil Water Conservation District to the County. He noted the benefit of outside eyes. Legislator Bartels noted best practices are being followed. Legislator Rodriguez stated they are experts in what they do. Legislator Ronk noted this request for an audit was just to seek ways to be better. He noted the requested auditor would be Dresher & Malecki. Legislator Bartels stated a request was made through the Clerk for an estimate of what it would cost.

Roll Call Vote: No
Voting In Favor: Legislators Loughran, John Parete, Richard Parete, Rodriguez, and Ronk
Voting Against: None
No. of Votes in Favor: 5
No. of Votes Against: 0
Disposition: Carried

Motion No. 6 Resolution No. 108 – March 17, 2015

Text of Motion: Resolved to approve Resolution No. 108 - Appointing Members To The Ulster County Solid Waste Management Improvement Commission

Motion Made By: Legislator Rodriguez

Motion Seconded By: Legislator Ronk

Resolution No. 108 Summary: This Resolution confirms the appointment of the following individuals as members of the Ulster County Solid Waste Management Improvement Commission,

- (1) Gregg Swanzey, Mayor Designee, City of Kingston
- (2) **To Be Determined**, Member at-large

Discussion:

Legislator Rodriguez noted the at-large member is hopefully going to be recommended at the next Solid Waste Management Improvement Commission meeting to be held March 16, 2015.

Legislator Ronk questioned the Solid Waste Management Improvement Commission’s process of selecting it’s Co-Chairs. He questioned the Commission allowing Mr. Swanzey to vote for Chairman when he has not yet been appointed to the Commission.

Legislator Rodriguez noted he was Co-Chairing with Town of Rochester Supervisor Carl Chipman by mutual consent of the Commission. He stated he was willing to put a revote as the first agenda item at the 16th meeting. He noted it would be a vote for Co-Chairs.

Legislator Bartels stated she felt Legislator Ronk’s comment was fair and noted she supported Mr. Swanzey voting at the meeting. She noted they expected to have the To Be Determined name amended on the floor. Legislator Ronk expressed concern with voting for a To Be Determined name.

Legislator Rodriguez stated they have requested resumes and interviews at the 16th meeting. Legislator Greene noted the meeting was scheduled for 5:30 but felt it might be better if it could be moved back. Legislator Rodriguez stated he would poll the Commission members for moving the meeting back to 5:00 or 5:15.

Roll Call Vote: No
Voting In Favor: Legislators Loughran, John Parete, Richard Parete, Rodriguez, and Ronk
Voting Against: None
No. of Votes in Favor: 5
No. of Votes Against: 0
Disposition: Carried

Legislator Rodriguez requested the Committee move Resolution No. 129 to the end to allow the two Green Fleet related Resolutions to be discussed together. All members agreed.

Motion No. 7 Resolutions Nos. 109 and 132 – March 17, 2015

Motion Made By: Legislator Ronk

Motion Seconded By: Legislator Richard Parete

Text of Motion: Resolved to approve Resolution No. 109 - Setting A Public Hearing On Proposed Local Law No. 3 of 2015 (A Local Law Establishing A Sustainable Green Fleet Policy) To Be Held On Tuesday, April 21, 2015 At 7: 00 PM

Resolution No. 109 Summary: This Resolution noted the submission of Proposed Local Law No. 3 of 2015 to the Ulster County Legislature and tabled said Proposed Local Law pending the holding of a public hearing thereon. The Resolution directs the Clerk of the Ulster County Legislature to cause a legal notice of said public hearing to be published according to law and that said public hearing will be held on Tuesday, April 21, 2015 at 7:00 PM in the Legislative Chambers, Ulster County Office Building, 6th Floor, 244 Fair Street, Kingston, New York.

Text of Motion: Resolved to approve Resolution No. 132 - Adopting The Ulster County Green Fleet Policy

Resolution No. 132 Summary: This Resolution establishes and adopts the “Ulster County Green Fleet Policy” attached to the Resolution as Exhibit A.

Discussion:

Legislator Ronk noted all the discussion about around a county green fleet policy and Legislator Rodriguez’s comments that there was no pilot before a policy. He stated this policy left some items vague for the County Executive and Department of Environment’s interpretation.

Legislator Rodriguez asked what Legislator Ronk was tied to. Legislator Ronk replied he was committed to it being a local law and that it include a review committee.

Legislator Rodriguez noted the local law that banned pesticides and herbicides and established committees to allow variances with appointments from all internal departments. Legislator Ronk noted there would be no voting members from Legislators.

Deputy County Executive Crannell stated Resolution No. 43 established a platform for managers and asked why this would need to be a local law. Legislator Ronk replied Section 6, Item #3 is setting a level to attain green vehicles. He stated this was setting a standard and not a goal. He stated home rule allows for a local law.

Legislator Bartels noted they used much of the same source material in creating their resolutions. She did not think it needed to be a local law as it was overseeing internal policy. She felt the review committee was possibly a charter overreach and needed analysis. She agreed with prioritizing what the definition is of a green vehicle. She stated the 2018 policy had a minimum of 2% in a fiscal year and four vehicles would exceed in 2015 with the County Executive's current plan. She stated her legislation puts in a definition for idling of vehicles.

Director LaValle noted the Fleet Manager is responsible for the inventory and requests for purchasing new vehicles. She felt this role was not captured in the policy.

Legislator Ronk noted the requirement for a Department Head report and felt it was not unreasonable for the Fleet Manager to share this information with the Department Heads. He expressed concern with writing in the Resolution a position that can be eliminated.

Director LaValle highlighted the existing data on the fleet and expressed concern with the 2% goal. Legislator Ronk noted this was not a goal but a requirement. Director LaValle noted it could result in a 10th of a vehicle.

Deputy County Executive Crannell offered to work on a state of art policy in collaboration with the Department of the Environment and the Fleet Manager. Legislator Greene indicated she would like to see direct input from the Director of Ulster County Area Transit and the Fleet Manager. She stated she would need additional information regarding larger vehicles in the fleet.

Legislator Richard Parete stated he was supporting the Resolution as it included language specifying vehicles and types of energy. He felt this was not about politics as the definitions were coming from the Federal government. He noted there were a lot of States doing similar and comparable policies. He discussed his personal experience with the Verizon green fleet initiatives.

Chairman Parete stated the policy was establishing a report card. He noted buying cars was not a report card. He indicated the policy required voluntary transportation.

Legislator Rodriguez asked to what Legislator Ronk was wedded in regards to his policy proposal. Legislator Ronk stated he was willing to negotiate and if no consensus was reached among the Committee tonight, he was comfortable with holding a special meeting to discuss the proposed policy. He noted the items in Section 6 of the proposed local law could be overseen by the Fleet Manager.

Legislator Rodriguez asked if the 2% was flexible as he felt it was too small. Legislator Ronk stated he was willing to change it to indicate 2% of the fleet.

Legislator Bartels felt a special meeting was a good concept to merge the two proposals. She noted Resolution #132 has an idling policy. Legislator Ronk discussed the idling policy proposal.

Chairman Loughran asked the Committee members if they were agreeable to a special meeting on the issue. Chairman Parete offered qualified approval pending a next meeting. He felt strongly that this should not remain stuck in Committee as it was a policy that was long overdue.

Chairman Loughran discussed the difference between a local law and resolution, which reduced flexibility. He stated he was not looking to establish a local law. Legislator Ronk discussed the role of public input on the policy. Chairman Loughran stated the Legislators were elected to make decisions and not continually go back to the public for their input. Committee members discussed establishing a local law versus passing a resolution to establish policy and working together to establish the best possible policy.

Legislator Greene recommended Counsel Weiner and Counsel Ragucci attempt to blend the two proposals. Legislator Ronk disagreed and he felt it should not be a non-legislator that works to blend legislation.

Legislator Greene noted the global climate crisis that exists and the need to move aggressively to establish a real green fleet policy.

Legislator Rodriguez suggested they have an analysis of what is the same in the two proposals and what differs to allow the Committee to review. He asked who else needs to be in attendance, beyond the Fleet Manager.

Legislator Bartels noted both proposals were posted a week ago and suggested members review both before the special meeting. She asked all to come to the special meeting with an open mind.

Legislator Ronk requested Deputy Clerk Barringer scan the general powers and the municipal home rule law document and distribute it to the Committee members.

Chairman Parete noted a lot of work and effort, including work by professionals, in writing the proposed local law. He noted the local law sets requirements and standards for the County. He discussed the distinction of a local law. Counsel Weiner noted the existence of remedies should a local law not be followed. He noted if established as a policy through resolution there would be no remedy for not following. He stated it was a misdemeanor if a policy established by local law was not followed.

Deputy County Executive Crannell requested the scheduling of the special meeting be done with flexibility to ensure the Fleet Manager is available.

Legislator Richard Parete requested the Committee look at scheduling a different date for future Energy and Environment Committee meetings as Legislator Wawro was having a difficulty in attending to her mother's caregiving needs. Legislator Ronk concurred with this request.

Legislator Ronk motioned to postpone Resolutions Nos. 109 and 132 to a special meeting of the Energy and Environment Committee. Legislator Richard Parete seconded.

Roll Call Vote: No

Voting In Favor to Postpone to a Special Meeting: Legislators Loughran, John Parete, Richard Parete, Rodriguez, and Ronk

Voting Against of Postponement: None

No. of Votes in Favor to Postpone to a Special Meeting: 5

No. of Votes Against Postponement: 0

Disposition: Resolutions #109 and #132 were postponed to a special meeting of the Energy and Environment Committee

Motion No. 8

Resolution No. 129 – March 17, 2015

Text of Motion: Resolved to approve Resolution No. 129 - Adopting 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

Motion Made By: Legislator Rodriguez

Motion Seconded By: Legislator Parete

Resolution No. 109 Summary: This Resolution adopts Proposed Local Law No. 12 of 2014 by the Ulster County Legislature, and, pending the approval of the County Executive, will be assigned a local law number consecutive to the last local law adopted and approved in 2015.

Discussion:

Legislator Bartels requested on behalf of herself and Legislator Wawro that the technical changes included in the packet be accepted by the Committee.

Legislator Rodriguez motioned to amend Proposed Local Law No. 12 of 2014 as presented. Legislator Richard Parete seconded.

Legislator Ronk noted under prepared food in the proposed local law, the amendment removes chain food establishments in Ulster County. He asked if this was in error. Legislator Bartels replied this was a hold over from the Albany County law, which only spoke to chain food establishments. She stated it needed to be defined in both sections and it was brought to her attention by the grocery store and convenience store lobbyists.

Legislator Ronk stated this opened up the local law to an additional section of restaurants and eateries and felt this was substantive. Legislator Bartels replied this was already in the law and the change was just clarifying that it referenced prepared food, not where it is being prepared. She indicated the next change was saying the same thing and was just making it technically clean.

Legislator Ronk stated he was open to opening up the exemption. Legislator Bartels stated the exemption section on page 4 came from the New York State tobacco law. She noted the existing exemptions to the San Jose, California law. She noted the amendment to the exemption required additional information from the form but not requiring the form itself. She highlighted there would be no polystyrene police. Legislator Ronk felt an example of the exemption form should be included in the law.

Roll Call Vote: No
Voting In Favor to Amend the Proposed Local Law: Legislators Loughran, John Parete, Richard Parete, Rodriguez, and Ronk
Voting Against Amendment: None
No. of Votes in Favor to Amend the Proposed Local Law: 5
No. of Votes Against Amendment: 0
Disposition: Amendment Carried

Legislator Bartels stated she would provide samples and back up documents to the Department of Health. She stated all responses from the affected businesses was that they would not be objecting. She reiterated there would be no police and no overreach.

Legislator Rodriguez asked if the chain food establishments already have a plan. He noted the response had been mixed by the local businesses. He noted his experience in New Paltz, a zero waste community.

Legislator Ronk stated there might be polystyrene police. He noted the exemption review did not include a due process to grieve. He noted the committee's decision is final and there was no opportunity to grieve the decision. Legislator Bartels stated there was an appeals process and documentation would be necessary.

Roll Call Vote: No
Voting In Favor: Legislators Loughran, Richard Parete, and Rodriguez
Voting Against: Legislator Ronk
No. of Votes in Favor: 3
No. of Votes Against: 1
Disposition: Carried

New Business:

Legislator Parete expressed his disappointment in Deputy County Executive Crannell's statement that there were predetermined votes and felt it was insulting. He felt just because Legislators and the County Executive's representatives did not agree, there was no need to be mean and felt there needed to be respect for the individual votes of Legislators.

Legislator Ronk expressed concern that the Executive's staff participate with unsolicited comments through questions from the Committee members. He noted pleasure in their attendance but felt to argue back and forth with the Legislators unsolicited for clarification of a question or a policy was disconcerting.

Legislator Rodriguez noted the Committee needed to discuss and come to agreement of who talks when and highlighted the Legislature's role as decision makers. He noted it was more than just representatives from the County Executive's office and that it needed to stop.

Legislator Ronk noted a distinction between the Legislative attorney's offering counsel versus someone else. He noted this was a fine line and the need to discuss with staff as appropriate.

Old Business: Climate Smart Committee – Update

Chairman Loughran stated this would be discussed at the special meeting.

Old Business: Solid Waste Disposal Improvement Commission - Update

Chairman Loughran stated this would be discussed at the special meeting.

Adjournment

Motion Made By: Legislator Richard Parete

Motion Seconded By: Legislator Rodriguez

No. of Votes in Favor: 5

No. of Votes Against: 0

TIME: 8:18 PM

Dated the 25th day of March, 2015

Krista J. Barringer, Deputy Clerk

Minutes Approved on: April 9, 2015