

Energy & Environment Committee

Regular Meeting Minutes

DATE & TIME: March 7, 2016

Howard C. St. John Business Seminar Room, Clinton Hall, SUNY Ulster, Stone Ridge

PRESIDING OFFICER: Chairman Richard A. Parete

LEGISLATIVE STAFF: Fawn A. Tantillo, Deputy Clerk

Legislators Tracey A. Bartels, Jonathan Heppner (6:08), Ron G. Lapp, Jr. and Mary Wawro (6:04)

EXCUSED: None

QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislator Manna Jo Greene; Resource Recovery Agency Executive Director Tim Rose; Director Dennis Doyle and Deputy Director Chris White, Ulster County Planning Department; Vick Melville, League of Women Voters Observer; Kathy Nolan, UC Trails Advisory Committee and Ulster County Tourism Advisory Committee; Joseph Barbartto

Chairman Parete called the meeting to order at 6:00 PM.

MOTION NO. 1 **RESOLVED To Approve the Minutes of February 8, 2016 as presented**

Motion Made By: Legislator Bartels

Motion Seconded By: Legislator Lapp

Discussion: None

Roll Call Vote: No

Voting in Favor: Legislators R. Parete, Bartels, Heppner, Lapp and Wawro **Voting Against:**

Voting Against: None

No. of Votes in Favor: 5

No. of Votes Against: 0

Disposition: Approved

Guest Presentation – Ulster County Resource Recovery Agency (UCRRA) Executive Director, Tim Rose

Mr. Rose gave a report to the committee noting the agency has three new board members. He gave an update on the delivery of new roll off containers and the sale of the old ones. He reported single stream results and progress with contracts with local municipalities.

Legislator Bartels suggested the committee hold an upcoming meeting at the UCRRA offices and tour the facility.

Motion No. 2 – To approve Resolution No. 168 - Adopting and Issuing a Negative Declaration Under 6 NYCRR Part 617 State Environmental Quality Review Act (SEQRA) By The Ulster County Legislature For The Construction of Kingston Rail Trail - Capital Project No. 334 – Department Of Planning

Motion Made By: Legislator Bartels

Motion Seconded By: Legislator Wawro

Discussion: Deputy Director White briefly described the route of the proposed rail trail from the City of Kingston to the Town of Hurley along the former O&W railroad linking the City of Kingston Rail Trail to the existing sidewalk system of the Hurley Rail Trail. He explained that a full evaluation was done of both the O&W and the U&D railroad rights of ways and this route was determined to be more desirable for a variety of reasons.

The draft design was sent to NYSDOT, 80% of the funding is Federal and the other 20% is from New York State and DOT must approve every phase of the design and planning. Mr. White said the Legislature will be voting on the contracts for the design sometime in the future and anticipated it would be completed next year.

Roll Call Vote: No

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

Voting Against: None

No. of Votes in Favor: 5

No. of Votes Against: 0

Disposition: Approved

Motion No. 3 – To approve Resolution No. 122 - Requesting Transfer From Contingent Account Pursuant To Budget Amendment No. 16 of 2015 – Appropriating Funds To The Soil & Water Conservation District – Amending The 2016 Ulster County Budget

Motion Made By: Legislator Wawro

Motion Seconded By: Legislator Lapp

Discussion: Mr. White explained that he was pinch hitting for the Department of the Environment representatives who were unable to attend. He explained that he met with County Executive Mike Hein today who was at the scene last summer when the young woman drowned last year and recognized how tragic that incident was. Mr. Hein asked Mr. White to express his concern that this resolution would set a inappropriate precedent by spending county funds on property the county does not own. Mr. White reminded the committee that the debris that created this dangerous strainer was removed by the National Guard and placed on the hillside shortly after the tragedy by order of New York State Governor Cuomo. This debris is now on NYSDEC property. Mr. Hein warned that the NYSDEC has diligently avoided setting a precedent to take responsibility of removing debris from streams and the county should be equally concerned about setting such a precedent of removing debris from property we don't own.

Legislator Bartels asked if the Executive reached out to NYS DEC or NYC DEP to take responsibility for this debris. She is concerned that the debris will wash back into the stream She noted that last year when these concerns were first discussed and funds set aside to clean it up it was suggested the our own county DPW could do the clean-up in house. That has not happened.

Legislator Bartels was given to understand that this was not the only death that occurred at this location and suggest there was an overriding moral responsibility to correct the situation.

Mr. White expressed the Executive's observation that there are other areas where debris in the stream creates a dangerous strainer and his suggestion to push hard on the state to clean up their own property.

Chairman Parete noted that the towns like Shandaken rely on the tourist industry for much of their livelihood and the perception that the stream is not safe could have a devastating impact on their fragile economy. He pointed out that these huge trees are poised to wash back into the stream, the recent damage to bridges and other infrastructure these kind of trees washing down the stream caused. He was disappointed that with the mild winter and lack of snow that more was not done to correct this already using shared services and other assets at the county's disposal.

Director Doyle felt that if this debris washed back into the river and lodged in a different location it might not be as dangerous as it was there. He asked the legislators to look at all the streams in Ulster County, all the debris in those streams and felt this cost could be substantial. He described estimates to remove visible debris after Hurricane Irene were over \$1 million. He warned if the county cleaned up this debris they might have other people knocking at their door.

Legislator Heppner described the long history with NYS DEC and NYC DEP and their notorious lack of cooperation with local municipalities and he cannot imagine that will change any time soon. April first is the opening of trout season and tubing will begins shortly afterward. He felt it is the right thing to do.

Mr. White again recognized the tragedy but warned the board should be concerned about setting a precedent of working on property that was controlled by another branch of government. A discussion ensued about other shared services. Chairman Parete concluded that the objections to cleaning this up were purely about money because none of these objections were raised when the money was budgeted.

Mr. White discussed various scenarios and asked what the county's responsibility would be in those situations.

Mr. Doyle suggested the committee was discussing spending money on a situation that might not be a problem. Legislator Bartels asked if he was suggesting the county wait until another strainer is formed

and spend county money there? Mr. Doyle felt the only reason this location was even being discussed at all was due to last summer's tragedy.

Ms. Nolan noted that this location has been part of an ongoing discussion even before this tragedy occurred. She said the angling community has looked into creating strainers and preserving the stream bank. She spoke about the dangers of removing all the debris. She said that site was not marked as a dangerous site before the drowning and now it is. She claimed that a person who previously died there had ignored warnings not to go up there and went up there anyway. She felt the users desire to have a challenging experience leads to them taking chances. When you have a death at a site then you know you need to do something at that site. She felt there was a danger of turning this into a manicured stream and that would create other problems. She felt there should be a policy of how we put money into stream projects.

There was a brief discussion about what groups are working on stream projects; where people are tubing and if the person who drowned should have been tubing through this area.

Legislator Bartels brought the discussion back to the issue at hand. She is on the Ulster County Soil and Water Committee (UCS&W) and shared photographs of the area being discussed for cleanup in the resolution. She described huge trees; mountains of smaller branches and debris and noted that as these items were removed from the stream by the National Guard, surface vegetation was stripped away leaving raw unprotected dirt that was vulnerable to wash out. She said that representatives of UCS&W met with representatives of NYSDEC and were given the impression that NYSDEC had no intention of further abatement of the problem.

Legislator Bartels had spoken to Deputy Executive Sudlow who told her many of these trees are too large for UCPW to handle. She is frustrated that the work could not be done "in house" but was unwilling to sit by and do nothing when the problem can be addressed for \$20,000.

Mr. White questioned if this was an effective use of \$20,000.

Chairman Parete observed how much use the Esopus Creek gets and suggested it is more heavily used by the public than any other stream in Ulster County. He felt if this area developed a reputation as being unsafe, the local economy and the county stand to lose many thousands of dollars.

Ms. Nolan proposed bring in an expert angler, like John Bracco, who does stream restoration projects using woody debris like we have here. She said some of the larger trees could be used to stabilize the bank by putting them back into the stream. She explained that such projects cost between \$120,000 to \$200,000 but thinks it would fix the problem in that area. She noted similar projects have had success in other areas such as the Ausable River in upstate NY. She warned if you take this \$20,000 and spend it to remove the debris you will have to fix the problem when it happens again. Ms. Nolan felt it would be better to put this money toward a larger project that might solve the problem.

Chairman Parete was frustrated that no one reached out to him until tonight to express any concerns or alternatives before now. This proposal has been under consideration since the budget discussions last year and he felt raising these concerns now is a stalling tactic.

Legislator Bartels said she supported the resolution at this time but would encourage the County Executive to continue to pursue a long term resolution to the problem. She has an immediate concern about the bank washing away with spring flooding events and it was time to remove this hazard.

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

Resolved to approve Resolution No. 152 - Adopting And Issuing A Negative Declaration Under 6 NYCRR Part 617 State Environmental Quality Review Act (SEQRA) By The Ulster County Legislature For The Replacement of the Carmine Liberta Bridge on NYS Rt. 299 Over the Wallkill - Capital Project No. 458 - Department Of Public Works

Motion Made By: Legislator Heppner
Motion Seconded By: Legislator Bartels

Discussion: Mr. Doyle explained the steps involved getting approvals; various grants and budget details: building a temporary bridge; water line relocations; traffic patterns; temporary easements; renting a temporary bridge; leaving the abutments for an overlook; forming an advisory committee at the town level and seeking public input and various other details.

The new bridge will have 11.5 foot lanes, 4 foot shoulders to accommodate bikers and a 6 foot sidewalk on the North side. It will connect to the River to Ridge Trail that OSI is building.

He outlined the timeline for the work they hope to begin as soon as possible to avoid any problems with nesting bats and construction of temporary bridge will begin in May or June.

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

Resolved to approve Resolution No. 121 - Appropriation For The Ulster County Soil And Water Conservation District

Motion Made By: Legislator Bartels
Motion Seconded By: Legislator Wawro
Discussion: None
Roll Call Vote: No
Voting In Favor: Legislators R. Parete, Bartels, Heppner, Lapp, Wawro
Voting Against: None
No. of Votes in Favor: 5
No. of Votes Against: 0
Disposition: Approved

Resolved to approve Resolution No. 123 - Reappointing Members To The Soil And Water Conservation District Board

Motion Made By: Legislator Bartels
Motion Seconded By: Legislator Wawro
Discussion: Chairman Parete noted that all of these are reappointments. Legislator Bartels remarked that they had all served for a long time and were very dedicated.

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

Resolved to approve Resolution No. 124 - Appointing Members To The Soil And Water Conservation District Board

Motion Made By: Legislator Heppner

Motion Seconded By: Chairman Parete

Discussion: Chairman Parete noted that Legislator James Delaune was taking Legislative Chairman Ken Ronk's place on the committee. He commended Chairman Ronk for his bipartisanship in recommending two Democrats to serve.

Roll Call Vote: No

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

Voting Against: None

No. of Votes in Favor: 5

No. of Votes Against: 0

Disposition: Approved

Resolved to approve Resolution No. 146 - Confirming Re-Appointment Of A Member To The Environmental Management Council

Motion Made By: Legislator Bartels

Motion Seconded By: Legislator Lapp

Discussion: None

Roll Call Vote: No

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

Voting Against: None

No. of Votes in Favor: 5

No. of Votes Against: 0

Disposition: Approved

Resolved to approve Resolution No. 156 - Adopting and Issuing a Negative Declaration Under 6 NYCRR Part 617 State Environmental Quality Review Act (SEQRA) By The Ulster County Legislature For The Extension of a Public Water Supply Line to the SUNY Ulster Campus - Capital Project 469 – SUNY Ulster

Motion Made By: Legislator Bartels

Motion Seconded By: Legislator Wawro

Discussion: Chairman Parete asked about how work on the High Falls Bridge will impact the water project.

Mr. Doyle explained that prior to redoing the bridge the waterline could not be on the bridge itself and would have required going under the creek. Part of the new bridge will allow the line to be on the bridge and has been incorporated into the new design.

Mr. Doyle explained many of the details of the project. He also confirmed that the negative declaration and the agreement with the High Falls water district in a way that did not allow dormitories and any plans for future development of dormitories would require a new agreement.

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

New Business:

Legislator Bartels suggested the committee invite Amanda LaValle to attend a future meeting to discuss the Ash Bore.

Legislator Greene reported on the efforts of the Climate Smart Committee (CSC) meetings that included Solar Energy municipal meeting and efforts to share information and offer assistance to communities that are stalled. She told the committee about plans for a Solar Zoning workshop on March 22 and described the CSC concerns about companies are taking advantage of property owners and are buying up property rights for solar installation. CSC is planning a workshop to address this issue.

Mr. Doyle gave updates on two solar projects the county is undertaking and he expects to have resolutions coming before the committee to move them forward in the next few months.

Mr. Doyle reminded the committee that Ulster County Planning is taking application for Ag District designation between March 1 and March 30. He explained the process required to get this designation and invited Legislators to remind any constituents who might be interested. The committee had a discussion about many issues around property rights, farming and solar.

Motion to adjourn

There being no further business before the Committee, a motion was made by Legislator Donaldson, seconded by Legislator Roberts and carried to adjourn the meeting at 7:43 PM.

Fawn A. Tantillo, Senior Legislative Employee
Minutes Approved on May 9, 2016