

Energy & Environment Committee

Regular Meeting Minutes

DATE & TIME: April 9, 2015, 6:30 PM

LOCATION: Legislative Chambers, 6th Floor, COB, Kingston, NY

PRESIDING OFFICER: Chair Peter Loughran

LEGISLATIVE STAFF: Krista J. Barringer, Deputy Clerk

PRESENT: Legislators Richard Parete, Kenneth Ronk, and Mary Wawro

EXCUSED: Legislator Hector Rodriguez

QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislator Chris Allen, Resource Recovery Agency Executive Director Tim Rose, Resource Recovery Agency Executive Board Member Charlie Landi, League of Women Voters of the Mid Hudson Valley's Observation Corp Member Vic Melville, Department of Environment Director Amanda LaValle, Fleet Manager Kim Millian, and Deputy County Executive Ken Crannell

Chair Loughran called the meeting to order at 7:11 PM.

RRA Report: Tim Rose, Executive Director, Resource Recovery Agency

Resource Recovery Agency Executive Director Rose noted the most pressing item would be the discussions with the Towns regarding roll offs. He noted a resolution had been put forward at the last month's Board meeting that cease the roll off service at the Towns. He stated the Board tabled it to this month. He stated a Board workshop was held yesterday with six to eight Supervisors, Board Members, and members of the public in attendance. He stated the workshop offered a back and forth exchange between participants. He stated RRA Board Members Gordon and Landi have agreed to meet with a representative of the Supervisors.

Resource Recovery Agency Executive Director Rose noted the agency's budget process stated in May, is then approved by the Board and submitted to the Legislature. He noted as per the county's contract, this budget is suppose to be submitted in July but they have historically submitted the budget to the Legislature in August. He noted the Agency's need to know if Towns are in or out on the roll off service

Resource Recovery Agency Executive Board Member Landi stated the Towns requested the Agency tweak the agreement to make it more agreeable to the Towns. He noted all in

the discussion were in agreement that without an agreement with the Towns they could not do a capital plan and budget for the service.

Legislator Parete stated his hope that the agreement does not raise fees to the private haulers. Resource Recovery Agency Executive Director Rose replied the private rates had not raised in two years and he did not expect it to raise this next year.

Chairman Loughran expressed concern if the discussion was left open ended, the Agency would not know when the Towns would be indicating a response.

Legislator Parete concurred that without an agreement, the Agency should end the service.

Resource Recovery Agency Executive Director Rose suggested a time frame of 30-60 days had been floated in the discussions. He noted the impact of having only half the Towns signing on and half still not knowing if they are signing on. He stated this could reduce the plan for equipment purchases. Legislator Parete noted the cost for the service depended on who signed on and from what geographic location.

Legislator Ronk asked if the roll off service was out of the New Paltz scales or just Kingston. Resource Recovery Agency Executive Director Rose replied they do both locations but noted the lease contract with the Town of New Paltz site was up in September 2016.

Legislator Bartels noted the resolution proposed at the RRA Board had not been discussed at the last Energy and Environment Committee meeting. Resource Recovery Agency Executive Director Rose confirmed it was presented to the Board after the last Energy and Environment Committee meeting.

Legislator Bartels confirmed with Resource Recovery Agency Executive Board Member Landi that the RRA Board would be working with the Supervisors to develop contracts that the Supervisors feel more comfortable with and are more likely to sign. She asked if the Board had discussed a timeline for signing a contract. Resource Recovery Agency Executive Board Member Landi replied they were expecting to have meetings shortly. He noted there was a tour scheduled with three Board Members of the renegade transfer stations. He stated they also expected to meet with the Town Supervisors. Legislator Bartels noted it was a tricky balance with the timing for the contracts and getting people ready to sign at the same time that the budget proposal submission is required. Resource Recovery Agency Executive Director Rose replied they needed to know from the Towns by late May/early June. He noted it may involve a revamp of the old 20-year agreement to enable them to move forward. Resource Recovery Agency Executive Board Member Landi noted the Towns were reluctant to sign on to a 10-year agreement and some were backing away from a 5-year agreement. He noted the Agency's financial commitments

showed they could not sign on for anything less than 5 years. Resource Recovery Agency Executive Director Rose discussed the last 10-year agreement.

Legislator Bartels asked about the standard useful life of a roll off box. Resource Recovery Agency Executive Director Rose replied without the use of heavy equipment on the box, it could be 10-15 years. He noted a discussion he had with a representative from the roll off equipment companies regarding the heavy equipment use on the boxes and reported the representative stated it would blow the hinges on even the heaviest duty box.

Legislator Greene reported on the meeting with one other Town Supervisor and the recommendation from that Town Supervisor that if a Town signs the contract, it should include a penalty if opting out of the contract after the Agency has purchased the boxes. She noted the communication was improving. She noted it was fifteen years since there was a regular replacement schedule for roll off boxes. She noted with the Agency backed up on the replacement of boxes, it was requiring a larger replacement plan – possibly one half of the fleet. Resource Recovery Agency Executive Board Member Landi concurred they were scrapping many of the boxes. Resource Recovery Agency Executive Director Rose and Legislator Greene discussed the need for 60% of the fleet to be replaced in the next five years.

Resource Recovery Agency Executive Director Rose discussed the prior inability to replace boxes when Towns indicated they would not be staying with the Agency for the service.

Legislator Parete suggested the County help the Towns with the cost of the replacement to help the Towns out. He discussed the prior focus on keeping the low net service fees.

Legislator Ronk stated he did not support the County taking any more money off the Town books. He noted the Transfer Stations are not suppose to be revenue generators for the Towns.

MOTION NO. 1 RESOLVED To Approve the Minutes of March 4 & 26, 2015

Motion Made By: Legislator Parete

Motion Seconded By: Legislator Ronk

Discussion: None

Roll Call Vote: No

Voting In Favor (March 4): Legislators Loughran, Parete, and Ronk

Voting In Abstention (March 4): Legislator Wawro

Voting Against (March 4): None

No. of Votes in Favor (March 4): 3

No. of Votes in Abstention (March 4): 1

No. of Votes Against (March 4): 0

Disposition (March 4): Carried

Roll Call Vote (March 26): No

Voting In Favor (March 26): Legislators Loughran, Parete, Ronk, and Wawro

Voting Against (March 26): None

No. of Votes in Favor (March 26): 4

No. of Votes Against (March 26): 0

Disposition (March 26): Carried

Motion No. 2 Resolutions Nos. 109 and 32 – April 21, 2015

Motion Made By: Legislator Ronk

Motion Seconded By: Legislator Loughran

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, May 13, 2015 At 6: 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, May 13, 2015 at 6:00 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:

Legislators Bartels and Ronk agreed to focus on the content of the Policy/Proposed Local Laws and not the formatting.

Legislator Ronk noted in section #1 there were energy costs that would be supplied by the Department of the Environment.

Legislator Bartels requested to move the first paragraph down two.

Legislator Ronk noted on page 3, he was fine with leaving in the phrase “supporting initiatives and research to” and removing the comment.

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In the definitions section (#3), Legislator Ronk agreed to drop the Alternative Fuel definition if the Green Fleet Policy stayed as a law and the Green Fleet Review Committee was maintained.

Legislator Parete clarified “substantial non-petroleum” indicated non-petroleum derivative fuel which included 99% of the current fleet. Legislator Ronk noted the County could still purchase LPG and CNG but it would not qualify as a green vehicle. Legislator Parete asked in what world these vehicles did not count as a Green vehicle. He stated in most Federal, State and most corporate worlds, they counted as a Green vehicle. Legislator Bartels noted the focus was on renewable or non-fuel vehicles. Legislator Parete asked why not use the EPA definition of green vehicles if the Federal Government is listing a class of vehicles. Legislator Bartels noted a 100% CNG Fleet is not a Green Fleet. She noted the County could still purchase CNG and LPG as well as a % of vehicles that are defined green.

Legislators Bartels, Parete, and Ronk discussed the vehicle needs for County use. Legislator Ronk stated he agreed to remove the definition of alternative fuel if all other points conceded. Chairman Loughran felt this should be done as a Resolution as it only dealt with County vehicles. Legislator Ronk stated the local law provided recourse if the County was not following the policy. Chairman Loughran suggested the Committee continue to work on the proposal and finalize the law versus policy decision later.

Legislator Ronk suggested the words “alternative fuel” and “alternative fuel vehicles” be stricken. He felt sustainable alternative fuel should also not be included as the inclusion of bio-diesel as 95% was still fossil fuel and was therefore worse than propane.

Legislator Parete asked if the policy would incorporate the take-home policy as it has direct impact on energy savings. Legislator Bartels stated the take-home policy was superseded by the Standard Operating Procedures (SOP). Fleet Manager Millian noted the take-home policy has become a past practice union issue. Legislator Bartels asked if a vehicle was not needed due to the Executive’s SOPs, how are individuals keeping their take-home vehicles in defiance of the SOP and existing policy. Deputy County Executive Crannell stated there is case law that demonstrates when County’s have taken this to court, the unions win. Legislator Bartels suggested they keep the take-home policy out of the proposed Green Fleet policy but the Committee should look where violations to the SOP are occurring. Legislator Parete noted when a person retires or is promoted, the take-home car should not be provided to the next employee. Deputy County Executive Crannell stated there were less take-home cars than in the past. Chairman Loughran requested the number of how many take-home vehicles. Deputy County Executive Crannell stated he was happy to provide the list for the next meeting. Legislator Bartels reiterated Legislator Parete’s suggestion of the take-home policy be added to the Green Fleet law. Legislator Parete noted when a person switches job or retires, it would be phased out unless they can justify the use. Chairman Loughran concurred with this suggestion. Chairman Loughran suggested holding this discussion until the list is provided. Legislator Bartels summarized the discussion and asked if the Committee desired having

the take-home policy as part of the Green Fleet policy. Chairman Loughran stated concern with it being a local law and if someone violated the law, it becomes a legal issue. Legislator Ronk noted the law allows the complainant to go administrative law judge and have an order to comply. Minority Counsel Guerin stated an employee not following the law could be dismissed by the County Executive. Deputy County Executive Crannell reiterated Chairman Loughran suggestion to postpone the discussion pending the list of take-home vehicles.

Legislator Parete noted the review of cars would indicated the number of miles but did not indicate the miles that were just from going back and forth from the employees home. He suggested a County goal to reduce emissions to look at the take-home mileage. Deputy County Executive Crannell indicated he would bring information from the Law Department regarding prior case law on take-home vehicles. Legislator Ronk discussed his prior experience of taking away the take-home vehicles.

Legislator Bartels suggested all Committee members review the SOP. Legislator Ronk suggested reviewing the SOP and the Charlie Busick Take Home Vehicle Policy as apparently policies that are not local laws can be superseded by the SOP.

Legislator Ronk indicated the review was at page 6, C at the top and recommended “can alternative fuel vehicles adequately” change to “can Green vehicles adequately”. Minority Counsel stated the language could not be swapped. Legislator Bartels and Legislator Greene discussed where the sentence came from. Legislator Ronk agreed to remove the sentence. Legislator Bartels felt as an analysis question it should say “Can a Green vehicle adequately”. Minority Counsel made a suggestion and agreed to send her language recommendations to Deputy Clerk Barringer.

Chairman Loughran noted in his discussion with the State regarding their idling program that was only for certain vehicles – heavy equipment. He stated the only law was from the DEC for State vehicle and the DEC can enforce it. He stated he would send his research to the Committee. He noted there was other information that included green lights.

Legislator Parete, Chairman Loughran, Legislator Ronk, and Fleet Manager Millian discussed AVL technology and new highway trucks that have automatic shut offs. Legislator Bartels noted having a County idling policy would ensure public awareness. Deputy County Executive Crannell stated it should be changed from 5 minutes to 3 minutes. Legislator Wawro asked if the computers in the Sheriff’s vehicles continued to operate if the vehicle is off. Fleet Manager Millian replied the computers have two hours of operation with the vehicle off.

Legislator Ronk stated he was comfortable with the goal as stated on page 7 of 5% by 2020. Legislator Greene stated she was comfortable with it as long as it continued to state beginning in 2016 that 100% of new vehicles will be green vehicles that qualify in another weight class. Chairman Loughran felt this was not achievable. While Legislator Ronk did not remember it being discussed, Legislator Bartels remembered it being raised by Legislator Greene. Director LaValle stated if sustainable or alternative vehicles were in the definition of green as that would expand the number of vehicles that would meet the percentage. She stated if they look at ethanol or bio-diesel fuel as a renewable fuel base, it would add more flexibility. Legislator Ronk asked where the

nearest E85 station was located. Director LaValle flex fuel equipment could be purchased for the standard equipment. She suggested that a portion of the fuel be from a renewable source. Legislator Ronk stated they were not including other alternative fuels that burn cleaner and are including some that is 95 or with B20, at best 80% fossil fuel. Legislator Bartels asked if the County needed a pick-up truck, would there be one available as defined – either green, hybrid or electric. Director LaValle replied there is one company that has a green pick up truck. Legislator Greene stated the County could phase in Green vehicles with new purchases, unless there was a reason to not purchase Green. Deputy County Executive Crannell discussed the current efforts of Director LaValle and Fleet Manager Millian to increase Greene purchases.

Legislator Ronk stated he would be comfortable if they take out “2016 that 100% of new vehicles will be Green vehicles that qualify in another weight class.” He noted the pot of money is not unlimited and there is a responsibility to the taxpayers. He noted if a desired Green vehicle had a \$10,000 additional price point to a non-Green vehicle and without the ability to make back the investment during the length of the life of vehicle, then he felt they would not be doing right by the taxpayer by limiting the choices to only purchasing Green vehicles. Director LaValle concurred that this factor must be part of the analysis. She noted the New York City (NYC) experience which included price point, fuel savings, maintenance costs, and auction value. She noted they found the electric vehicle to be a better value. Legislator Ronk noted the difference in topography between Ulster County and NYC.

Chairman Loughran asked about the ability to maintain a Green Fleet with repairs and trained personnel. Fleet Manager Millian stated they have an opening for a mechanic and they were looking for a person with hybrid experience.

Legislator Ronk noted with the goal by 2020, it would offer five years worth of data to make an educated decision to set a percent of annual purchases. Legislator Bartels suggested deleting the language from #3 and reworking it to indicate every effort will be made if appropriate. Legislator Greene stated she wanted language to ensure the County is looking at the full analysis of the vehicle. She suggested a 10% goal would be 2% per year. Legislator Ronk and Deputy County Executive Crannell stated they would not be able to commit to replacing 2% per year. Deputy County Executive Crannell noted the County does not buy cars every year and will not meet the goal if the economy tanks and they do not purchase cars for two years. Fleet Manager Millian stated the current fleet is 280 vehicles. Legislator Ronk suggested the goal be for 5% of passenger cars purchased. Deputy County Executive Crannell offered to provide the Committee a spreadsheet of the vehicles in the fleet. Legislator Bartels and Legislator Greene discussed developing suggested language.

Legislators Bartels and Ronk discussed the inclusion of nitrogen tires. Legislator Bartels felt it focused only on one option and should allow others. Legislator Ronk suggested adding the language “such as”.

In looking at the Green Fleet Review Committee membership, Legislator Ronk stated he was willing to take out the non-voting Legislative members and maintain the membership with purely County Executive appointments. He indicated the Sheriff could be made non-voting or taken off.

He felt the Sheriff's input on the Committee was valued. Deputy County Executive Crannell suggested having County Attorney Havranek reach out to Minority Counsel Guerin. Legislator Ronk suggested Chairman Loughran write a letter to the County Executive requesting the County Attorney attend the next meeting. Deputy County Executive Crannell reiterated he would request her attendance. Legislator Bartels suggested County Attorney Havranek and Minority Counsel Guerin speak in advance of the next meeting. She requested Fleet Manager Millian and Director LaValle to review the section in relation to policy as it operates now. She noted this would not be a charter or legal discussion but a focus on the existing operations.

Deputy County Executive Crannell summarized he would produce a list of take home vehicles with the miles reported from location to home, the SOP, have the County Attorney to reach out to Minority Counsel, compare where the Department's proposals match and recommendations from the Departments, and finances on fuel with diesel and gasoline as the base of 2012. He stated he would ask the County Attorney where the interconnect between the take home SOP and prior policies as well as any grievances.

Legislator Bartels noted the Sheriff's take home patrol vehicles have been identified as being visibility for the community. She wanted to know how these are being distributed around the County.

Committee members agreed to meet on Thursday, April 16, 2015 at 6:00 PM.

Legislator Ronk and Chairman Loughran withdrew their motions.

Legislator Bartels requested Deputy Clerk Barringer to distribute the Executive's SOP and the Charlie Busick Take-Home Policy.

New Business – Solid Waste Management Improvement Commission – New Member

Legislator Ronk noted the Solid Waste Management Improvement Commission had two people come before the Commission for the remaining at large position. Legislator Bartels confirmed one person in attendance was interested and one other expressed interest but did not submit a resume. Deputy Clerk Barringer noted the individual recommended by Commission Co-Chair Chipman has indicated she is unable to take on another project. Legislator Ronk suggested the Committee discuss the timetable for adding the final at-large member. Legislator Bartels discussed the individual who attended and expressed interest. Deputy Clerk Barringer noted at this time, the Commission has a proposed special meeting on April 27th to allow a timely Resolution to be submitted for the May Legislative session. It was noted a submission prior to this date would be a late resolution and did not qualify for such designation.

Old Business – Climate Smart

Legislator Greene reported on the Municipal Street Lighting forum hosted in partnership with the Climate Smart Committee. She noted fifty people attended. She stated the attendees were people that needed to be there. She felt the right people were in the room – the people actively working in their communities and good panelists. She stated the Committee would be following

up with the attendees from Ulster County. She stated the PowerPoints would be posted online. She felt this was a good event and would be an ongoing aspect of the Climate Smart Committee. She noted the Siemens Energy Audit would be discussed at the next Climate Smart Committee meeting.

New Business – Solid Waste Management Improvement Commission

Legislator Bartels reported the Commission is starting to take trips to the different facilities to take in information. The Commission will be visiting Oneida-Herkimer and Rockland and Dutchess County. She noted Legislator Rodriguez is requesting transportation from the County Executive. She suggested the Energy and Environment Committee attend the Oneida-Herkimer trip. She noted it was a long day. She suggested looking at calendars and consider attending these facility tours.

Adjournment

Motion Made By: Legislator Parete

Motion Seconded By: Legislator Ronk

No. of Votes in Favor: 4

No. of Votes Against: 0

TIME: 8:45 PM

Dated the 4th day of May, 2015

Krista J. Barringer, Deputy Clerk

Minutes Approved on: May 7, 2015