

Energy & Environment Committee

Regular Meeting Minutes

DATE & TIME: April 8, 2013, 6:45 PM
LOCATION: Karen L. Binder Library, 6th Floor, COB, Kingston, NY
PRESIDING OFFICER: Chair Tracey A. Bartels
LEGISLATIVE STAFF: Krista J. Barringer, Deputy Clerk
PRESENT: Legislators Manna Jo Greene, Richard Parete, Kenneth J. Ronk and Mary Wawro
EXCUSED:
QUORUM PRESENT: Yes
OTHER ATTENDEES: Legislator Kenneth Wishnick, RRA Executive Director Tim Rose and Board Member Charles Landi, Environmental Management Council Chairman Steve Noble, and students Asa Witt and Sam Plank

Chair Bartels called the meeting to order at 6:33 PM.

MOTION NO. 1 RESOLVED To Approve the Minutes of March 17, 2014

Motion Made By: Legislator Greene

Motion Seconded By: Legislator Parete

Discussion:

Legislator Ronk noted he had to abstain as he was not present for the meeting. Legislator Greene indicated Riverkeeper on page 7 should be one word.

Roll Call Vote: No

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

Voting Against: None

Voting In Abstention: Legislator Ronk

No. of Votes in Favor: 4

No. of Votes Against: 0

No. of Votes in Abstention: 1

Disposition: Carried

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

Resource Recovery Agency Executive Director Rose indicated the Agency had a presentation of their internal auditors at their March meeting. He stated it was an excellent report with no major deficiencies. He stated he would forward the report to the Committee.

Resource Recovery Agency Executive Director Rose stated the month has been quiet at the Agency and noted there has been no communications from the New York State Department of Environmental Conservation (DEC) regarding the County's draft Solid Waste Management Plan. He indicated it would not be expected until after Memorial Day and at some time in the summer.

Legislator Greene indicated she received calls from constituents following a presentation by Resource Recovery Agency Executive Director Rose at the monthly meeting of the Ulster County Association of Town Supervisors and Mayors. She indicated callers expressed concern regarding the possibility that the RRA was seeking to take over the operation of the town transfer stations and/or shut them down completely. Resource Recovery Agency Executive Director Rose responded he emailed the municipal leaders months ago regarding their contracts with the Agency, which are expiring at the end of the year as well as the need for replacement of the roll-off boxes and trucks. He indicated he was seeking commitment from the municipalities regarding their decisions for future contracts as it would impact his budgeting for equipment replacement. He stated it was estimated that the boxes would cost \$1.2 million to fully replace the aged equipment. He noted an insurance inspection which indicated the equipment a concern. He indicated the tipping fees could possibly be increased approximately 10% to replace. He stated they could repair some boxes and do repair the trucks whenever able. He stated they needed consensus from the municipalities if they would be continue servicing the municipalities. He stated he offered possible municipal options in the email that included to take over the operations of the transfer station, close the transfer stations, or to go out to bid and hire out for the operations of the transfer stations. He stated he would be returning to the next Association of Town Supervisors and Mayors meeting to be held next Tuesday morning.

Legislator Greene noted with the understanding that the RRA is an independent agency, the inclination of residents to contact their Legislators with concerns with what they perceive as a County entity. She expressed concern with being caught off guard and asked if Resource Recovery Agency Executive Director Rose could send to the Committee members a copy of the presentation given to the Supervisors and Mayors as well as the letter. Resource Recovery Agency Executive Director Rose replied he gives a lot of presentations to a lot of people and expressed concern if the Committee was seeking to have all outreach events communicated to the Committee. Legislator Greene reiterated the community's perception of the RRA as a County entity and stated she

attempted to answer her constituents with an interpretation of the RRA's communication being simply a questionnaire to gain information and knowledge – not a decision of policy change. Resource Recovery Agency Executive Board Member Landi concurred his understanding that Legislator Greene was expressing preference to be given a heads up. Legislator Greene noted her understanding that the agreements are between the municipalities and the RRA and reiterated her request to receive a copy of the letter.

Legislator Parete noted the reduction of service being provided with some transfer stations cutting their hours to two to three days a week. He stated the RRA has been operating, mostly successfully, for twenty years. He felt the proposed changes were a reflection of the flow control policy approved by the Legislators. He stated the proposal for increased tipping fees would result in the resident utilizing a private hauler subsidizing the Town transfer station operations. He suggested the tipping fee for private haulers be lower than the Town transfer stations and/or that the municipalities should charge an additional amount for disposal at the transfer stations to cover the cost to the RRA for roll-off equipment replacement. Resource Recovery Agency Executive Director Rose spoke about the municipal agreements completed last year for 15 months and the transfer stations opening with the closing of the municipal landfills. He indicated they were no longer able to bond for equipment replacement. Chairman Bartels inquired as to where the perception of not able to bond came from. Resource Recovery Agency Executive Director Rose replied the Board's perception and attitude is that they are not interested in bonding anymore and would rather pay the debts off. He stated the debts would be paid off in eleven years after they were restructured at the request of the County. Resource Recovery Agency Executive Board Member Landi and Resource Recovery Agency Executive Director Rose discussed the Board's attitude for bonding on items that are necessary for business operations. Resource Recovery Agency Executive Director Rose discussed regular and ongoing communications with municipal leaders.

Legislator Greene noted her previous role on her Town Board when the prior agreement was entered and indicated a difficulty for municipalities to make decisions regarding the future of disposal in the County without a Solid Waste Management Plan in place. She felt it would be helpful to have this information on hand to assist constituents. Chairman Bartels noted the Committee did not expect to receive copies of all emails or presentation but felt the Committee should be given the heads up on any potentially controversial issues or presentations. Resource Recovery Agency Executive Director Rose indicated this conversation with the municipal leaders was being held for the third time and had never been controversial in the past. Legislator Ronk agreed with Resource Recovery Agency Executive Director Rose that it would be unfair to expect him to know what will be controversial and highlighted Resource Recovery Agency Executive Director Rose's accessibility. He suggested Legislators call the Executive Director if they have any constituent concerns.

Legislator Wishnick concurred that Resource Recovery Agency Executive Director Rose is accessible to Legislators. He inquired as to the bonding for roll-off boxes and trucks as he understood the RRA was seeking to get out of the roll off business. He noted this service provision was in competition with the private sector and not related to flow control activities. He questioned asking taxpayers to pay for bonding to provide town service or consider it non-essential services and focus on lowering the debt. Legislator Parete spoke of the RRA's past practice of regarding the roll offs and trucker and felt the increase cost proposed would be felt by private haulers. Legislators Wishnick, Parete, and Bartels discussed who should pay any equipment upgrade bonds and whose fees should be increased to cover the cost. Resource Recovery Agency Executive Board Member Landi stated he would ensure this discussion was high on the agenda for the next RRA Board meeting and would return to the Energy and Environment Committee with an update.

Legislator Ronk felt the municipalities could purchase their own boxes and discussed the County's goal to increase recycling. He noted if there were no transfer stations located in the towns, the response would likely be decreased recycling. He stated he was not against bonding to replace roll-offs and trucks and proportionately increasing fees to pay the bonds.

Legislator Parete highlighted his previous opposition to flow control as he felt Ulster County previously subsidized the, sometimes mismanaged, operations of the RRA to ensure disposal and recycling opportunities for all Ulster County residents and to ensure the transfer stations were open four to five days per week. He felt this was worth three million dollars. He felt with the increased fees there will be more garbage along the roads and less recycling. He felt the flow control decision was a County financial issue and not about keeping the organization operational. Legislator Ronk replied there was no additional guarantee with flow control that the towns would keep their transfer station opens. Legislator Parete indicated the County subsidy kept prices lower. Legislator Ronk stated the County was subsidizing the haulers. Legislators Parete and Ronk discussed their voting rationales, issues and benefits of flow control.

Chairman Bartels stated she would call her Town Supervisor to discuss any municipal concerns. She expressed her concern with the Town relationships. Resource Recovery Agency Executive Board Member Landi stated he would email Chairman Bartels regarding the RRA Board's discussion on this topic.

Resource Recovery Agency Executive Director Rose expressed his frustration regarding the Committee's discussion and concerns.

Guest Speaker: Steve Noble, Chairman, Environmental Management Council

Mr. Noble presented the 2013 annual report from the Environmental Management Council and noted it discussed the Council's activities, members, and actions. He stated the Council serves as an advisory and networking council with members being appointed from the Town Conservation Councils. He stated there were twelve Town seats and current six at-large seats. He stated they could match the number of Town seats with at-large seats and invited Committee members to recommend at-large appointments.

Mr. Noble noted the activities of Creek Week, held each September, was the Council's largest event. He noted 300 people participated in various events during Creek Week 2013. He stated this event is in conjunction with the Department of the Environment. He noted the Council is all volunteer, with no budget, and the Department of the Environment has provided the only staff support.

Mr. Noble stated the Council is seeking County Legislative input on any issues or areas that they feel the Committee should focus on or give attention to.

Chairman Bartels and Mr. Noble discussed the empty Town seats and the appointment role of the Town Supervisors. Mr. Noble noted there are currently three chronic absentees on the existing 18-member Board. Chairman Bartels suggest a change to the charter to allow for the removal of term limits and wondered if they should look at including an attendance requirement. Mr. Noble stated their by-laws indicate a member can be replaced after three meetings are missed. He discussed the appointments made by an act of Town Supervisors. Chairman Bartels asked if there had been any problems with the term limits. Mr. Noble replied the members are being reappointed, some for decades, as their Town Conservation Committees have no term limits. He stated the two-three year term limits was imposed when the Charter was put into place. He stated it has been difficult to deal with and do wish it was changed.

Legislator Ronk and Mr. Noble discussed the dual role that was listed in the annual report for Julie Noble. Mr. Noble noted a new appointment had been made by the Mayor of the City of Kingston for this seat and that Mrs. Noble was coming off the Council completely, at her request.

Legislator Wishnick asked Mr. Noble, in his subjective view, if he felt the environment was better, worse or stayed the same. Mr. Noble stated the members of the Council are not changing and they are not getting younger members; which means they are losing the knowledge base and the community interest. He felt mainstream issues are hitting home such as fracking and wet land rules and regulations. He noted there is more Town level education as more Town leaders are attending environmental trainings. He noted larger issues such as water pollution and climate change are being discussed at the Council. He stated the Riverkeeper presentation, recently presented to the Energy and Environment

Committee, was passed on to their members. He stated climate change is being looked at and addressed by municipalities and the Council is excited to see that the County is moving forward with appointing members to Climate Smart Committee.

Legislator Ronk left the room.

Motion No. 2 Resolution No. 117 – April 8, 2014

Text of Motion: **Resolved to approve Resolution No. 117** - Confirming Appointment Of A Member To The Environmental Management Council

Motion Made By: Legislator Wawro

Motion Seconded By: Legislator Greene

Resolution No. 117 Summary: This Resolution confirms the appointment of the Emilie Hauser of Highland, New York as a member to the Environmental Management Council for the term to commence on May 1, 2014 and end on April 30, 2017.

Discussion:

Legislator Greene stated it was a privilege to work with Emilie Hauser at the RRA and she will be an incredible addition to the Council. She stated Ms. Hauser works at the New York State Department of Environmental Conservation and knows environmental issues. She stated it was a privilege to second this motion.

Chairman Bartels noted, as discussed in the earlier presentation, Ms. Hauser was replacing Julie Noble and the term of appointment should be amended to reflect this. She stated she would confirm this proposed amendment to the Resolution with the co-sponsor, Legislator Ronk when he returned to the meeting.

Legislator Wawro motioned to amend the resolution to change the term of appointment to end on June 30, 2016. Legislator Parete seconded. With all in favor, the motion to amend the resolution passed.

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

Motion No. 3 Resolution No. 125 – April 8, 2014

Text of Motion: Resolved to approve Resolution No. 125 - Confirming Appointment Of Member To The Ulster County Fish And Wildlife Board

Motion Made By: Legislator Parete

Motion Seconded By: Legislator Wawro

Resolution No. 125 Summary: This Resolution confirms the appointment of William Wilklow to the Ulster County Fish and Wildlife Management Board for a term to end on December 31, 2014.

Discussion:

Legislator Parete noted Mr. Wilklow has served on this board for a number of years as the land owner representative. Chairman Bartels noted she and Legislator Ronk serve with Mr. Wilklow on the Soil & Water Conservation Board. She highlighted Mr. Wilklow’s commitment and passion in serving on both the boards. She noted he is a farmer.

Roll Call Vote: No

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

Voting Against: None

No. of Votes in Favor: 4

No. of Votes Against: 0

Disposition: Carried

Legislator Greene highlighted in the Environmental Management Council’s 2013 Annual Report it indicates the best events attended have to do with fishing. Legislator Parete noted the annual dinners of Trout Unlimited have seen a decrease in numbers. Legislators discussed the decreased participation in various community activities.

Motion No. 4 Resolution No. 143 – April 8, 2014

Motion Made By: Legislator Parete

Motion Seconded By: Legislator Wawro

Text of Motion: **Resolved to approve Resolution No. 143** - Authorizing The Chairman Of The Ulster County Legislature To Execute An Agreement To Receive Grant Funding From The New York State Environmental Facilities Corporation For Green Infrastructure Elements Utilized In The STRIVE Project – SUNY Ulster Satellite Campus – Department Of Planning

Resolution No. 143 Summary: This Resolution authorizes the Chairman of the Ulster County Legislature to execute a Grant Agreement, and any amendments thereto, with the New York State Environmental Facilities Corporation in the sample form as filed with the Clerk of the Ulster County Legislature or as modified with the approval of the County Attorney, as well as any other contracts, documents and instruments necessary to bring about the Project and fulfill the County of Ulster's obligations under the Green Innovation Grant Program (GIGP) Grant Agreement. In addition, the County of Ulster authorizes the ten percent local match as required by the Green Innovation Grant Program (GIGP) for the STRIVE- SUNY Ulster Satellite College Green Infrastructure, with the source of the local match being private grant contributions received by Ulster County for STRIVE implementation.

Discussion:

Chairman Bartels distributed an email communication from Department of Planning Deputy Director Chris White. She noted an erroneous financial impact indicating an up to amount of \$439,000. She felt the indicated County match required of \$48,879 should be reflected in the financial impact.

She noted the resolution was initially not intended to come before the Energy and Environment Committee and highlighted the importance of resolutions such as this coming before the Energy and Environment Committee.

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

Motion No. 2 Resolution No. 146 – April 8, 2014

Text of Motion: **Resolved to approve Resolution No. 146** - Commemorating
The 44th Anniversary Of Earth Day On April 22, 2014

Motion Made By: Legislator Greene

Motion Seconded By: Legislator Parete

Resolution No. 146 Summary: This Resolution commemorates the 44th Anniversary of Earth Day on April 22, 2014, commits Ulster County to undertaking programs and projects to enhance our community's natural environment, and thanks all concerned citizens of Ulster County and beyond who embrace the responsibility of protecting and preserving the environment for future generations.

Discussion:

Legislator Wawro requested to be added as a sponsor.

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

New Business: None

Old Business: Appointments (Climate Smart Committee)

Chairman Bartels stated appointment letters were sent out to the Climate Smart Committee from the Legislative Chairman. She noted as these were Legislative Chairman appointments, they did not need to go before the full Legislature. She noted the prospective business person mentioned last month is unable to accept. She asked if any Energy and Environment Committee members had any recommendations of prospective business representatives that are sensitive to the Climate Smart issue to please forward their name and contact information to her.

Old Business: Energy Improvement Corporation

Chairman Bartels stated she is reaching out to the proposed stakeholders this week to arrange a meeting. She hoped to hold the meeting, ideally, in advance of a presentation to the full Caucuses next month. Legislator Parete expressed support in moving this through the Legislature this year. Chairman Bartels indicated the ideal timetable would have the Legislature voting on this in June.

Old Business: Oil Shipments Through Ulster County

Chairman Bartels stated she would reach out to Ms. Hudson and request a smaller presentation for the Legislative session or at Caucus in April or May. She stated she would speak to the Legislative Chair and Clerk to arrange this. She noted the importance of the community to have a public forum on the topic. She felt the Legislature should be provided a “cliff notes” presentation which would also serve to notify the press and the public about the future public forum/information session. She noted the need for Committee support and attendance at the public forum. Legislator Greene suggested the Environmental Management Council’s assistance in publicizing the public forum.

Old Business: New Capacity Zone

Legislator Greene felt the Legislature needed to take it's resolution beyond memorializing and into actions to stop the New Capacity Zone. Legislator Parete stated the Legislature did not have the power to stop it from happening. Chairman Bartels indicated the Legislature could put pressure at appropriate levels. Legislator Greene noted her role on the Citizens for Local Power and that they would be meeting with NYSERDA and PSC. She felt the issue might be given a rehearing. She stated the case to PSC needed to demonstrate a strong position.

Legislator Ronk returned to the meeting. Chairman Bartels confirmed with him his approval as sponsor to amend Resolution 117. He expressed consent.

Old Business: Flow Control

Legislators discussed their positions on flow control. It was noted that haulers fees are being upped when the tipping fee has not gone up and when asked the haulers are indicating it is because of flow control.

Legislators discussed the "flow fee" which has been added to some waste disposal bills and when calls are made to haulers they are being told the County passed a law requiring the extra fee.

Chairman Bartels stated she viewed flow control as part of the entire waste management system that needs to be looked at. Legislator Greene viewed flow control as part of a system that also sited a landfill in Ulster County.

Legislator Parete discussed RRA's frustration expressed at the meeting. He indicated concern at a monthly report that things at the Agency are "quiet" when the employees union contract is going to arbitration and the issues surrounding the Towns contracts expiring this year. He stated more information from the RRA would be preferred and felt Legislators should know when large requests are being made to the Towns.

Chairman Bartels stated she would follow up with Resource Recovery Agency Executive Board Member Landi. Chairman Bartels felt information should be particularly shared when proposing to close transfer stations. She expressed concerns with this decision possibly resulting in a decline in recycling, garbage strewn around the roads, and waste not being properly disposed. She felt after hearing about the presentation, the Towns response should be expected.

Legislator Parete expressed concern that the cost remains on the users with rates going up with flow contraol and that the Legislature needs to stay strong on this issue.

Chairman Bartels recommended a joint meeting with the RRA. Legislator Parete concurred that the Energy and Environment Committee could tour the RRA, meet with the RRA Board prior to the Energy and Environment Committee meeting and then hold it's meeting at that location. He indicated this had been done in the past.

Legislator Greene noted the constituent concerns of the RRA taking over. Legislator Parete felt flow control changed the system.

Legislator Greene discussed her trip to the EPA (Environmental Protection Agency) as a New York State Regional Representative. She indicated she would share Federal discussions with the Committee.

Adjournment

Motion Made By: Legislator Wawro

Motion Seconded By: Legislator Ronk

No. of Votes in Favor: 5

No. of Votes Against: 0

TIME: 7:56 PM

Dated the 9th day of April, 2014

Krista Barringer, Deputy Clerk

Minutes Approved on: May 13, 2014