

Energy & Environment Committee

Regular Meeting Minutes

DATE & TIME: May 13, 2013, 6:30 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, and Kenneth J. Ronk
EXCUSED: Legislator Mary Wawro
QUORUM PRESENT: Yes
OTHER ATTENDEES: Legislator Kenneth Wishnick, RRA Executive Director Tim Rose and Board Member Charles Landi, Deputy County Executive Crannell, Department of the Environment Director Amanda LaValle, Department of Planning Director Doyle, and League of Women Voters Representative Vic Melville.

Chair Bartels called the meeting to order at 6:31 PM.

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

Motion Made By: Legislator Ronk
Motion Seconded By: Legislator Parete
Discussion: None
Roll Call Vote: No
Voting In Favor: Legislators Bartels, Greene, Parete, and Ronk
Voting Against: None
No. of Votes in Favor: 4
No. of Votes Against: 0
Disposition: Carried

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

Resource Recovery Agency Executive Director Rose stated they are still working on the Town contracts and noted the big item is the bids for final disposal which are due in June and will be opened in July. He reminded the Committee that the Seneca Meadows and trucking contracts expire at the end of 2014. He discussed the benefits of combining

disposal and trucking contract bidding. He discussed the timetable for finalizing the 2015 budget.

Legislator Parete asked how many landfills were expected to bid for the waste disposal. Director Rose replied there was a possibility of receiving bids from waste to energy plants and was hoping for about ½ dozen bids.

Chairman Bartels asked about the length of the contracts to which Director Rose replied they were five year contracts.

Legislator Wishnick asked if it was possible to submit a combined disposal and trucking bid. Director Rose stated they can accept such a bid but that the County would then lose the control of where the disposal ends up as the facility would determine the disposal site based on the trucking costs.

Legislator Wishnick asked if a contract with a disposal location could also provide the trucking services. Director Rose spoke about the on-site trucking requirements.

Legislator Wishnick noted the closest landfill may be unable to compete with the farthest landfill due to the lower tipping fees. Director Rose provided examples of combining disposal with trucking bids. He stated the landfills look at the trucking costs and will base their fees accordingly.

Legislator Greene asked about the Agency's process with Town options. Director Rose replied there were some proposals being discussed internally with the Board. He stated after the next Board meeting on the 27th of May, proposals should be out. He noted the Agency is currently losing money on this side of the operations. He noted recycling does not need to come to the Agency, just the solid waste. He provided an example of the Town of New Paltz purchasing their own roll off boxes and self-hauling their solid waste. He noted City of Kingston also self-hauls their waste. He stated a financial analysis of this service was done and it breaks down to tipping fees, hauling costs, and capital investments. He stated the Agency was at a crossroads to determine if the service still benefits both and is cost effective.

Legislator Parete asked in regards to the disposal contract, should the County sited a landfill within the 5 years, if there was an escape clause. Director Rose stated there was as well as additional outs such as if there was a higher tipping fee or if the County entered into a shared agreement with another municipality. Legislator Parete discussed a regional landfill proposal. Director Rose confirmed a regional landfill was the right direction. Legislator Parete spoke of Delaware County as an example and noted they used a 1% sales tax to pay off the bonds. Director Rose spoke of the experience of chasing haulers - in Ulster County to keep them in and in Delaware County to keep them out.

Chairman Bartels suggested the Committee schedule a field trip to visit the Delaware County facility. Director Rose offered to arrange a tour on behalf of the Agency Board.

Legislator Greene asked about the status of the County plan with the DEC. She strongly felt it was limiting the County to single stream collections and a cost benefit analysis on this was needed. Resource Recovery Agency Executive Board Member Landi stated the Board agreed with this position but that finding funding was the issue. Director Rose spoke of previous experiences. Chairman Bartels noted a cost benefit analysis was done as part of the decision on flow control and felt that was approved as one piece of the pie. She noted the need for flow control of regulated recyclables. Director Rose stated some plants were returning to dual stream as the comingled recyclables are being soiled and refused by the market.

Legislator Ronk indicated his concerns with flow control of regulated recyclables. He stated this hurt the rate payer at the curb as haulers would increase prices to compensate.

Legislator Wishnick confirmed a prior report from Director Rose that the current facility does not have the capacity to handle regulated recyclables. He felt a change back to dual stream would have no real need for infrastructure changes and discussed the benefit of establishing a County policy to require haulers to collect dual stream. Director Rose stated he would need to check on this. He noted the DEC required an annual report of the amount of recyclables generated in Ulster County and they might need to run two shifts but the capacity should be okay.

Guest Speaker: Amanda LaValle, Director, Department of the Environment

Department of the Environment Director LaValle noted the coordination model which operates across County departments to tackle problems. She distributed a guide which was published in January 2013 that captured environmental initiatives, laws, and procedures into a single source. She noted this guide was available online. Deputy County Executive Crannell stated this guide was filed with the Clerk of the Legislature when it was published. [Clerk Note: A search of correspondence received did not show the receipt of this guide in 2013.]

Legislator Greene noted former Legislator Rob Parete was the primary sponsor for many environmental policies.

Legislator Wishnick asked if there was updated data. Director LaValle noted the submission of the Department's annual plan and the County's environmental plan. She highlighted the elements in the Climate Smart Communities initiative and distributed an updated report of the Climate Smart Community profile for Ulster County. She spoke of VHB Engineering, Surveying and Landscape Architecture, P.C., a NYSERDA funded consulting firm, which assisted in compiling the elements. She stated 23 of the elements were completed and reviewed select elements with the Committee.

Director LaValle discussed an energy audit completed on the County buildings. She noted there were 108 recommendations and after being requested by Chairman Bartels, she indicated she would share this report with the Committee.

Director LaValle spoke in detail on the benefits from the Sophie Finn Green Storm Water Retention Project. She spoke of the DEC Green Infrastructure Center Guide and noted Ulster County was utilized as a case study in Chapter five. She provided CDs of this guide.

Director LaValle spoke of the natural resources inventory from available data sets. She noted the focus on low impact development.

Legislator Parete asked about the neighbor notification law. Director LaValle replied they receive about one call a year and that this was handled through the Health Department. Chairman Bartels noted this law was not included in the distributed guide.

Director LaValle distributed a memorandum regarding fuel efficient vehicles. Chairman Bartels noted there might be a need for a policy when benefits are beyond the price. Director LaValle noted the County currently does not own hybrid cars, only buses and these are serviced outside the County. Deputy County Executive Crannell noted a change to hybrid vehicles could impact jobs as it might be cost effective to service the fleet out of house. He noted the fleet is old and the County had not been purchasing unless absolutely necessary. He stated the pool of vehicles is predominately purchased through the Department of Social Service due to their reimbursement rates and the desire to have the lowest impact to the tax levy. He stated they would relook at capital purchases and the purchasing cycle to meet State bids.

Chairman Bartels stated she would meet with the fleet manager. Legislator Wishnick asked how many cars were in the fleet. Deputy County Executive Crannell stated it would get an exact number but that it was large.

The Committee spoke of a charging station pilot program. Deputy County Executive Crannell offered to form a sub-committee.

Motion No. 2

Resolution No. 151 – May 20, 2014

Text of Motion:

Resolved to approve Resolution No. 151 - Confirming Appointment To The Ulster County Resource Recovery Agency

Motion Made By:

Legislator Parete

Motion Seconded By:

Legislator Greene

Resolution No. 151 Summary: This Resolution confirms the appointment of the Charles Landi of Kingston, New York as a member to the Ulster County Resource Recovery Agency for the term to end on December 31, 2016.

Discussion:

Legislator Ronk stated he believed the Public Authorities Law (PAL) as it pertains to Section 2050-C says that vacancies will be filled in the manner of original appointment and as one of the current vacancies was a minority appointment, it remains a minority appointment. He stated he did not consider the current member appointments as changed due to the change in the Legislature. He stated he therefore must vote no on the two appointments although he felt Resource Recovery Agency Executive Board Member Landi to be a strong and capable Board Member.

Chairman Bartels stated her review of the PAL indicated the majority was not indicated in the law but that one recommendation was to be made by the minority. She stated four sitting members of the five member Board were recommended by the now minority. Legislator Parete noted they were majority appointments at the time of appointment.

Legislator Ronk stated he had sent a letter to the Chair indicating the Minority Caucus was requesting their own appointment. He noted he received a reply and expected both letters would be on file with the Clerk. Legislator Greene asked who the Minority Caucus recommended to which Legislator Ronk replied Scott Carlson, Supervisor of the Town of Wawarsing.

Legislator Greene inquired into the status of Resource Recovery Agency Executive Board Member Teetsel's appointment to which Legislator Ronk replied he was being replaced by the current appointments. Chairman Bartels noted she spoke with Mr. Teetsel and stated another appointment was coming up in six months and Mr. Teetsel that his would be part of that interview process. Legislator Ronk noted the Caucus' recommendation of Mr. Carlson was in no way a shadow on the consideration of Mr. Teetsel's appointment to the Board but rather a consideration on the need for geographic diversity on the Board. Chairman Bartels noted the need to consider geographic diversity was included in the PAL.

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

Text of Motion: **Resolved to approve Resolution No. 152** - Confirming Appointment To The Ulster County Resource Recovery Agency

Motion Made By: Legislator Parete

Motion Seconded By: Legislator Greene

Resolution No. 152 Summary: This Resolution confirms the appointment of David Gordon of Highland to the Ulster County Resource Recovery Agency for a term to end on December 31, 2014.

Discussion:

Legislator Ronk noted his comments from the previous Resolution.

Roll Call Vote: No

Voting In Favor: Legislators Bartels, Greene, and Parete

Voting Against: Legislator Ronk

No. of Votes in Favor: 3

No. of Votes Against: 1

Disposition: Carried

Motion No. 4 Resolution No. 160 – May 20, 2014

Motion Made By: Legislator Ronk

Motion Seconded By: Legislator Parete

Text of Motion: **Resolved to approve Resolution No. 160** - Setting A Public Hearing On Proposed Local Law No. 4 of 2014 (A Local Law Amending Local Law No. 2 Of 2006 (A Local Law Adopting A County Charter Form Of Government For The County Of Ulster, State Of New York) And Amending Local Law No. 10 Of 2008 (A Local Law Adopting An Administrative Code For The County Of Ulster, State Of New York), To Update The Term Of Membership To The Environmental Management Council) To Be Held On Tuesday, June 17, 2014 At 7:05 PM

Resolution No. 160 Summary: This Resolution tables submitted Proposed Local Law No. 4 of 2014 pending the holding of a Public Hearing thereon and schedules the Public Hearing for Tuesday, June 17, 2014 at 7:05 PM in the Legislative Chambers, Ulster County Office Building, 244 Fair Street, Kingston, New York. 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.

Discussion:

Chairman Bartels noted the Committee's discussion on this topic prior to and with Environmental Management Council Chairman Steve Noble at the last meeting. She highlighted the County Attorney and Legislative Counsel's decisions regarding the limits to what can be changed by resolution. She noted the Counsel will begin to have membership issues if this change is not made.

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

Motion No. 5 **Resolution No. 166 – May 20, 2014**

Text of Motion: **Resolved to approve Resolution No. 166** - Authorizing The Chairman Of The Ulster County Legislature To Execute A Contract With The New York State Department Of State For Funding To Conduct A Brownfield Opportunity Area Study, Step 1 – Amending The 2014 - 2019 Capital Program And Establishing Capital Project No. 409 - Brownfield Opportunity Area Study - Department Of Planning

Motion Made By: Legislator Ronk

Motion Seconded By: Legislator Greene

Resolution No. 166 Summary: This Resolution establishes Capital Project No. 409 “Brownfield Area Opportunity Study”, amends the 2014-2019 Capital Program by adding Capital Project No. 409, Ulster County Brownfield Opportunity Area Study, \$225,190.00, amends the 2014 Capital Fund Budget by increasing Revenue Account #HH-6997-0409-3500-5710 , Serial Bonds by \$202,671.00 (100% Reimbursable) and Appropriation Account #HH-6997-0409-4300-4505, Professional Services, Other by \$202,671.00, and also authorizes the Chairman of the Ulster County Legislature to execute a contract (NYS Contract No. C1000188), and any amendments thereto, with the New York State Department of State, for the period June 1, 2014 through December 31, 2015, for funding to complete a countywide Revitalization Opportunities Report under the Brownfield Area Opportunities Program, in the form as filed with the Clerk of the Legislature, or as modified with the approval of the County Attorney.

Discussion:

Department of Planning Director Doyle noted this was a step one grant that involved planning activities versus identification activities. He stated this would look to discover clustered brownfields. He noted the next two steps would involve site nomination and

implementation and the process to get from step one to step three could take four years. He noted more discovery meant the County could be eligible for more aid.

Legislator Wishnick asked if they would target areas. Department of Planning Director Doyle replied this was the point of this study grant, to identify target areas. He noted they would start in the urban areas and move out. He stated they would look to identify areas that were being underutilized due to the brownfield.

Legislator Wishnick asked if the underutilization due to the brownfield was a required reason for identification. Department of Planning Director Doyle replied the underutilization was a requirement and discussed the “what’s next” process as well as the need for willing owners.

Chairman Bartels asked if it was anticipated the study could be completed by 12/31/14. Department of Planning Director Doyle replied it would be a challenge to finish. He noted this contract was coming out of Ulster County Development Corporation and that they were asked to take it on. He noted the Planning Department and Department of the Environment would work in a collaborative effort as lead partners.

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

Motion No. 6 **Motion to Block Resolutions No. 183 and 184**
Text of Motion: **Resolved to take Resolutions No. 183 and 184 as a Block**
Motion Made By: Legislator Ronk
Motion Seconded By: Legislator Parete
Discussion: None
Roll Call Vote: No
Voting In Favor: Legislators Bartels, Greene, Ronk and Parete
Voting Against: None
No. of Votes in Favor: 4
No. of Votes Against: 0
Disposition: Carried

Resolution No. 183 Summary: This Resolution memorializes Ulster County Legislature's finding that the transport of crude oil, especially Bakken and heavy crudes, by rail and marine vessel through our community presents an immediate, significant risk for the people, environment, and economy of our region. With this finding, the Legislature urges the New York State Department of Environmental Conservation (DEC) to immediately order a full environmental impact study of the proposed expansion of Global's oil terminal in New Windsor, including the potential impacts of increased crude oil transport by train, barge, or ship through Ulster County and urges the DEC to immediately rescind its Notice of Complete Application and Negative Declaration of Significance for Global's proposed expansion of crude oil shipments at its Albany Terminal to include the ability to heat heavy crude oil, to allow it to be transloaded from rail to vessel and shipped down the Hudson River along the Ulster County shoreline, pending Global's submission of complete responses to DEC's March 24, 2014 information requests. The Resolution states the Ulster County Legislature seeks the DEC's action to immediately rescind permits granted to Global and Buckeye allowing for the transport of up to 2.8 billion gallons per year of crude oil on the Hudson River, order full environmental impact studies, including the potential impacts of a crude oil spill in the Hudson River affecting Ulster County shoreline property, environmental resources and drinking water. The Resolution directs the Clerk of the Ulster County Legislature to send copies of this Resolution to New York State Governor Andrew Cuomo, New York State Department of Environmental Conservation (DEC), New York State Senators John Bonacic, William Larkin, James Seward, and Cecilia Tkaczyk, and New York State Assembly Members Kevin Cahill, Peter Lopez, Frank Skartados and Claudia Tenney as well as to each Town Clerk in Ulster County and to the Clerk of the City of Kingston for their memorialization.

Resolution No. 184 Summary: This Resolution states the Ulster County Legislature recognizes that the transport of crude oil, especially Bakken and heavy crudes, by rail and vessel through our community presents an immediate, significant risk for the people, environment, and economy of our region; urges the Federal regulators of this industry, State response agencies, and the railroad industry itself to also request standards to address known, unacceptable, and outdated weaknesses of the DOT-111 railcars; urges United States Department of Transportation Secretary Anthony Foxx to immediately invoke his authority under Title 49 of the United States Code, section 20104(a)(1), to issue an emergency order banning the use of class DOT-111 cars for transporting crude oil; urges the Federal Department of Transportation, through the Federal Railroad Administration and the Pipeline and Hazardous Materials Safety Administration, to immediately issue new rules implementing the baseline National Transportation Safety Board safety recommendations for crude oil transport by rail, and to immediately require the development of federally-approved comprehensive response plans for any and all railcars transporting crude oil; and urges the National Transportation Safety Board to hold an immediate, open, public process for updating regional train safety, spill response,

rail operations, and public notification plans for all energy-by-rail transportation. The Resolution directs the Clerk of the Ulster County Legislature to send copies of this Resolution to Federal Department of Transportation, Federal Railroad Administration, Pipeline and Hazardous Materials Safety Administration, National Transportation Safety Board, New York State Emergency Management Office, New York State Department of Transportation, Amtrak, CSX Transportation, Norfolk Southern Railway and Genesee & Wyoming Inc., United States Department of Transportation Secretary Anthony Foxx, New York State Governor Andrew Cuomo, New York State Senators John Bonacic, William Larkin, James Seward, and Cecilia Tkaczyk, and New York State Assembly Members Kevin Cahill, Peter Lopez, Frank Skartados and Claudia Tenney as well as to each Town Clerk in Ulster County and to the Clerk of the City of Kingston for their memorialization.

Discussion:

Chairman Bartels clarified the distinction between the two resolutions.

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

Legislator Greene asked if Counsel had reviewed these resolutions. Legislators discussed the role of attorneys regarding resolutions.

Legislator Ronk noted in his tenure, there had been many discussions regarding memorializing resolutions and highlighted the number of memorializing resolutions had increased in the last year.

Legislator Greene commented on her actions to follow up on her memorializing resolutions and noted in regards to the New Capacity Zone resolution, Central Hudson was taking FERC to court.

New Business: None

Old Business: Oil Shipment Safety Public Forum

Chairman Bartels highlighted the planned presentation by Kate Hudson at the May 20th Legislative session. She stated it was anticipated Kate would announce a public forum to be convened by this Committee and that she was looking at May 27th. Legislator Ronk stated he would be unavailable that day.

Chairman Bartels noted the public comment period ends on June 3rd. She stated the public forum was intended to be a give and take discussion and expressed her concern that there was no spill response plan for the region. She noted additional derailments that recently occurred and reiterated this issue was very real and important.

Legislator Ronk noted following a derailment incident with Canadian Pacific that occurred north of Albany for which the company was fined the maximum amount of \$5,000. He noted the fine was for not notifying Albany officials of the derailment in the train yard. He indicated there was a proposal to raise the fine.

Old Business: Energy Improvement Corporation

Chairman Bartels report that she attended, with Minority Leader Ronk, a presentation regarding the EIC. Benefits and concerns expressed at the presentation were discussed by Minority Leader Ronk and Chairman Bartels. Minority Leader indicated there were no deals in place with the EIC and did not want to be the guinea pig.

Chairman Bartels suggested they discuss the EIC with their caucuses and to have a presentation to the full Legislature. She noted they might have to have a special informational session.

Legislator Ronk expressed his desire to receive a copy of the New York State Comptroller which has been reported by the EIC to indicate that the EIC does not apply to the tax cap.

Adjournment

Motion Made By: Legislator Ronk
Motion Seconded By: Legislator Greene
No. of Votes in Favor: 4
No. of Votes Against: 0
TIME: 8:28 PM
Dated the 23rd day of May, 2014
Krista Barringer, Deputy Clerk
Minutes Approved on: June 10, 2014