

Energy & Environment Committee

Regular Meeting Minutes

DATE & TIME: June 10, 2014, 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 Mary Wawro
EXCUSED: Legislator Kenneth J. Ronk
QUORUM PRESENT: Yes
OTHER ATTENDEES: Legislator Kenneth Wishnick, RRA Executive Director Tim Rose and Board Member Charles Landi, Deputy County Executive Crannell, League of Women Voters Representative Vic Melville, and Ulster County Trails Advisory Committee Representative Kathy Nolan.

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

MOTION NO. 1 RESOLVED To Approve the Minutes of May 13, 2014

Motion Made By: Legislator Greene
Motion Seconded By: Legislator Parete
Discussion: None
Roll Call Vote: No
Voting In Favor: Legislators Bartels, Greene, and Parete
Voting Against: None
Not Voting: Legislator Wawro (Not at May 13th Meeting)
No. of Votes in Favor: 3
No. of Votes Against: 0
Disposition: Carried

Chairman Bartels noted she would be taking Resolution No. 197 out of order to allow Deputy County Executive Crannell, who has had a series of long days, to leave early.

Motion No. 2 Resolution No. 197 – June 17, 2014

Text of Motion: **Resolved to approve Resolution No. 197** - Approving The Execution Of A Contract In Excess Of \$50,000.00 Entered Into

By The County – Cornell Cooperative Extension – Department
Of The Environment

Motion Made By: Legislator Wawro

Motion Seconded By: Legislator Greene

Resolution No. 197 Summary: This Resolution states the Ulster County Legislature has examined the contract, and hereby approves a contract, for \$597,873 with Cornell Cooperative Extension to provide local coordination and technical assistance for flood hazard mitigation planning in the Ashokan watershed, in the form as filed with the Clerk of the Ulster County Legislature or as modified with the approval of the County Attorney and Legislative Counsel.

Discussion:

Chairman Bartels noted this Resolution was pass-through funding through the New York State Department of Environmental Conservation.

Deputy County Executive Crannell noted this position was approved as part of the approved budget and this Resolution was for the funding of that position.

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

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

Resource Recovery Agency Executive Director Rose reported they were all set for the tour of the Delaware County landfill and MSW compost facility. He noted this was the only MSW compost facility in the State as well as the only one in the State to finance its operation through a 1% sales tax. He stated the UCAT bus was being donated through the County Executive's office. He noted they would leave the RRA office to arrive at the Delaware County facility by 9:30 and in time to see the compost facility in operation. He suggested participants arrive at the agency at 7:00 with the bus leaving at 7:15. He expected to arrive at the Delaware County facility between 8:45 and 9:00.

Legislator Wishnick asked about the technology of the MSW compost facility to which Resource Recovery Agency Executive Director Rose replied it was technology out of Canada which funnels it through a tube and heats up the solid waste which falls through a screen.

Legislator Parete noted the Delaware County facility only allowed Delaware County garbage. Resource Recovery Agency Executive Director Rose noted there was an agreement to allow some DOT and Highway waste.

Chairman Bartels confirmed the bus would return to the agency between 1:00 and 1:30 to which Resource Recovery Agency Executive Director Rose agreed.

Chairman Bartels suggested participants bring drinks and snacks just in case the bus ran late. Resource Recovery Agency Executive Director Rose suggested participants wear boots and clothes that are okay to get dirty. He noted Resource Recovery Agency Executive Board Member Landi's recommendation and his follow-up actions

to the Delaware County facility that they invite their Legislators to meet the Ulster County group at the facility. He noted Delaware County is one of the only Supervisor form of County government in the State and that the facility was a Department of the County. He stated the facility Director would send out an invite. He noted the visit would occur on Wednesday, June 18, 2014.

Resource Recovery Agency Executive Board Member Landi noted it was a good idea to have Legislators speak with their counterparts to discuss the possibility of sharing costs. Chairman Bartels discussed the Delaware County restriction to only accept Delaware County waste and the anticipated life of the landfill being based on their expected waste generated in-County. She noted the benefits of speaking to counterparts.

Legislator Parete noted the life of the landfill was projected for 50 years. Resource Recovery Agency Executive Board Member Landi discussed the possibility of exploring an expanded footprint to the facility.

Chairman Bartels thanked Resource Recovery Agency Executive Director Rose and Resource Recovery Agency Executive Board Member Landi for their efforts in scheduling the tour. Committee members discussed the summer scheduling issues, bus capacity and invites to other interested parties.

Chairman Bartels discussed the open meetings law limitation for the tour, such as discussions among committee members, questions allowed and the fact that the opportunity for this tour is allowed as part of the law.

Resource Recovery Agency Executive Director Rose reported a letter for towns went out on May 29, 2014. He stated he and Resource Recovery Agency Executive Board Chair Smith would be attending next week's meeting of Supervisors but that no comments had been received to date.

Legislator Wishnick confirmed the municipalities have a choice regarding who provides their solid waste disposal. Resource Recovery Agency Executive Director Rose confirmed the municipalities could go to bid, merge services to save costs, close transfer stations, and/or reduce hours. He noted the RRA looked at its operations and found that

they were on the losing end on the municipal services side. He stated he sought advice from the private sector to confirm the agency's goal and direction of trying to break even. He noted the fee structure for municipalities is too low and they were using the private sector fees to break even. He stated the Board discussed treating all users of the system fairly.

Resource Recovery Agency Executive Director Rose discussed an insurance inspection and concern for roll off boxes which are currently still in review by the insurance company. He stated the Agency will need to replace the roll offs resulting in a large investment in order to sustain the roll off service for another 10 years. He stated the elimination of the roll off service would have an impact on the ~~MERF~~MRF as only the Towns do dual stream recycling.

In response to a question from Legislator Wishnick, Resource Recovery Agency Executive Director Rose replied they have a full-time welder on-site doing repairs and refurbishing the boxes. He discussed the insurance inspector's concern of liability risks with roll offs traveling down the road. He stated their plan is to pay \$1.2 million upfront to purchase the recycling boxes for paper and comingled recyclables. He noted they receive 50% reimbursement from the New York State Department of Environmental Conservation but there is a wait list of about 3-5 years for the reimbursement of funds.

Resource Recovery Agency Executive Director Rose discussed their review of the current fee levels and the desire to have everyone treated fairly beginning January 1, 2015. He noted if everyone was brought up to the same amount, the tipping fee may decrease by \$1 for everyone.

Legislator Parete inquired into the impact of towns opting out of the service to which Resource Recovery Agency Executive Director Rose confirmed this could skew the estimated fees. He discussed their county-wide analysis of the fee structure for pull charges and the fact that the private sector bids might be lower for those towns closer to the facility which would impact the fee structure for the remaining distant towns.

Chairman Bartels expressed the County's need to focus on a continuous system.

Resource Recovery Agency Executive Director Rose discussed options for the Towns including an agreement between towns. Legislator Parete noted the County's provision of the Sheriff's office is not separated out by town and that County government is responsible for these shared costs.

Legislator Parete felt since the County owes \$650,000 in the net service fee that the County should be committing \$10,000-\$100,000 from the County to keep the cost lower for the towns. In response to questioning, Resource Recovery Agency Executive Director Rose indicated the debt was currently around \$19 million. Legislator Parete suggested shutting the facility and utilizing \$300,000 each year for the next 15 years to pay it off and letting the private sector provide the service. Resource Recovery Agency

Executive Director Rose clarified the \$650,000 was the amount billed to the County. Legislator Parete noted this was based on contract stipulations. Chairman Bartels clarified the Agency has not demanded this payment and that for years the amount paid by the County was always less than what the annual letters indicated.

Resource Recovery Agency Executive Director Rose discussed the status of the trucking and disposal contracts which are five year contracts that begin January 1, 2015. He also noted the debt will be paid in ten years and the County contract is also up in ten years.

Legislator Greene noted the agency was created to end a countywide problem. She discussed the out of county disposal of waste. She noted that ideally it would be a system that works for the towns. She stated the private sector works for clients and has options, granted less options with flow control in place. She discussed the agency's ability to demand quality of the disposal of the waste. She expressed concern if the private sector can undercut for municipal recyclables. She supported the setting of equal rates and ensuring quality control. She discussed the decision to not cite a landfill twenty years ago and the need for a County system that will equalize the costs. She noted the pressure on Towns located at a distance from the facility. She felt the County should be bringing this waste into the system to the benefit of all. She was also concerned with sending unprocessed recyclables out to be processed to the benefit of others.

The Committee discussed the private haulers role in disposal in other parts of the State. Resource Recovery Agency Executive Director Rose noted the current proposal anticipates all sign on for the ten year contract. He stated if they elected to sign on for only five years, the Agency would have to go back to run the numbers again. He stated ten years worked to pay off the capital costs. He stated he would discuss these concerns with the Supervisors at the Association meeting on Tuesday. He discussed spreading out the \$1.2 million dollar roll off replacement costs and other equipment rental costs from the private sector. Legislator Parete asked if they could raise the cost and lower the number of years as he felt Town Supervisors or Board Members would be hesitant to bind future Boards to a ten year contract when the changes in technology are unknown. Resource Recovery Agency Executive Board Member Landi indicated the Board intends to be flexible until it receives the input from the Towns.

Legislator Greene noted with Towns utilizing the service there would be less roll off boxes to purchase and maintain but wondered why the expected costs would only reduce by 1.2 million. Resource Recovery Agency Executive Director Rose replied the cost included the roll off trucks and spoke of the deteriorating condition and Band-Aid repairs of the trucks.

Legislator Greene inquired if the Towns were doing their own wood grinding to which Resource Recovery Agency Executive Director Rose replied some are and some are not. Legislator Greene asked if the Agency provides this equipment and Resource Recovery Agency Executive Director Rose confirmed it rented the equipment for \$1,200 per day

and the excavator was rented at \$350 per day which was reported by the Town Supervisors to be one third of the private sector cost. Legislator Greene reiterated this was the intention of the RRA.

Resource Recovery Agency Executive Director Rose discussed the recycling impact on a family's budget even if the cost per bag increases \$2-\$4 per bag. Legislator Parete concurred the recycling benefit but noted the limitations occurring at the Town Transfer Stations where hours are being reduced to cut costs. He noted the Construction & Debris (C&D) disposal costs are increasing with the need to travel to Kingston to dispose of the garbage. Chairman Bartels noted the Transfer Stations were not supposed to be accepting any construction and debris. Resource Recovery Agency Executive Director Rose confirmed the Town Transfer Stations were set up for residential and not commercial use. He stated the Agency's Transfer Station at New Paltz accepted everything and noted anything over two cubic yards, which is approximately one pick-up truck, was not supposed to be disposed at the Station but was intended for family's cleaning out their basements.

Chairman Bartels discussed the circulation of the Agency's letter to the Towns and requested the supporting documentation that was provided to the Towns for the Committee. Resource Recovery Agency Executive Director Rose stated this could be provided. Resource Recovery Agency Executive Board Member Landi stated this could be emailed.

Legislator Wawro asked if there was profit in the Town recycling. Resource Recovery Agency Executive Director Rose discussed the skewed numbers in commodities and budgeting based on the economy and market forces. He discussed the role of the Agency as the market of last resort for disposal. He discussed the ~~MERFMRF~~ engineer report and the recommendation to continue bailing cardboard.

Legislator Wishnick discussed the flow control of recyclables. Chairman Bartels clarified her support for flow control of regulated recyclables and not scrap metal and felt the Committee should be provided an in-depth review of flow control of regulated recyclables. She noted the discrepancy in the enabling legislation on flow control of recyclables as compared with other counties in New York State. She discussed the whole system, public benefit view that is sustainable.

Resource Recovery Agency Executive Board Member Landi noted the landfill discussions and presentations with the previous Legislature. Chairman Bartels discussed the community push back compared to the host town benefits. She felt they should keep the discussion open and continuous and review the figures.

Legislator Greene expressed concern with the Agency getting dumped on with regulated recyclables by a private sector skimming the profit from the recyclables and suggested developing a system with regulated recyclables based on what the ~~MERFMRF~~ could accept. She felt a policy should require dual stream, based on the ~~MERFMRF~~, and

should be in language. She noted it was hard for Towns to sign up for ten years, not knowing what the plan is and the County's comprehensive plan should be explored more even while the submitted plan is still pending with the New York State Department of Environmental Conservation.

Resource Recovery Agency Executive Board Member Landi and Chairman Bartels stated they would explore further the issues discussed and bring reports back to the next Committee meeting.

Motion No. 3 Resolution No. 222 – June 17, 2014

Text of Motion: **Resolved to approve Resolution No. 222** - Setting A Public Hearing On Proposed Local Law No. 6 of 2014 (A Local Law To Establish A Sustainable Energy Loan Program In The County Of Ulster) To Be Held On Tuesday, July 15, 2014 At 7:15 PM

Motion Made By: Legislator Parete

Motion Seconded By: Legislator Greene

Resolution No. 222 Summary: This Resolution recognizes Proposed Local Law No. 6 of 2014 as submitted to the Ulster County Legislature and tabled pending the holding of a Public Hearing which will be held on Tuesday, July 15, 2014 at 7:15 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 felt this Resolution would move the proposal forward and noted her intention to have members of the Energy Improvement Corporation to make a presentation to the full Legislature on the July 9th, Caucus night. She noted this special informational meeting would be a week before the public hearing.

Chairman Bartels stated concerns have been expressed to her regarding contracting with EnergizeNY, such as why not just establish our own loan program and if this law could be rescinded if the County establishes it's own program. She noted this Resolution was only to set the public hearing.

Legislator Parete asked if the villages would be included. He noted he would not be for this program if villages were not being offered the same protection. Deputy Clerk Barringer noted the EIC presentation at a prior Energy and Environment Committee indicated only the County and the City of Kingston were eligible to establish a lien on real property and each would have to approve their municipality's participation in the

County. She noted it was specifically stated that the Towns and Villages did not have the authority but would be included under the County, should the County authorize the participation in the program.

Legislator Parete inquired as to why this public hearing was being set if there were still questions regarding the local law when last month a public hearing was held up pending additional information on the local law. Legislator Wishnick replied the prior public hearing was being held due to substantial changes that were being requested by the originating committee. Chairman Bartels noted the activities that have been done to vet the EIC proposal prior to setting the public hearing, including presentations to the Energy and Environment Committee, Legislative Leadership, County Executive staff, and the upcoming special informational meeting of the Legislature. She noted the different with the prior public hearing was presented with no prior communication to the originating Committee or other Legislators.

Legislator Parete requested confirmation that the Villages can participate in this loan program. Legislator Greene stated she would follow-up and send confirmation to the Committee members. She read from the distributed sample municipal agreement document, section 3, which allowed the County to rescind the contract if they established their own program.

Legislator Parete asked if the County terminated the program, did the loans continue to be in effect. Chairman Bartels stated the terms of the loans were locked.

Legislator Greene noted the EIC indicated it had 60 active proposals in the process that were ready and met the criteria. She noted the process takes time but would confirm for the committee the current status of the active proposals.

Legislator Greene noted the region lost the Capacity Zone appeal in the 2nd Circuit Court. She expressed concern that the Capacity Zone efforts were not focused on renewables but would support nuclear power.

Committee members discussed the timing of the presentations and public hearings.

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

Old Business: Appointments (Climate Smart Committee)

Chairman Bartels stated she was still seeking a business members. She requested Deputy Clerk Barringer to draft a letter to other Legislators, especially in the southern and northern parts of the County, to ask business groups for recommendations of business representation. She stated she would write a letter to the Chambers of Commerce, Rotaries, and business associations. She noted and the Committee agreed she would distribute these communications by email, whenever possible, to reduce paper.

Old Business: Energy Improvement Corporation

Chairman Bartels noted this was discussed under the Resolution No. 222.

Old Business: Oil Shipment Safety Public Forum

Chairman Bartels stated June 18th had been discussed as a possible date. She discussed the forum with Sheriff VanBlarum and he suggested attendance to a CSX Safety Forum. Unfortunately, with miscommunication regarding the scheduling of the Safety Forum, Chairman Bartels stated she was unable to attend the recently held Safety Forum. She noted the Sheriff also suggested additional attendees to the forum.

Chairman Bartels noted the forum was actually a scoping session as they would be taking discussion and questions from the invited panelists and not seeking public interaction at this time.

New Business: County Executive's Executive Order – 100% Renewable Energy

Legislator Parete noted the recent press release from County Executive Hein announcing a new County policy to purchase 100% of its electricity from renewable energy sources should have included and been vetted by the Legislature. He felt this was an insult to those on the Legislature who have been very active on this topic. He indicated this was a policy decision with the Legislature appropriating the funding. He suggested having Legislative Counsel Weiner look into this. He stated the Legislature should have the savings and/or costs on paper and recorded.

Chairman Bartels stated the press release indicated it would be an approximately \$20,000 per year cost and that County Executive Hein had established a task group to keep this initiative budget neutral.

Legislator Parete requested copies of previous and future electric bills to monitor the cost.

Legislator Greene stated the goal should be the County generating its own renewables.

Chairman Bartels stated a solar farm has been discussed.

Legislator Parete felt the Legislature cannot pick and choose when the Legislature makes decisions.

Legislator Wawro asked about wind generated electricity. Legislator Greene stated there were small ones in the County and discussed the need to unblock energy transmissions. She noted the Nevele project includes a 2,000 megawatt solar system, the largest in the State. She stated New York State is reforming its energy vision and encouraging more generation of our own energy and establishing micro grids. Legislator Parete highlighted the EIC as one opportunity. Legislator Greene noted this focus would reduce the reliance on large and distance facilities. Chairman Bartels highlighted the New Capacity Zone could bring on old fossil fuel plants. Legislator Greene concurred that this had a regressive and backward effect on the vision.

Legislator Parete discussed the rejection of a windmill siting in the Town of Denning.

Ms. Nolan highlighted a number of County policies that fit in the vision, including: Climate Smart Pledge, Energy Reduction Policy and Green Purchasing. She noted the the purchasing levels below \$50,000 was deemed implementation and not policy. She stated the funding was for carbon emission credits and noted the Town of Woodstock was expending approximately \$1,300. She noted the difference between the municipalities in size and energy usage and felt the estimates made sense.

Legislator Parete reiterated his request that the information of prior and future usage and/or costs should be in writing.

Chairman Bartels asked what the energy bill was for the entire County. Ms. Nolan stated she established these credits in her prior home and it was less than \$60 per year.

Legislator Wishnick suggested having someone come in to explain how the program works and how credits are verified. Chairman Bartels stated she would look into this.

Legislator Greene warned about having a speaker come in from a company and suggested someone from the Public Service Commission which produces an independent report. She noted there were a lot of ESCOs and did not want to just have one make a presentation. She felt having someone come in who manages them.

Legislator Wishnick noted Legislators should have sufficient knowledge on the topic as questions are becoming more frequent. Chairman Bartels noted the number of calls she is receiving from constituents regarding electricity bills and felt this would be good education for the Legislators.

Legislator Parete suggested having experts on solar energy in to present on the topic. He spoke of a town in Cape Code which receives 40% of their energy from wind and solar and saving substantially every year. Chairman Bartels reiterated Legislator Greene's suggestion of micro-grids. Legislator Greene noted landfills and parking lots that are under-utilized in producing renewable energy. She noted the success of Germany in

making the investments in renewable energies. Legislators Wishnick and Parete discussed solar energy capturing roadways. Legislator Greene suggested, over time looking at energy. She noted there is no place in the Executive branch that does this review and indicated energy policy rests with the Legislature. She suggested starting with a review of the green ESCos, including who oversees them and how they work. She suggested having people come to the Committee to discuss how they work and inviting other Legislators in for these presentations. Legislator Wishnick suggesting giving privilege of the floor and Chairman Bartels felt this should be done at the Energy and Environment Committee.

Legislator Greene requested background information and particulars from County Executive Hein which was the basis for his Executive Order to require the purchase of 100% of its electricity from renewable energy sources. She stated the information on energy bills and building usage should be available for the next meeting. Chairman Bartels stated the County should explore this further.

New Business: Energy and Environment Committee Meeting Dates

Chairman Bartels noted Deputy Clerk Barringer had been elected to the Saugerties Central School District Board of Education and their meetings conflicted with the Energy and Environment Committee monthly meetings. She noted they would like to keep Deputy Clerk Barringer as the Committee clerk and suggested moving the meeting dates for the rest of 2014 beginning in August. The Committee discussed and agreed to move the meetings to the Mondays right before Caucus (typically, the 2nd Mondays).

Members noted a few would be unable to attend the July 8th meeting. It was suggested to move the meeting to July 1st. This will be reviewed with the Clerk of the Legislature and Chairman Bartels stated she would confirm the date of the July Committee meeting.

Adjournment

Motion Made By: Legislator Parete

Motion Seconded By: Legislator Wawro

No. of Votes in Favor: 4

No. of Votes Against: 0

TIME: 8:29 PM

Dated the 19th day of June, 2014

Edited the 21st day of July, 2014

Krista Barringer, Deputy Clerk

Minutes Approved As Amended on: August 11, 2015