

Energy & Environment Committee

Regular Meeting Minutes

DATE & TIME: July 8, 2014, 6:30 PM
LOCATION: Karen L. Binder Library, 6th Floor, COB, Kingston, NY
PRESIDING OFFICER: Chair Tracey A. Bartels
LEGISLATIVE STAFF: Jay Mahler, Deputy Clerk
PRESENT: Legislators Manna Jo Greene and Mary Wawro
EXCUSED: Legislators Richard Parete and Kenneth J. Ronk
QUORUM PRESENT: Yes
OTHER ATTENDEES: RRA Executive Director Tim Rose and Board Member Charles Landi, League of Women Voters Representative Vic Melville, and Pollinator Friendly Towns Initiative Founder Maraleen Manos-Jones

Chair Bartels called the meeting to order at 6:38 PM.

MOTION NO. 1 RESOLVED To Approve the Minutes of June 10, 2014

Motion Made By: Legislator Greene
Motion Seconded By: Legislator Wawro
Discussion: None
Roll Call Vote: No
Voting In Favor: Legislators Bartels, Greene, and Wawro
Voting Against: None
No. of Votes in Favor: 3
No. of Votes Against: 0
Disposition: Carried

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

Resource Recovery Agency Executive Director Rose reported on the Agency and Energy and Environment Committee's recent tour of the Delaware County Solid Waste Management Facility.

He noted a second letter was sent to the Ulster County municipalities regarding future solid waste disposal plans. Chairman Bartels noted a copy of the City of Kingston letter was also distributed to Energy and Environment Committee members. He noted since

the last meeting, the Agency distributed an initial proposal for what the Agency needed to break even financial for the Town's services at the transfer stations. He indicated he and Resource Recovery Agency Executive Board Member Landi met with the Supervisors regarding their concerns. He noted the Supervisors were concerned that the contract expired in six months at the end of the year and they were requesting additional time. He stated this request was also relayed to the RRA Board of Directors at their meeting by the Town of Rochester Supervisor and President of the Ulster County Association of Town Supervisors and Mayors, Carl Chipman. He stated they requested a one year reprieve which would be a six month extension and bring the contract expiration to June 30, 2015. He stated Board discussed this request and agreed to provide the reprieve which was the reason for the distribution of the June 30, 2014 letter. He indicated the highlights of the letter included:

- On January 1, 2015, the tipping fees for the Towns would increase to match the private sector fee (currently, \$103/ton which might change plus or minus \$2 based on the Agency's budget projection).
- While the agency needed a \$63 pull charge to break even, the Board decided to keep this charge at \$43 going into the first six months of 2015.
- There will be no box rental as the agency would not be purchasing equipment. Service may be delayed as no new boxes are being purchased, it is unknown if municipalities would be signing on and current boxes may not be servicable. If all municipalities do not sign on to the service, the Agency would eliminate the roll off service and sell off the assets. Chairman Bartels clarified if this was an "all or nothing" proposal to which Resource Recovery Agency Executive Director Rose replied that the Board did determine it was an "all or nothing" proposal as a reduction in the number of municipalities participate would mean the costs would increase for the remaining municipalities. Chairman Bartels clarified if it was the Board's position that if all but one municipality signed on, the roll off service would still be eliminated. Resource Recovery Agency Executive Director Rose confirmed this was how the proposal was currently written. Resource Recovery Agency Executive Board Member Landi noted the Board would need to receive the municipal responses to the proposal before commenting on any future actions. Resource Recovery Agency Executive Director Rose discussed the history of the agreements and plans for the Agency for the next ten years. He stated they would be meeting with the supervisors on Tuesday, July 15th and would be providing to them a tour of the Agency at 8:30 AM.

Chairman Bartels inquired if all the Towns would be required to sign six month extensions. Resource Recovery Agency Executive Director Rose replied this has been discussed informally with the Board at this time but indicated this might not be needed and the contract could just expire. Resource Recovery Agency Executive Director

Rose, Resource Recovery Agency Executive Board Member Landi, Chairman Bartels and Legislator Greene discussed these as informal and formal agreements.

Legislator Greene, Resource Recovery Agency Executive Board Member Landi, and Chairman Bartels discussed the broken aspects of the service highlighting the insurance investigation of the condition of the roll off service as well as the need for long term municipal participation in the system to help offset the costs for all municipalities. Chairman Bartels reiterated Legislator Parete's concerns regarding the County's subsidizing of the services as part of a comprehensive County solid waste management plan.

Chairman Bartels noted the newspaper reports of the Supervisors' frustrations on the proposed plan. She noted the raising of the tipping fee for all to the same fee should decrease the fee for all. Resource Recovery Agency Executive Board Member Landi replied this is already happening to which Resource Recovery Agency Executive Director Rose clarified the budget is adjusted to meet the numbers. Chairman Bartels and Resource Recovery Agency Executive Director Rose discussed the math of the tipping fees and the projected Agency expenditures.

Resource Recovery Agency Executive Director Rose highlighted the Agency is currently out to bid for the final disposal contract.

Legislator Greene expressed her concern with the "all or nothing" proposal. Chairman Bartels encouraged the RRA Board to consider reviewing the "all or nothing" proposal. Resource Recovery Agency Executive Board Member Landi noted the Board presented it's "best case scenerio" and would be re-evaluating it's position should this proposal not be met by the municipalities. He noted the Board intends to be flexible in it's discussions.

Chairman Bartels highlighted the need for Committee members to communicate their intention to attend RRA or Association of Town Supervisors meetings to ensure they do not unintentionally reach a quorum of the Committee.

Guest Speaker: Maraleen Manos-Jones, Protecting the Pollinators

Chairman Bartels introduced Maraleen Manos-Jones. Ms. Jones began with an overview of her work with monarch butterflies.

Ms. Jones noted when she first met the Monarchs there were 300 million and found at a visit this past January, there were only 3 million. She noted this was occurring to all the pollinators. She indicated the situation has reached a crisis point whereby the safety of the food and water is in jeopardy. She indicated the acres of monarch butterflies is down from 50-60 acres to 1 acre.

Ms. Jones noted there were a number of factors, which she highlighted as part of her Pollinator Friendly Towns initiative (handouts attached to minutes), including climate change, changes in their migration pattern, and human actions that impact the pollinator. She noted the human actions, highlighted in her municipal pledge, include education and modeling of human use of pesticides. Legislator Wawro highlighted the success of the using the non-toxic alternative of vinegar with a mix of epsom salts and a touch of dish soap. She noted the Kingston Plaza was seeing success with this alternative solution.

Ms. Jones noted the New York City Department of Environmental Protection (DEP) placed signage around the Reservoir indicating they would be spraying pesticide with no notification to the Town or the neighbors. She stated they placed a number of calls and were told, not only did the DEP do this around each of its reservoirs annually for the last 30 years but also it also reported no pesticide in the water. She noted they spray Accord – XRT II which contains glyphosate, which is indicated for killing bees, pollinators, and milkweed, the only source of food for monarchs. Legislator Wawro noted the monarch activity that she does annually with her day care.

Ms. Jones suggested the communities do a concerted effort to mark their milkweed plant patch locations to avoid spraying it with pesticides or herbicides. She noted a Woodstock artist, Tony Weidenbacker, has handpainted painted and provides signage.

Ms. Jones noted this effort was about community education and noted a recent community that took the pledge and then proceeded to spray with pesticides with the believe that the pesticide does not enter the soil but disappears after killing the animals. Legislator Wawro noted the result of pesticides going into the soil after it rains. Legislator Greene noted looking for milkweed while mowing and indicated she had not seen monarchs this year. Ms. Jones confirmed they had not yet been seen. She invited all to attend her butterfly garden tour in West Shokan this Sunday or any of the four butterfly garden dates.

Ms. Jones noted the destruction of milkweed patches is not just by governmental entities but also by those maintaining laws. She noted there is 33 million acres of lawns in the United States which use more pesticides per acre than big agriculture. She felt if people were educated that they do not want to be the source of killing 87% of local species with their roundup on their dandelions. She indicated the community was creating dead zones around where they live. She felt this was also true in housing developments that cut down every native plant and species to put up some boxwood and perfectly green lawns which is the creation of dead zones.

Ms. Jones noted President Obama created, last week, a Federal, interagency strategy to promote the health of honey bees and other pollenators.

Ms. Jones reported her work with local 4-Hers to develop a pollinator garden in front of the Town of Olive Library. She requested the Towns be encouraged to establish

pollenator gardens in collaboration with youth groups and schools. Legislator Wawro noted the garden at her local elementary school.

Ms. Jones noted over 1,000 people had signed on to petition to protect pollinators at her Pollinator Friendly Towns initiative website including schools and libraries. She stated this has become international as people are signing on from Brazil, England, France, Italy, and Spain. She noted Europe is documented as losing 25% of its pollinators which has them concerned about their agriculture and food production. She noted while Europe has banned the pesticide that kills the bees, the pesticide maker is now suing the nation for not allowing it to sell its product.

Ms. Jones noted the relationships between the pollinator and its environment has taken millions of years to evolve and discussed these inter-relations as it affects the larger environmental system. She highlighted the impact of fracking.

Chairman Bartels clarified the main request of the Legislature is to sign on with a resolution to protect pollinators. Ms. Jones confirmed this request as well as to pass a moratorium on the spraying of pesticides for one year. She noted Cooperstown was the first municipality to pass such a moratorium. Legislator Greene indicated the Town of Rosendale passed a similar moratorium years ago to which she noted the County honored but a few years ago, she noted signs of the use of roundup. Chairman Bartels indicated there was a ban on the use of pesticides on County property initiated by former-Legislator Robert Parete. Legislator Greene felt the Town of Rosendale's interactions had been with the County, not the State. Chairman Bartels indicated the need to confirm the County's ban on pesticide use on County property. She questioned a municipal's ability to place a ban on the State or City agencies. Ms. Jones indicated the Olive Town Board was exploring this as a possible ban and would like to see the County of Ulster do likewise as a promotional tourism campaign. Legislator Wawro noted the experience of being at a local restaurant when roundup was being applied while they were eating their meal. Chairman Bartels indicated the steps would be to confirm there was a ban in place for the County and assuming it was in place, this request would be re-affirming what already exists. She also indicated the review of the Cooperstown ban and explore the authority of the County to make such a ban on other municipalities. Legislator Wawro indicated this ban might be allowed if it is a threat to health and welfare of the County's residents. Legislator Greene suggested a modification in the proposed resolution language to "pledge not to use herbicides, pesticides, or fungicides, which are toxic to pollinators." Committee discussed poison ivy, reactions and alternative treatments including jewelweed. Committee discussed cancer rates in children and animals and pesticide notifications.

Ms. Jones suggested an amendment to the proposed resolution that would pledge to not use herbicides and pesticides unless absolutely necessary such as when an electrician must remove a wasp's nest to complete their work.

Chairman Bartels and Legislator Wawro discussed the educational opportunities.

Ms. Jones discussed a workshop at a Cornell University Conference on Sustainable and Organic Gardening in a Warming World and noted a synopsis of this was on her website [<http://spiritofbutterflies.com/maraleen-attends-cornell-conference/>].

Ms. Jones noted the grassroots education of each-one-teach-one at the local level. She noted this was an international crisis that needs to gain more national attention. She noted she is working with Dr. Lincoln Brower, the world's leading monarch specialist, who helped Michelle Obama establish a monarch butterfly garden at the White House.

Legislator Greene requested Ms. Jones provide the Committee with a copy of the Coopertown resolution. She noted the Committee's consensus on the need for action but the need to determine what the most effective action would be. She noted this issue was as urgent as her focus on transitioning to green energy. Legislator Greene and Ms. Jones discussed the colony collapse issue.

Ms. Jones noted her efforts to support the NY butterflies and that there are 70 butterflies recorded in the State to which she helped to plant their host plants for the caterpillars and nector plants. She noted the various other species that make use of the gardens.

Chairman Bartels indicated her intention to reach out to Legislative Counsel to determine how far the Legislature can push the envelope.

Ms. Jones noted 48% of all plants purchased for home gardens are purchased in big box stores and these plants are so laden with pesticides from seed production on that butterflies and bees landing on them will die. She noted petitions on the internet to request these big box stores to stop selling these pesticide filled plants. She requested consumers to ask anyone selling plants does this plant have pesticides. Chairman Bartels suggested that the plants be labeled as being sprayed with pesticides as store staff may not be informed and/or present incorrect information. She noted the misinformation that was received from a trash hauler regarding the reason for an increased rate resulting from flow control.

Ms. Jones noted she is taking this initiative to other Counties and the State and hoped that Ulster County would be the first. Chairman Bartels thanked Ms. Jones for bringing it to the County Legislature.

Legislator Greene noted there were typos on page 6 for MRF is indicated as MERF and in another section, there is a blank where Legislator Greene was recommending something. Chairman Bartels felt it was the group buying entities that Legislator Greene was referencing. Legislator Greene noted the ESCos (Energy Service Company) which was created during deregulation as the middleman between the generators and the consumers. She noted it was the generators and the distributors would generate the power from the grid and then sell it to the consumer. She noted after deregulation another category was created, the Energy Services Companies, to serve the consumer by

buying in large quantity to keep the price down but that the Attorney General has uncovered some predatory work, particularly with low income families where they are told it is a fixed price but they do not read the small print and it starts to inch up. She noted for someone who can not put in a generator or who has direct access to generating renewables, if you buy when an ESCo, they may be paying a bit more but they know it is green energy. Chairman Bartels felt this was the topic not captured in the minutes and that the discussion regarding Legislator Greene's recommendation not to stick with one company because they are very different and the broader point that was being made by Legislator Greene. Legislator Greene felt this should be corrected on the minutes. Chairman Bartels requested Krista and Jay to review the tape and better capture what was stated. Chairman Bartels suggested reconsider the approval of the minutes of June 10, 2014 and hold off on their passage until this correction is made.

**MOTION NO. 2 RESOLVED To Reconsider the approval of the Minutes of
June 10, 2014**

Motion Made By: Legislator Greene
Motion Seconded By: Legislator Wawro
Discussion: None
Roll Call Vote: No
Voting In Favor: Legislators Bartels, Greene, and Wawro
Voting Against: None
No. of Votes in Favor: 3
No. of Votes Against: 0
Disposition: Carried

Chairman Bartels noted the Committee would hold off on the approval on the minutes until they were accurate. She noted Legislator Parete would also be able to review and weight in on the minutes. Chairman Bartels and Legislator Greene noted this would allow time to follow up on the questions they had on the issue.

Motion No. 3 & 4 Re: Resolution No. 222 – July 15, 2014

Chairman Bartels noted this Resolution was returned to the Committee at the June Legislative Session. Deputy Clerk Mahler noted a special gold sheet was made as the Energy and Environment Committee already voted on the substance of the Resolution, no changes were recommended when the Resolution was returned to Committee and only Laws and Rules, Governmental Services Committee set Public Hearings. Chairman Bartels questioned if this was procedurally accurate. Deputy Clerk Mahler clarified the procedure for the Resolutions and pointed out the extra language of the Resolution. She noted there is nothing in the Rules of the Legislature that covers the process for this type of Resolution and thus, Clerk Fabella and Minority Leader Ronk discussed the process by

which the Committee would be motioning to refer the Resolution to Laws and Rules, Governmental Services Committee. Chairman Bartels disagreed with the position that only Laws and Rules can set a public hearing. She felt the Energy and Environment Committee was passing a resolution setting a public hearing. Deputy Clerk Mahler indicated Laws and Rules, Government Services Committee would be voting on this Resolution again at it's next meeting.

Legislator Greene indicated the Resolution was referred back to Committee at the Legislative Session as there was a lack of information that was requested and asked if that should be discussed. Chairman Bartels stated this could be discussed but noted a member of Caucus, who passed the Resolution out of two committees, referred to a question that had not yet been answered that had been asked by another member but was prepared to pass the resolution.

Chairman Bartels noted in answering the question that had not yet been answered, which was the tax cap question asked by Legislator Ronk, is a question that needs to be answered. She spoke with the EIC Representative, Joe Del Sindaco, who requested their counsel to write up a paper on it. She noted this document may not be ready for tomorrow's meeting for distribution and that Legislative Council as well as the County Attorney were researching it on our end. She stated Joe Del Sindaco and the EIC are confident that it is not an issue and that it had come up with other counties. She noted Orange and Westchester raised it and passed Resolutions establishing the EIC program. She felt the response from the Ulster County Counsel was most important as they needed to sign off on it. She did not know if an informal request had been sent from our counsel to the State Comptroller requesting their opinion on the tax cap issue. She noted the Executive and in particular Deputy County Executive Crannell indicated that might be enough to satisfy their concerns. She noted she was not sure what level of information they would be receiving from anyone prior to the setting of the public hearing. She indicated Joe Del Sindaco would still be attending tomorrow's special session to make a presentation on the EIC program. She noted the County would need an answer before signing on to it but did not think they needed an answer to move forward with the public hearing. She noted Legislator Ronk was also supportive of at least holding the public hearing.

Legislator Greene suggesting reaching out to the Orange County Attorney. Chairman Bartels indicated she would attempt to reach out to both the Orange County and Westchester County Attorneys and/or ask the County's Council to reach out as attorney to attorney. Legislator Greene noted in Westchester County it was a consortium of the towns.

Chairman Bartels stated she was not clear on the procedure as presented with the amending gold sheet. She recommended moving both the amended and original gold sheets.

Motion No. 3 Resolution No. 222 – July 15, 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, August 19, 2014 At 7:05 PM

Motion Made By: Legislator Wawro

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, August 19, 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.

Roll Call Vote: No

Voting In Favor: Legislators Bartels, Greene and Wawro

Voting Against: None

No. of Votes in Favor: 3

No. of Votes Against: 0

Disposition: Carried

Motion No. 4 Proposed Local Law No. 6 – July 15, 2014

Text of Motion: **Resolved to approve Local Law No. 6** - Approving Proposed Local Law No. 6 of 2014 (A Local Law To Establish A Sustainable Energy Loan Program In The County Of Ulster)

Motion Made By: Legislator Greene

Motion Seconded By: Legislator Wawro

Local Law No. 6 Summary: This Local Law would establish a sustainable energy loan program in the County of Ulster.

Roll Call Vote: No

Voting In Favor: Legislators Bartels, Greene and Wawro

Voting Against: None

No. of Votes in Favor: 3

No. of Votes Against: 0

Disposition: Carried

New Business:

Chairman Bartels stated she has a draft letter for the Chamber of Commerces seeking a business representative to the Climate Smart Committee and indicated she would keep Legislator Greene apprised to any responses received.

Chairman Bartels noted in regards to the oil train safety issue there has not been a lot of movement. She stated she would reach out to Kathy Hudson. Legislator Wawro reported an incident in Saugerties yesterday where a truck on fire on the trains necessitated the trains being stopped until the truck was cleared off the train.

Chairman Bartels reported on the Delaware County Solid Waste Management Center tour and indicated it was amazing. She noted until she held the compost in her hands and smelled it, she did not believe it was garbage. She noted the majority of the smell was in the beginning of the process. Legislator Wawro and Chairman Bartels noted the majority of what was being sent to the landfill was plastic bags. Chairman Bartels indicated 65% was composted and sold. Legislator Wawro noted the quality of the compost would have been higher and sold for more if they had not included the glass. Legislator Wawro having the consumer better educated in keeping glass out of the waste would have a great impact on the sale of the compost. Chairman Bartels noted educating people to recycle clothes out of the waste which messes up the system. She noted the center costs \$22 million and was a completely different system than Ulster County. She stated they use a 1% sales tax to fund the entire solid waste system and were in the process of building and paying cash for a brand new MRF (Materials Recovery Facility). She noted they have a substantial reserve and charge \$0 for a tipping fee. She noted they came to the decision of building a new MRF as their landfill was filling up. She stated they extended the life of landfill by 30 years. Legislator Wawro noted the animal and plant life around the landfill. Chairman Bartels noted the buffer that existed around it as well as the snowmobile trails that were similar to the Oneida-Herkimer Landfill. Chairman Bartels noted the magic of watching the garbage leave the tipping room floor and reach it's last step prior to the compost being a 200x200 room with 10 foot rows roto-tilled, aerated where on one end they are sending in the 65% waste and the other end they are shooting sludge. She stated this hot room produced a final compost with no smell. Legislator Greene noted her experience of setting up compost examples at the Ulster County Fair utilizing the manure stained animal bedding. Chairman Bartels noted the skepticism that continues in setting up a landfill in Ulster County but felt if people took the tour it would change some perspectives. Legislator Wawro suggested this tour for Supervisors. Chairman Bartels suggested having the Committee coordinate a tour for those outside the Legislature. Legislator Greene indicated the County only has about a year as the DEC will release it's comments on the County's Solid Waste Management Plan and the fact that the siting of a landfill is not included in the plan. Legislator Greene feels if the people work together, it can be done swiftly. She felt these are different times than twenty years ago. She noted a well-constructed host community benefit would be looked at differently now. Legislator Wawro noted the changes in solid waste management technology. Chairman Bartels noted a video would not have the same impact as being

able to smell and feel the compost. Chairman Bartels discussed the process of moving the trash from the tipping floor to the compost pile.

Old Business: None

Adjournment

Motion Made By: Legislator Wawro

Motion Seconded By: Legislator Greene

No. of Votes in Favor: 3

No. of Votes Against: 0

TIME: 8:25 PM

Dated the 21st day of July, 2014

Krista J. Barringer, Deputy Clerk

Minutes Approved on: August 11, 2014