

NAME OF COMMITTEE: Special Meeting Environmental Committee

DATE: March 3, 2009

TIME: 5:00 PM

PLACE: Library Conference Room, 6th Floor
County Office Building

LEGISLATORS PRESENT: Chairman Brian Shapiro, Deputy Chairman Laura Petit
Legislators Gary Bischoff, Dean Fabiano and Kevin
Roberts

LEGISLATORS ABSENT: Legislators Richard Parete and Hector Rodriguez

OTHERS PRESENT: Daniel Heppner, Esq., Counsel to the Legislature
Dean Palen, Director, Dept. of Health
Amanda LaValle, Coordinator, Dept. of Environment
David Gross, Woodstock Environment Commission
Katherine J. Beinkafner, Board/UC Resource
Recovery Agency & Subcommittee Plastic Bags
Terrie Rosenblum, Woodstock Town Board
Susan Kahl, Subcommittee Plastic Bags

Chairman Shapiro called the meeting to order at 5:05 PM and acknowledged Dean Palen, Director, Department of Health.

Legislator Bischoff has been spearheading the effort to establish a plastic bag fee in Ulster County with the Subcommittee. He noted changes made to the proposed local law per the discussion of the committee on February 18, 2009 which included: Section 3. Definitions. Small business is now based on square footage and the addition of a severance clause which is standard to most local laws. He defined same.

Daniel Heppner, Esq., Counsel added that the variance was also removed because it becomes arbitrary and invites litigation.

Committee members and others present discussed enforcement issues, variances and public hearings regarding the proposed local law.

Chairman Shapiro emphasized that although he is supportive, it is extremely important to let the public and the business community know about the changes which would come about.

Dean Palen offered a statement from the County Executive: He will take the issue into consideration and evaluate it and come up with their position in the future. Dean Palen expressed concern over who would be written into the local law for enforcement. His department is currently "maxed out" but would not shirk their duties if this came their way. He added that although the issue does have environmental and public health issues, he wonders if this is the right economic climate to move forward with such a local law? He agrees that less plastic is better and feels a more proactive approach would be to further

the use of cloth bags. Fabric is very popular in Europe and other parts of the world. Dean Palen asked whether there has been any discussion at the State level and offered to reach out to his contacts in the NYSDEP.

There was discussion as to how other counties enforced their local law. Legislator Bischoff offered that Consumer Affairs are designated enforcement officers in some counties and we could consider Department of the Environment or Weights and Measures. (Chair - Department of Environment cannot enforce such a matter).

Daniel Heppner, Esq., - He reminded everyone that since we now have a new form of government, the Committee should decide who they feel would best be suitable for enforcement and then confer with the County Executive.

There was further discussion regarding the culture change in using fabric bags vs. paper or plastic and the sanitary issues that arise from the use of fabric/cloth bags (Certain stores don't offer bags and the consumer must pack themselves).

Terrie Rosenblum sees the proposed local law as an opportunity to give the community something positive in the current economic and state of the world. She feels we can still show that we care about the environment and sustainability and should move quickly to get this moving forward.

Dean Palen noted that the language in several places in the proposed local law needed to properly reflect Charter language. He appreciated being invited to tonight's meeting and would be happy to come back.

David Gross provided information from the internet: a counter had been ticking away since the meeting began tonight: in 24 minutes 24 million plastic bags were placed into the stream of commerce. He urges the committee to ban plastic bags, impose a fee but get rid of them and push for reusable bags.

Chairman Shapiro reminded everyone that we should move a local law forward that will work and be enforceable.

Legislator Bischoff noted that today's draft should properly read: Draft 4 (3/3/09). He also provided statistics from the Wall Street Journal: there are 100 billion bags being used/year based on the US population of 303 million, 2007 estimated population of Ulster County at 181,860 = 329 plastic bags per person/year/Ulster County. According to UCRRA the sales of recyclables dropped in November and December and it isn't economically viable to recycle plastic bags. He feels that the impact of the proposed local law may be similar to what happened when the State banned smoking in restaurants. There wasn't a loss of business and consequences of this action didn't happen.

The committee discussed the number of public hearings to schedule. Daniel Heppner, Esq., offered that there is no limit to the number of hearings that could happen.

Legislator Roberts offered that the proposed local law would raise awareness but feels that 25 cent fee is too high in this economic climate where people are confronted with loss of their jobs, etc.

The committee discussed the fee and concluded that a 10 cent fee would be overall acceptable. Legislators Roberts and Fabiano agreed that they could present this amount to the Republican caucus. Legislator Fabiano supports the proposal as part of the effort to get plastic bags off of the roads. The proposed local law will be updated to reflect this change. In addition, chain store policies and paper vs. plastic bags were briefly mentioned.

David Gross asked if there was anything that could be done to further the use of cloth bags either handing them out at no fee or low cost. Anything to make them part of a culture change.

Amanda LaValle reminded the committee that environmental impact issues will need to be addressed.

Chairman Shapiro read the following email from Legislator Jeanette Provenzano for the record:

"Dear Brian, I'm sorry I'm unable to attend your meeting tonight. I'm getting over a cold and while I'm feeling better; one more day rest will do me good.

Please note I am in favor of encouraging the use of cloth bags at the super market. I do not favor placing a fee (tax) on those that use plastic bags. In this day of economic upheaval any additional cost to Ulster County Taxpayers would be ill advised. I have noted most super markets are offering the sale of cloth bags and give 5cents credit to each cloth bag used. I'm concerned for those families that cannot afford the cost of the cloth bags (some families would have to purchase 10 or more) and would support county government allocating funds to provide them for free. Also, UC transit has been offering great bags for free. How about cornel cooperative extension?

I'm on board for any education proposal your committee might offer plus the possibility of coordinating places where taxpayers can obtain a cloth bag at no cost. An outreach to local supermarkets might be a good idea before any decisions are made.

Thank you for your time and attention to my concerns and to this important subject.

Jeanette".

Daniel Heppner, Esq.: He suggested following other counties and to be held blameless in adopting the proposed local law thought that the effective date should be 6 months from the passage of the law leaving sufficient time for notification to all.

Chairman Shapiro asked if the committee wished to move forward with setting a public hearing. Regular meeting is scheduled for Wednesday, March 18. The committee will be provided with a revised copy of the proposed local law and move forward at that time.

Chairman Shapiro motioned to adjourn, seconded by Legislator Fabiano. All in favor.
Meeting adjourned at 5:52 PM.

Respectfully submitted,
Karen L. Binder, Deputy Clerk
Ulster County Legislature