

Energy & Environment Committee

Regular Meeting Minutes

DATE & TIME: September 15, 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, Mary Wawro, and Legislative Chairman John Parete (left at 8:07 PM),

EXCUSED: Legislator Kenneth J. Ronk

QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislative Vice Chairman Dave Donaldson, Legislator Lynn Archer, Legislator Jeanette Provenzano, Legislative Counsel Cappy Weiner, Town of Rochester Supervisor and Association of Town Supervisors President Carl Chipman, Resource Recovery Agency Executive Director Tim Rose, Board Chair Leon Smith and Board Member Charles Landi, League of Women Voters President Dare Thompson and Representative Vic Melville, Deputy County Executive Crannell, and Department of the Environment Director Amanda LaValle

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

MOTION NO. 1 RESOLVED To Approve the Minutes of August 11, 2014

Motion Made By: Legislator Wawro

Motion Seconded By: Legislator Rich Parete

Discussion:

Legislator Greene noted the following changes:

- Page 4 – “economically viable market” in the second paragraph and in the third paragraph – “this would disincentivize the garbage and incentivize recycling” and “should be undertaken until a draft”.

Chairman Bartels noted while Legislator Ronk was in opposition to the proposed 4% salary increase, he was not in attendance at the Soil and Water Conservation District Board Meeting. She requested the minutes be amended to reflect this.

Roll Call Vote: No

Voting In Favor As Amended: Legislators Bartels, Greene, John Parete, Rich Parete, and Wawro
Voting Against As Amended: None
No. of Votes in Favor As Amended: 5
No. of Votes Against As Amended: 0
Disposition: Carried

Motion No. 2 Resolution No. 314 – September 23, 2014

Text of Motion: **Resolved to approve Resolution No. 314** - Setting A Policy For County Owned Vehicles To Utilize Alternative Fuel Sources

Resolution No. 314 Summary: This Resolution requires upon successful completion of at least one pilot program, at least 50% of the Ulster County Fleet shall utilize alternative fuel sources by the year 2020 and 75% of the Ulster County fleet should utilize alternative fuel sources by the year 2025.

Discussion:

Chairman Parete stated he received communication previously from the former Governor indicating he would be implementing these policies when the Counties should be. He felt the County was behind the curve in the use of alternatives to gas for fuel sources. He reviewed the resolution's whereases and highlighted the goal of 50% fleet vehicles using alternative fuel sources by 2020 was not limiting the type of fuel source but rather establishing a goal. He noted the need for studies. He stated Ron Leonard mentioned this proposal at the recent Climate Smart Committee meeting. He noted he initially presented this proposal in his 2014 County Address. He stated he was okay with prolonging the discussion on the resolution as long as it was positive. He stated the resolution would also be discussed at the Laws and Rules Committee and that it would be wrong to limit the County to just liquid natural gas (LPG) as well as to say a study should not be done on LPG. He noted this was a process that was evolving and that a process not acceptable today, maybe acceptable in the future. He felt a couple of pilots would be good to determine what works best. He stated the Sheriff's vehicles were the pilot as they were mileage specific with LPG fueling stations already existing and available along trip routes. He stated he explored electric and found they were not suitable for these types of vehicles at this point. He stated they looked into compressed natural gas and noted the barrier of space within the vehicle. He discussed the available and existing compressed natural gas fueling stations in Ulster County. He stated the LPN supplier agreed to bring the equipment to the jail or wherever the County decided to establish the LPG fueling station.

Legislator Parete indicated in his research he found 80% of new garbage trucks purchased run on liquid propane gas. He noted LPG is good for larger transportation vehicles.

Chairman Parete felt this proposal was cost effective and environmentally positive. He noted the electric use could be high and highlighted the impact to generating facilities. He noted the concern expressed that LPG use promotes fracking. He reported propane was discovered in 1910 and had demonstrated use until 1990's when the EPA, through support from Congressman Hinchey, declared natural gas the focus. He stated the proposal was with a cooperative department head. He stated the questions regarding bullets hitting the gas tank were answered with the LPG being less flammable than gas.

Chairman Bartels stated she was thrilled with the dialogue which began with the submission of the resolution and highlighted the prior committee discussions. She stated she desired a positive discussion. She asked what the funding was for Sheriff's pilot program and if it was going to move forward. Chairman Parete noted this depending on the funding and if the funding was cut, the program would not be done. He stated the conversion outfit would cost \$5,000 to make a vehicle natural gas ready. He noted if the vehicle was no longer serviceable, the County could take out the conversion and transfer it to another vehicle. He stated the mileage per gallon would go down a little as the cost per gallon was considerably less. He stated in five states in New England the discussion is on running pipelines to bring natural gas to the communities. He noted liquid petroleum (LP) is a by-product of gasoline distillation.

Vice Chairman Donaldson discussed his experience with switching from oil to natural gas and the big difference in his expenses. He stated he is paying less now than 15 years ago with oil.

Legislator Greene stated the fleet she envisioned was hybrid/electric county vehicles that would take advantage of chargers when available as well as regenerative braking. She stated she desired a solar system that would offset the electric component and approach zero net energy. She felt the County should be transitioning to a gold standard. She noted her work with the Reforming the Energy Vision for New York State initiative and their use of an environmental economist to put a dollar value on the positive and negative impacts. She stated those [energy generators] with the greater the impact will cost more. She felt before deciding on an alternative energy, the County should explore the cradle to grave environmental impacts. She stated the natural gas cost less due to the increase of fracking. She felt the combination of electric powered by a solar charging station with a hybrid to compensate for lack of readily available charging stations.

Chairman Parete did not think anything would be inappropriate to explore in regards to alternative fuel sources. He stated that which is "pie in the sky" for today may be the right thing tomorrow. He agreed there was nothing being precluded but provided the administration a choice of where to focus. He stated this was the development of a policy. He felt the Legislature should not wait to start thinking about it.

Deputy County Executive Crannell noted the forward thinking of energy policy in Ulster County and the aging fleet. He stated eight passenger vehicles were purchased in the

spring based on the 2008 energy policy. He stated he had reservations on the LPG proposal and highlighted the memo distributed to the Committee which outlined the County Executive's vision of a policy.

Deputy County Executive Crannell stated they were reluctant to replace one fossil fuel with another. He stated the LPG proposal would not be in the Executive's Budget as they did a cost benefit analysis. Legislator Parete asked if the Legislators could see a copy of the cost benefit analysis. Deputy County Executive Crannell replied they were prepared to review their analysis here at the meeting. He stated they reviewed the Sheriff's fleet of vans and their average mileage. He stated the Sheriff did not utilize these vans for long distance transports but rather they would utilize the bigger SUVs such as the Tahoes to travel out of county. He stated from an environmental standpoint the goal would be to use less of the fossil fuels. He stated this was built into the policy recommendation to the Committee. He stated the budget proposal would include hybrid technology and electric vehicles as recommended by the County Executive. He stated the LPG was being recommended by the gas industry to look at natural gas and LPG as a replacement that is builds capacity supports through gas that is extracted through hydro-fracking. He stated the County Executive's office did not want to buy into the research of the gas industry and rather look into the renewables.

Legislator Parete highlighted Deputy County Executive Crannell statements that the Sheriff's proposal would not be in the budget and that they completed a cost benefit analysis. He noted a cost benefit analysis requires numbers and requested to see their written cost benefit analysis as well as the numbers.

Chairman Parete noted in his Chairman's Address he mentioned this initiative and he received no communication from the County Executive's office to indicate they were working on this issue and/or had a vision. He stated the Legislature distributed it's report on the topic around the first or second week of August. He noted there was no comment or call from anyone regarding this report. He felt the communication from the County Executive was indicating the Executive's office had already done this, was ahead of the curve and was on it's own – developing policy.

Legislator Parete highlighted Ulster County as the only County that established a Department of the Environment seven to eight years ago. He noted there was no policy on this issue to date and wondered what the Department was doing. Deputy County Executive Crannell replied the County has not purchased a lot of cars in that time.

Legislator Parete noted California's use of LPG technology. He stated fracking has been around for a long time, was here to stay and that a lot of natural gas comes from non-fracking means. Chairman Parete, Legislator Parate and Deputy County Executive Crannell discussed fracking's role in the development of natural gas.

Deputy County Executive Crannell noted the Legislature could overrule the County Executive and put the policy in.

Chairman Parate discussed the use and history of fossil fuels.

Department of the Environment Director LaValle discussed the 2008 vehicle guidance and the County's receipt of a federal grant to purchase hybrids which had to be re-programmed due to the freeze on vehicle purchases and the inability to invest in the fleet. She noted the goal to move to sustainable energies such as a move to hybrid technology was the forward thinking for the fleet infrastructure. She stated the LP is the product of the gas distillation column when crude is distilled and is the by-product when gas is distilled. She stated the market has been flooded with more domestic fuel sources. She noted the fluctuation in price. She noted the proposals on the state bid versus the equipment use for county service through contracts that include fuel that is not the state bid price. She noted greenhouse gases emitted from production that need to be addressed. She stated this is typically seen in large fleets with large emissions and not seen in sustainable fuels. In response to Chairman Parete's inquiry of whether she is opposed to a boots-on-the-ground study, Director LaValle stated she felt they have a good sense of the fleet already.

Chairman Parete asked to receive a copy of the letter that Director LaValle sent to the Legislature in 2008 regarding the reprogramming of the hybrid vehicle funds. Director LaValle stated it was an amendment to the grant agreement, signed by the Legislative Chairman at that time, which changed to reprogram the money. Chairman Bartels indicated that she would ensure the Committee received whatever documentation was completed at that time.

Chairman Bartels highlighted the need for an alternative source to fossil fuels. She expressed concern with a five-year study and noted it is not strictly the dollar bottom line but also with the environmental impact bottom line. She stated she appreciated having a number in Chairman's proposed policy and that the Legislature should set a policy which includes a percentage completed by a set date. She felt the policy should be aggressive. She stated she was not comfortable leaving the choice of what type of alternative sources up to the Executive. She felt the Legislature should keep moving forward on this issue. She noted the County Executive's proposed green policy establishes an environmental baseline and wondered how long it would take to analyze the data as well as what the data would be used for. She asked when the Legislature sets the goal of 50% by 2020, if they would be saying 50% of the whole fleet equally or could the Sheriff indicate it was not appropriate for some of his fleet. Chairman Parete replied it was entirely possible to have a department say it was not possible to get to the set target that quick. Chairman Bartels felt these were questions that the Committee needed to vote and determine what to move forward.

Deputy County Executive Crannell stated they now have the data and did not have until recently. He noted Director LaValle now has live data on gas usage and gas procurement. He stated the vehicle list was outdated from June and did not include the new fusions that were purchased as well as a dozen or so cars that were not on the list as they are used by

the URGENT Taskforce. He suggested the proposal include new investments and new reporting requirements. He stated the fleet has about 350 passenger type vehicles. He stated there is policy in place for future purchasing and highlighted much of the current fleet is beyond it's useful life. He stated there are vehicles in the fleet that are no longer safe and new vehicles would offer new alternatives and a more efficient fleet. He discussed the spring 2014 purchases based on the existing 2008 policy and the desire for feedback.

Legislator Parete noted the Executive had already rejected the Sheriff's request based on their cost benefit analysis that it wasn't feasible. He requested the Committee ask for a copy of the cost benefit analysis and all the data they had, financial, to reject the Sheriff's proposal. Deputy County Executive Crannell stated they had the material with them and came to the Committee prepared to discuss. Legislator Parete requested to view the material. [Director LaValle held up a document.] Legislator Parete asked if the Executive's Office rejected the Sheriff's request based on that piece of paper. Deputy County Executive Crannell felt the County Executive's letter spoke for itself. Legislator Parete and Chairman Parete felt it did not. Legislator Parete stated a cost benefit analysis has numbers, cost. Deputy County Executive Crannell stated the information sent to them by the Legislative Chairman was not a cost benefit analysis. Legislator Parete replied the question was not to him regarding a cost benefit analysis but to Deputy County Executive Crannell statement that they rejected the Sheriff's request based on the County Executive's cost benefit analysis and reiterated his request to see what the County Executive based his decision on. Deputy County Executive Crannell stated it could be provided. Legislator Parete and Chairman Parete stated they did not want to discuss it, they wanted to read it.

Deputy County Executive Crannell stated they would rather talk about the cost benefit analysis and then bring it back to the Committee in a more amenable format. Chairman Bartels stated the Committee would discuss it and then receive it in a written format at a later date. Legislator Parete felt if individuals presenting to the Committee were able to quote something, they should also be able to hand it out in writing.

Counsel Weiner noted for the meeting record, Director LaValle should identify what documents she is referring to. Deputy County Executive Crannell replied the Chairman sent a proposal to the County Executive with back-up and some analysis. He stated they reviewed this provided analysis and recreated the analysis to develop the cost benefit analysis.

Director LaValle stated in this analysis, she reviewed different scenarios that show the costs and prices vary over time. She stated the current state bid price for LPG was used as the assumption and applied over the whole period of time. She stated she looked at different counties that use distributor for a tank which locked them into a different price. She stated in looking at the price provided by a distributor, they ran the analysis with a different costs for the LPGs. She felt the document in the proposal was slightly

optimistic of the price over the full term. She found it averaging out at a 2.98 for a three-year break even point seen over four years. She noted this moved the cost benefit out over many more years.

Chairman Bartels confirmed Director LaValle would provide her analysis to the Committee. Legislator Parete asked if the analysis would also include the environmental impact of the current vehicles. Director LaValle stated she could. She noted she used the NYSERDA standards regarding carbon dioxide equivalent emissions in her analysis.

Vice Chairman Donaldson noted the fluxuation of natural gas tended to fluxuated lower. He noted in focusing on the resolution at hand, he concurred with Chairman Bartels in the setting of a goal and pushing the idea of doing a pilot program at the request of the Sheriff at a low cost. Chairman Parete stated the estimated total cost was \$20,000. Vice Chairman Donaldson felt the small pilot would provide an ability to monitor it's success closely. He suggested seeking legislative support for grants to fund the pilot. He noted the resolution is not limiting to just one thing and gives alternatives. He stated there was not a lot in the resolution that he had a problem with. He felt there may be tweaks that could be done with the numbers to have the goal reached quicker or longer.

Chairman Parete stated this was a draft policy document and thought the Legislature made policy. He reiterated there was not one call received from the County Executive's office to discuss the proposal. He noted the County Executive is already rejecting the Sheriff's pilot. He noted high number of LPG uses being done throughout the Nation. He noted the comment of not substituting one fossil fuel for another and highlighted the use of fossil fuels in the reopening of Danskammer as well as at Indian Point.

Chairman Bartels stated she liked the number and percentages in the Chairman's resolution and supported his putting the idea of a policy on paper. She noted the Committee would decide what it would want in regards to different numbers or to be specific to the type of alternative fuels or renewable sources. She stated these decisions would be based on Director LaValle's analysis. She felt the \$20,000 pilot was not thrown out and the Legislature can put it back in and make the final decision on the budget. She stated the resolution was not resolving to do a pilot program. She felt if the Committee knuckled down, possibly schedule an additional meeting on this subject, and not drag it's feet, it could move forward with a policy and a pilot. She noted there was recently received a lot of information on this subject at the last meeting to this Committee and at Ways and Means. She reiterated she was grateful to the Chairman for putting on paper this policy and moving the policy forward. While not expected to move it tonight, she felt this could be move forward in short order.

Deputy County Executive Crannell indicated they were seeking feedback on their proposal as they feel their proposal offers the long term vision for the County.

Chairman Bartels felt a special meeting on the subject may be needed.

Legislator Parete felt the letter received from the Executive's office was not an effort to work together with the Legislature. He stated the letter dismissed two important things that are being used all over the world. Legislator Parete and Deputy County Executive Crannell discussed taking action based on communications received. Chairman Bartels reiterated her desire to call a special committee meeting.

Disposition: **No Action Taken**

MOTION NO. 3 Resolution No. 328 – September 23, 2014

Text of Motion: **Resolved to approve Resolution No. 328** - Authorizing The Filing Of An Application For A State Grant-In-Aid For A Municipal Waste Reduction And/Or Recycling Project And Authorizing The Chairman Of The Ulster County Legislature To Sign Any Associated State Contract Under The Appropriate Laws Of New York State – Department Of The Environment

Resolution No. 328 Summary: This Resolution authorizes the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application, directs and authorizes the Chairman of the Legislature of the County of Ulster to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the STATE, agrees that the County will fund its portion of the cost of said Municipal Waste Reduction and/or Recycling Project, sets forth local Municipal responsibilities by attached joint resolution relative to a joint Municipal Waste Reduction and/or Recycling Project, and makes the resolution effective immediately.

Discussion:

Department of Environment Director LaValle stated the resolution was required by the Department of Environmental Conservation (DEC) for a grant application submission. She stated the grant is for 50% reimbursement of additional equipment to remove emerald ash borer infected trees located on county right of ways. She noted the chipped material would be sent to the RRA to be used as woody mass in their municipal composting facility, which then becomes a saleable product. She noted the use of the RRA is part of the grant application to expand the composition operation at Flatbush.

Legislator Greene confirmed this was a purchase of chippers and a boom truck. She asked if the chippers would be able to handle the larger wood. Director LaValle and Deputy County Executive Crannell replied the chippers can handle a full tree. Director LaValle stated she would look at what diameter the chippers max out. Legislator Greene noted she supported the proposal. Legislator Greene and Director LaValle discussed tub grinders and the requirements of transporting the chipped material.

Legislator Parete noted two chippers were already purchased and asked what would happen if the resolution did not pass. Director LaValle stated this is a reimbursement grant and they

moved ahead with the purchase anticipating the reimbursement of the cost. She noted there was typically a waiting list for this grant, the County had a fairly good chance to get awarded and that the County needed the equipment to address the infected tree issue. She noted it was fortuitous that the County was able to apply for reimbursement.

Chairman Bartels stated she was excited to hear about the composting expansion and the incentivizing of bringing more organics to the facility. She also felt it was fortuitous that the Committee has scheduled a full ash borer discussion next month. She noted she is reaching out to the DEC and one of the treatment applicators to this discussion and that the discussion was based on a constituent concern received by the Chairman of the Legislature and referred to the Committee.

Legislator Parete asked if the purchased equipment would be available for use by the towns and villages. Director LaValle replied this was up to the Executive. Deputy County Executive Crannell stated they typically do equipment loans with the municipalities. Legislator Parete stated he would hate to be in competition with other municipal grants for reimbursement of similar equipment. Director LaValle replied they discuss the coordination of services by UCRRA and the County's Department of Environment heading up the Emerald Ash Borer Taskforce. She noted over the summer the County completed an inventory of trees in the County's right of way.

Motion Made By: Legislator Parete

Motion Seconded By: Legislator Greene

Roll Call Vote: No

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

Voting Against: None

No. of Votes in Favor: 5

No. of Votes Against: 0

Disposition: Carried

RRA Report: Tim Rose, Executive Director, Leon Smith, Board Chair & Charlie Landi, Board Member, Resource Recovery Agency

Resource Recovery Agency Executive Board Chair Smith reported a meeting was held with the Town Supervisors Association last week and included Resource Recovery Agency Executive Director Rose, Resource Recovery Agency Executive Board Member Landi and Resource Recovery Agency Executive Board Chair Smith. He stated there were two points taken from the meeting. The first, he noted, was that the supervisors were not excited about a 10-year contract and preferred a 5-year contract. The second, he stated, was that the Supervisors wanted the RRA to raise the tipping fee rates to offset the increased costs to the Towns. He stated this would raise the rates on 92% of the people as the Towns were an estimated 8% of the volume taken in at the Agency.

Supervisor Chipman stated no Town would sign a ten-year open-ended contract as the State Comptroller's office would crucify the Towns if they did. He stated some balance and controls should be placed in the contract. He stated up until flow control the Towns had already been subsidizing the major haulers with upwards of \$30 per ton more and that the Towns would agree to pay the same rate across the board. He reminded all that the RRA is a public benefit corporation that was established to help the Towns following the state mandated closure of the landfills. He stated the tipping fee of \$103 per ton across the board was acceptable to the Towns. He noted the Towns were very invested in recycling and that the Towns produced the clean recycling for the facility that is sold at a higher price than the comingled. He stated with no capital plan, the rental fee for the bins that ensure clean recycled material was penalizing the Towns for doing environmentally proper actions. He noted the extra labor the Towns must employ to monitor the recycling bins. He stated the Supervisors are suggesting the extra charges to the Towns be included in the tipping fee so that all users are taking responsibility for recycling. He noted the Towns did not have the option of closing the transfer station. He suggested the County find a long-term plan or solution to the issue of the County never siting a landfill. He stated the County had refinancing when the long-term debt should be gone. He noted the County has been responding with Band-Aid approaches and recommended the County find long-term solutions to these short-term problems. He stated the current actions do not make sense for long-term solutions.

Resource Recovery Agency Executive Board Chair Smith concurred the towns did pay approximately 8% more than the private haulers but that did not make the whole difference. He stated it was the net service fee of close to \$21-22 million which the County paid which made the difference. He stated they offered the Towns the opportunity to sell their own recyclables. He noted only the MSW (solid waste) has to come to the Agency based on flow control. He stated it will cost \$300,000 or more per year to put the pulls and the rentals in the tipping fee. In response to questions from Chairman Bartels, Resource Recovery Agency Executive Director Rose stated it will be an estimated additional \$2-3 per ton on the tipping fee. Chairman Bartels stated she would like to know the amount for sure.

Resource Recovery Agency Executive Board Chair Smith noted another option would be the County doing the hauling by having the Department of Public Works responsible for hauling the MSW and recyclables to the Agency for the Towns. Chairman Bartels clarified this option would be the County taking over the responsibility, maintenance, and ownership of the hauling and box rental for all of the boxes. Chair Smith estimated the County's cost for labor and box ownership of approximately \$300,000-\$400,000.

Legislator Parete agreed under flow control there were different rates and it set the towns up for failure last year. He stated the County has been strict that users pay and that curbside pick-up should not have to pay for the Town transfer station activity. He noted the curbside pick-up users were hit with a 15% increase last year. He discussed the

County subsidizing the Towns. Chairman Bartels noted the prior committee discussions. Legislator Parete replied the committee knew about the Agency's need to distribute the cost of the new roll off to the municipalities back in February and March of 2014.

Chairman Parete stated he proudly voted against flow control. He noted the higher rates than the general public was the same as a net service fee or a hidden tax. He stated Chair Smith's idea may be a solution but indicated it was also a return to a net service fee. He stated flow control was poorly thought out and dropped on the Legislature. He noted the similar situation with the County park whereby individuals who do not use the County park do not have to pay and that only users pay for the park. Legislator Parete noted with flow control, part time visitors and second home owners do not pay currently but use to pay. He stated the NYC DEP, Verizon, CSX, and similar businesses do not contribute.

Legislator Greene noted every year, around budget time, the Agency reports to the County a calculation based on a formula. She noted her understanding of flow control was that the tipping fee would raise to ensure there would be no net service fee but that there still could be. She felt the \$2 per ton added to the \$103 was a small percentage but an important incentive to the Towns to keep their system working if they do not have to pay the box rental and pull fees. She stated this additional \$2 per ton was incentivizing recycling. Legislator Parete asked why an individual not using the transfer station would have to pay the increased fee. Legislator Greene stated those using haulers would have to pay based on what tipping fee private hauler pays. She noted those using a private hauler does not have to separate their garbage and has the convenience of having it picked up at the door. Legislator Parete stated those using the private haulers were hit with the 15% increase last year.

Legislator Greene noted the decision would be on either the \$103 or \$105 tipping fee. She stated the decision is also whether to apply any of the formula number to the budget and applied to the essentially thank the Towns for the high quality of service they provide. She noted the Towns are discussing ways to be more efficient such as coordinating the operations of the transfer stations and sharing user access to each others transfer stations.

Chairman Bartels clarified the Legislature can urge the Board to establish a tipping fee but that only the Agency can decide. She stated the Legislature's purview is to adopt policy to take over box ownership. She felt, in looking at the big picture, yes, these are band-aids but that she supported flow control as a piece of a larger picture including flow control of recycling and landfill. She felt the Committee and Agency should organize facility tours for the entire Legislature.

Chairman Bartels asked Chair Smith if it was the Board's recommendation that the County take over the box rental and hauling. Chair Smith replied it would be his personal recommendation and that he was not personally in favor of raising the tipping fee.

Legislator Parete stated it was ultimately the County's responsibility and if the Agency is short, the County writes the check. He stated it was important for the County to take over and suggested the Agency make that change to their budget.

Chairman Bartels asked if the Agency Board had met regarding this suggestion. Chair Smith stated they were meeting next week. Chairman Bartels felt the Committee would need the entire Board's mind set on this suggestion.

Legislator Greene asked if the County took over hauling what purpose the Agency would have, other than planning. She discussed the lack of funding for a landfill and the goal of efficient and cost effective solutions and was not in favor of taking over the box rentals and hauling. Legislator Parete concurred with Legislator Greene that the Agency is run efficiently and does a great job. He felt the issue was spending \$8 million every day to run trucks to Seneca Meadows landfill was all taxpayer dollars and if the County is paying the dollars, there would be a little more watch as to the cost of the private haulers. He reiterated taxpayers would spend the same amount and it was just about what pocket it was coming from.

Chairman Bartels stated she agreed with Legislator Greene in that putting the hauling and the ownership of the boxes to the County was fracturing the County further away from a whole system. She felt raising the tipping fee or establishing a net service fee are viable alternatives within the system.

Resource Recovery Agency Executive Director Rose highlighted the stakeholders of the system are the users of the system. He felt raising rates would need the full backing of the Legislature and the municipalities. He noted a phone call he received from an 89-year-old who is unable to use the transfer station and must use curbside pick-up. He stated the raising of rates hits these customers and noted it would hit the City of Kingston as they would go up from \$103 to \$105. He stated in the current draft budget, all municipalities were at \$103. He discussed the communities' reactions to last year's rate increase.

Legislator Greene asked if the draft budget could add the net service fee. Resource Recovery Agency Executive Director Rose stated they could add the fee and that the budget would be submitted to the County the 3rd or 4th week in September as specified in the contract language.

Chairman Bartels and Legislator Parete discussed the change in the net service fee over the last two years and it's impact. Resource Recovery Agency Executive Board Member Landi discussed the decreasing tipping fee experience of Oneida-Herkimer and Delaware Counties and the need for a County landfill.

Committee and guests discussed the creation of a landfill review committee that would include Legislators, the County Executive, Municipal Elected Leaders, Regional County Executives and Private Haulers. Chairman Bartels stated she would bring a proposed

committee to the next committee meeting and noted there may not be anything more important than this discussion. They discussed the experience of the 1998 committee and the change in requirements and technology on landfills as well as the need for the buy in of a host community.

Resource Recovery Agency Executive Board Member Landi highlighted there are six of the twenty towns in the County that have average incomes below the national poverty level and discussed the concern with cost associated with shipping the solid waste.

Resource Recovery Agency Executive Director Rose noted the Agency Board's next meeting was 5:00 PM on September 22, 2014.

Pilgrim Pipeline Update: Jennifer Metzger, Citizen's for Local Power

Chairman Bartels noted Ms. Metzger was unable to attend this meeting and circulated an issue paper on the topic. She stated Ms. Metzger would be at the next meeting.

Legislator Greene noted Bakken Crude is extremely toxic material. She noted this Committee discussed the safety concerns of the transportation of this material on the railroads and the barges and that this pipeline would run parallel to the Thruway. She stated the pipeline would not make the material any safer. She stated Ms. Metzger's research shows spill and explosion concerns. She stated this was not an expansion of existing pipe, like the Algonquin, but was brand new pipeline right through our community.

Chairman Bartels encouraged all to look at the issue paper before the next meeting.

Legislator Greene stated this was very early in the process.

MOTION NO. 4 To Take Resolutions Nos. 344 and 345 together for the purposes of discussion.

Motion Made By: Legislator Greene

Motion Seconded By: Legislator Wawro

Text of Motion: **Resolved to approve Resolution No. 344** - Setting A Public Hearing On Proposed Local Law No. 12 of 2014 (A Local Law Regulating The Use Of Polystyrene Foam Disposable Food Service Ware By Food Service Establishments In Ulster County) To Be Held On Tuesday, October 21, 2014 At 7:00 PM

Resolution No. 344 Summary: This Resolution accepts the submission of Proposed Local Law No. 12 of 2014 to the Ulster County Legislature and tables it pending the holding of a Public Hearing on Tuesday, October 21, 2014 at 7:00 PM in the Legislative Chambers, Ulster County Office Building, 244 Fair Street, Kingston, New York and directs the Clerk of the Ulster County Legislature to cause a legal notice of said Public Hearing to be published according to law.

Text of Motion: **Resolved to approve Resolution No. 345** - Setting A Public Hearing On Proposed Local Law No. 13 of 2014 (A Local Law Regulating The Use Of Polystyrene Foam Disposable Food Service Ware And Requiring The Use Of Biodegradable Or Compostable Food Service Ware By Chain Food Service Establishments In Ulster County) To Be Held On Tuesday, October 21, 2014 At 7:05 PM

Resolution No. 345 Summary: This Resolution accepts the submission of Proposed Local Law No. 13 of 2014 to the Ulster County Legislature and tables it pending the holding of a Public Hearing

on Tuesday, October 21, 2014 at 7:05 PM in the Legislative Chambers, Ulster County Office Building, 244 Fair Street, Kingston, New York and directs the Clerk of the Ulster County Legislature to cause a legal notice of said Public Hearing to be published according to law.

Discussion: Legislator Provenzano stated she found the information on the topic on the New York State Government site and that the Albany Local Law had passed. She stated the law would regulate Styrofoam in fast food establishments. She discussed the League of Women Voters actions and their position in past. She stated this law affects large establishments and she did not support it affecting local restaurants or hurting the “little guys”. She stated it cost \$25 for 1000 Styrofoam containers compared to the \$100 for 1000 bio degradable containers. She noted in all her research the cost was two times the cost or more. She stated she wanted a resolution to come to the committee and if the committee supported amendments, she would not oppose those amendments as the sponsor. She expressed concern with impacting local stores and highlighted the experience of the Albany law. She stated she hoped other restaurants would follow suit without mandating. In response to questioning from Legislator Parete, Legislator Provenzano stated she was seeking to work together with Chairman Bartels and gave her draft resolution to Chairman Bartels and Legislator Greene four months ago.

Chairman Bartels stated she received the Albany County local law and asked Legislator Provenzano not to submit it as she and Legislator Wawro had been working on something more comprehensive. She stated they all sat down and discussed possible changes. She stated there was a lot of research and more coming. She stated the cost shared by Legislator Provenzano was accurate if the law required biodegradable containers. She noted she and Legislator Wawro were making a conscious effort to allow other recyclable products. She discussed the environmental and health concerns with polystyrene products. She stated they did not want to focus on chain food establishments as there were not that many national chain food establishments in Ulster County. She stated she called them and learned the McDonald’s shareholders had already established a goal of no polystyrene products by 2015. She stated she would provide this research to the committee. She felt the improvements to the law would allow for a waiver due to financial need and was open to roll-out dates. She felt there was a lot to discuss regarding this law. She discussed her legal discussions with County Attorney Havranek and Legislative Counsel Weiner. She stated there was a change in Resolution #345 in

section 6, page 5 of the law, Enforcement Notice of Violations, “Commissioner of Health or designee shall have primary responsibility.”

Legislative Counsel Weiner stated the two local laws were different in scope while on the same subject matter. He stated #344 was broader in scope and that the 1/1/15 start date was coming up very soon. He stated the law would effect county events that may already have purchased items. He stated the permit part in section C was very broad and would include all Health Department permits which would apply to take out food from churches. He stated the \$300,000 amount listed in part 5, section B, could be challenged for being arbitrary. He stated there needed to be a rational basis for the numbers. He noted he checked with his Albany counterpart who confirmed there had been no challenges to their law. He noted it has been about a year for the Albany County law.

Chairman Bartels proposed postponing both resolutions for one month while the Committee gets the legal questions answered and any additional research. She suggested members discuss with their caucuses and get feedback prior to putting to a public hearing.

Legislator Greene clarified the \$300,000 figure was only in Resolution #344 and not #345. Chairman Bartels noted the \$300,000 was included to define financial hardship as a method to address the concern with hurting the little guy. She noted the availability of viable financial alternatives that were within a fraction of a penny and the ability in that resolution to apply for a waiver.

In response to Legislative Counsel Weiner’s inquiry, Chairman Bartels stated this would exclude egg cartons and meat trays as well as any food that is prepared offsite. She stated this covered prepared food only.

Legislator Provenzano stated she wanted to put in the resolution and then go back to include local restaurants. She stated she wrote the resolution four months ago and it has been set aside with discussions now centered on a completely new resolution. Legislator Provenzano and Legislator Parete discussed the process of the two resolutions being submitted.

Chairman Bartels stated she would like to hear questions and concerns regarding the resolutions and hash out at the next meeting.

Legislator Wawro suggested getting input from a Restaurant. Legislator Parete noted there is a local hotel, restaurant, and tavern association. Legislator Wawro noted all restaurants are very conscience of environmental concerns and may be already adopting policies voluntarily.

Legislator Provenzano asked if there were any legal concerns with her resolution. Legislative Counsel Weiner replied there were none. Legislator Provenzano noted her resolution was being held up for more information on a different resolution. Chairman Bartels stated they were being postponed for more information on the topic as a whole.

Legislator Parete noted the price difference on biodegradable and the other resolution did not support other options if they were cost effective. Legislator Provenzano stated she supported local restaurants. She noted the inside of paper cups was worse than Styrofoam.

Committee discussed compromise, the legislative process, and the communication of resolutions.

Legislator Wawro suggested finding local sources for the restaurant suppliers to determine the cost impacts.

Legislator Provenzano and Chairman Bartels discussed the sources of their local laws.

Legislators Greene and Provenzano discussed the League of Women Voters activities.

Disposition: No Action Taken

New Business: None

Old Business: Energy Improvement Corporation (EIC)

Chairman Bartels noted there was no resolution included in the packet this month as she was still calling each Legislator to ensure all questions are answered. She noted Ms. Kathy Nolan received a response from the State Comptroller. Legislative Counsel Weiner stated the State tax department would decide the impact as opined by County Attorney Havranek. Legislator Greene noted the general satisfaction with the Comptroller's statements in the frequently asked questions (FAQ) section of his website. Chairman Bartels noted the varying questions from hyper-specific to general concerns. She noted the Dutchess County Legislature was moving forward with this program. Legislative Counsel Weiner stated the County could write in it's own specific requirements into the law. Chairman Bartels requested Committee members to share any questions or concerns with her and Legislator Greene. She stated they hope to have a resolution in the packet shortly. She noted in following the same welcoming tax breaks such as Start-Up NY for new businesses, this program helps the existing small businesses.

Old Business: Climate Smart Committee

Legislator Greene stated she hopes to bring other municipal representatives from the existing climate smart task forces to their second meeting. She stated she hoped to encourage other towns to establish task forces. She noted the 40-60% recycling success was due to the sharing of information and ideas across municipalities. She noted with this climate crisis, the task forces learn from each other. She stated they still needed a business representative and received recommendations for Frank Fala and Patricia Courtney Strong. She stated the Committee should be making process. She stated

Department of the Environment Director LaValle provided a report to the Committee on the County's progress on Climate Smart initiatives since it took the pledge. She felt future recommendations for focused efforts would be based on the learnings from each other.

Chairman Bartels asked Legislator Greene to share the list of municipalities that have not taken the pledge with the Committee's goal of sharing this with the Legislators to help encourage Towns to take the pledge.

Legislator Greene noted representatives from municipalities can attend even if they did not establish a task force. She discussed the communication she had with the Woodstock representative. She stated she would have the Climate Smart Committee weigh in on the fleet discussion.

Old Business: Catskill Watershed Corporation (CWC) - Watershed Hydro-Vac Truck

Chairman Bartels stated she spoke with Deputy County Executive Sudlow and left a message for him to come to this meeting.

Legislator Parete thanked Chairman Bartels for following up on this issue. He stated he had an email from the CWC which they reached out to Deputy County Executive Sudlow as well as an email from Deputy County Executive Sudlow indicating that due to the new MS4 regulations the County plans to continue to use the equipment in the New Paltz area. He stated the Town of Olive paid a private contractor to perform the service. He felt the County would suffer from the loss of good will with the CWC. He stated he would ask the Energy and Environment and Public Works and Capital Project Committees to give the machine back to the CWC so that the CWC can give it to a Watershed town.

TB stated she would like to have Deputy County Executive Sudlow at the next meeting.

Legislator Parete stated he would like to have a vote on a resolution by next month. He stated the CWC requested a 2011-2013 audit of use and found 23% of the time was within a watershed community and now there is no watershed community use. Chairman Bartels stated she would like to know how it is determined where the machine is going to be used. When asked if this was asked of Department of Public Works Commissioner Sheeley, Legislator Parete stated all communications to DPW are now being referred to Deputy County Executive Sudlow. Legislator Greene noted in the contract there was a very specific ranking of where the equipment was to be used. Chairman Bartels noted the argument is that the contract has expired. She noted the expiration of the contract versus the spirit of the contract. Legislator Parete reiterated the equipment should be returned if the County will not be adhering to the contract. Chairman Bartels asked if there was every a renewal to the contract as the contract stated it could be renewed for five years. Legislator Parete stated he would follow-up on this question with the CWC. He felt there would be other good projects in Ulster County that would not be funded and would

impact more than just the County. He stated there were Ulster County people at the meeting all the time seeking funding for small businesses, residential septics, and more. Chairman Bartels stated she would attempt to reach out to Deputy County Executive Sudlow again.

Old Business: MEGA Energy Credits

Legislator Parete asked if Chairman Bartels had heard back from the County Executive's office on this Committee request for electricity cost savings from this program. Chairman Bartels stated she hadn't yet contacted the office but would for the next month. Legislator Parete discussed the follow-up communication of committee requests.

Old Business: Emerald Ash Borer

Chairman Bartels noted this was discussed earlier.

Adjournment

Motion Made By: Legislator Greene
Motion Seconded By: Legislator Richard Parete
No. of Votes in Favor: 4
No. of Votes Against: 0

TIME: 9:22 PM

Dated the 30th day of September, 2014

Krista J. Barringer, Deputy Clerk

Minutes Approved on: October 8, 2014