

Energy & Environment Committee

Regular Meeting Minutes

DATE & TIME: December 8, 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, John Parete, Kenneth Ronk, and Mary Wawro (6:35PM)

EXCUSED: Legislator Richard Parete

QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislator Carl Belfiglio, Resource Recovery Agency Executive Director Tim Rose, Resource Recovery Agency Executive Board Member Charlie Landi, Resource Recovery Agency Executive Board Chair Leon Smith, Lower Esopus Watershed Partnership Education and Outreach Coordinator Mary McNamara, League of Women Voters of the Mid Hudson Valley Representative Vic Melville, Citizens for Local Power Representative Jennifer Metzger, Catskill Mountainkeeper Energy & Climate Program Manager Betta Broad, and American Alternative Fuel President Matthew Sgambettera

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

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

Ms. Metzger distributed background material. She reported the following communities have passed resolutions in opposition to the Pilgrim Pipeline project: Town of Rosendale, Town of New Paltz, Village of New Paltz, Town of Rochester (supporting Citizen's for Local Powers efforts), and Town of Marbletown. She noted in New Jersey, seventeen (17) cities and towns had passed resolutions in opposition to the pipeline project. She discussed other New York and New Jersey efforts to oppose the project and requested the Ulster County Legislature join in passing a resolution in opposition, which would communicate and impact the decisions of State and National leaders.

Ms. Metzger discussed the local residents concerns, which initiated this opposition. She stated as a Town of Rosendale Councilwoman, she was contacted by a resident who had received a communication from the Pilgrim Pipeline Company to survey their property. She noted the letter was presented in a way that made them feel they had no rights to oppose the survey. She stated through her own research and communication with the Town Attorney, she learned the company had no right to enter the property if the property owner refused.

She highlighted the misleading information the company was pressing on property owners. She noted the company was established for the purpose of constructing a pipeline. She discussed the stakeholders and their involvement with other pipeline companies.

Ms. Metzger noted the proposal is for two pipelines – one for Bakken crude that will run from Albany to Lindon, New Jersey where the refinery is located and the other pipeline would carry refined product such as gasoline and home heating oil made from the crude, which would run through the Ulster County Towns of Esopus, Hurley, Lloyd, New Paltz, Plattekill, Rosendale, Saugerties, Ulster and the City of Kingston. She stated the pipeline company is seeking permission to use the Thruway right-of-way for most of the centerline of the pipeline. She noted in Rosendale, the pipeline veers off the right-of-way and traverses private property. She stated she would email the committee a link to the pipeline maps.

Ms. Metzger discussed the Bakken Shale boom of late and increased amount of rail cars transporting the crude. She noted the volatile state of crude oil and the need for the Federal Pipeline Safety and Hazardous Materials Commission issuing a warning to communities.

Ms. Metzger discussed the company's claims and her research regarding safer transportation of crude oil, gasoline and other flammable products, the pipeline replacing the train and barge transportation methods for crude oil, the exporting of crude oil to foreign and domestic markets, the addition of capacity in the transportation system, the statistics of pipeline leaks, and the secure supply and resiliency of energy generation.

Legislator Belfiglio asked if property owners were being offered payments for easements on their properties. Ms. Metzger stated the process was not to that stage. She noted the process includes preliminary surveys and then a formal process which included a change in policy to allow the Thruway to grant right-of-way access. She noted this process can be stopped as it would be the first crude oil pipeline in New York State and that FERC does not regulate the construction of pipelines.

Chairman Bartels asked if they received approval for the right-of-way, would they still need approval for the easements on private property. Ms. Metzger discussed the eminent domain process and the company's need to be certified by a higher authority to be recognized as a public utility corporation.

Chairman Bartels requested to see a copy of the company's letter to residents. Ms. Metzger stated she would provide it and noted the letters indicated their request was just a curtesy, as they "must do the surveys".

Legislators Greene, Ronk and Chairman Bartels discussed the process for introducing a resolution in opposition to the pipeline.

Legislator Belfiglio asked if there were maps of the proposed path as the maps he viewed online were Town specific but did not show the entire pipeline. Ms. Metzger noted this was how the maps were presented. She indicated the Department of Transportation would to approve the right-of-way.

Legislative Chairman Parete inquired as to the pumping stations. Ms. Metzger concurred there would be a need for a lot of other equipment and was not currently indicated on the maps provided by the company. She noted the pipeline will travel under various water bodies, rivers, and creeks. She reported the company told property owners that they would need to survey within 500 feet of the center line. She noted the depth of the pipeline was unknown. She indicated the proposed pipeline crosses the Thruway and disruptions would be expected, if construction occurs.

Legislator Greene discussed the United States export impact on Saudi Arabian prices and the possible impact on these types of projects.

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

Motion Made By: Legislator Greene

Motion Seconded By: Legislator Wawro

Discussion:

Legislator Greene noted on page 4, third paragraph, the wording to indicate setting up charging stations and change ethol to ethanol.

Legislator Greene corrected the spelling of Mark Lowery's name and indicated she would provide the last name for Dazzle.

Chairman Bartels noted Legislative Chairman's Parete's thoughts on flow control should indicate that he felt flow control was not well thought out.

Chairman Bartels noted on page seven the dates were now "irrelevant" instead of "irreverent".

Roll Call Vote: No

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

Voting In Abstention: Legislator Ronk

Voting Against: None

No. of Votes in Favor: 4

No. of Votes in Abstention: 1

No. of Votes Against: 0

Disposition: Carried

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

Resource Recovery Agency Executive Director Rose stated the agency's finances look good and that they were on target with projects. He discussed the tour to the Dutchess County Waste Energy Plant.

Legislator Ronk noted a concern from the Town of Shawangunk regarding the transfer stations and that the Association of Town Supervisors and Mayors does not necessarily speak for all Town Supervisors. He suggested the Agency speak with each individual Supervisor directly. Resource Recovery Agency Executive Director Rose clarified the request that they hold a meeting with the RRA with all Supervisors instead of at the Association meetings. Legislative Chairman Parete praised the Agency's efforts in seeking compromise in the budget process. Resource Recovery Agency Executive Director Rose spoke about the communication methods to all municipal leaders. He stated he would take into consideration this request for future issues.

Resource Recovery Agency Executive Director Rose spoke of the self-sufficiency goal of town services and that 80% of the services are no longer being subsidized. He discussed the Agency's goal of treating all users the same.

Resource Recovery Agency Executive Director Rose stated he provided a rate spreadsheet with a breakdown for Towns to Legislator Greene and would email the spreadsheet to Deputy Clerk Barringer for distribution to the members and Legislator Belfiglio.

Legislator Greene spoke of the compromise with the Town Supervisors and the movement forward for big decisions that are coming up.

Resource Recovery Agency Executive Director Rose noted that for 85% of the users it is the same rate for the second year at \$103 per ton.

Legislator Ronk applauded Resource Recovery Agency Executive Director Rose and the RRA Board on their compromise with the Towns and Resource Recovery Agency Executive Director Rose credited Resource Recovery Agency Executive Board Chair Smith.

Old Business: Solid Waste Disposal Improvement Commission – Update

Chairman Bartels noted letters were sent to all licensed haulers and the recycling reuse community. She indicated the Committee would be seeking recommendations for appointment. She discussed those that have agreed to serve.

Legislator Belfiglio inquired into photos from the last tour. Chairman Bartels discussed the information learned and to be gained from additional tours of facilities.

Resource Recovery Agency Executive Board Chair Smith noted the Board meeting for December would be held at 3:00 PM instead of 5:00 and they would be providing food for staff after the meeting. He invited all to attend.

Resource Recovery Agency Executive Director Rose noted there has been no communication yet from the New York State Department of Environmental Conservation regarding the 10 year Solid Waste Management Plan. He noted this 10-year plan has been in waiting for three years.

American Alternative Fuel: Matthew Sgambettera, President

Mr. Sgambettera provided handouts of his proposed alternative fuel initiative and reviewed the environmental benefits. He discussed his prior communications with Sheriff Van Blarcum regarding the proposed initiative. He noted he has worked with the City of Yonkers on a 20-unit pilot program. He stated the Ulster County pilot would be a 5 unit pilot to convert existing units to operate on propane. He stated there would be no change in the vehicle operation. He stated if propane runs out, the engine converts to gasoline. He stated the economic benefit was that propane is cheaper than gas and is currently under \$1.20 per gallon. He noted the environmental benefit would be a reduction to greenhouse gases in the fleet with just a switch in fuel. He stated the existing pilot was looking at the prisoner transport vehicles. He noted the estimated reduction of greenhouse gas emissions is 7,153 lbs per vehicle per year. He stated the data is obtained through an EPA certification on the vehicle. He stated the emission standard must be met or exceeded across the board on the emissions. He discussed the upstream emissions comparison of fuel vehicles.

Legislator Greene noted the natural gas upstream comparison did not include methane gas leaks and with the electricity upstream, it would depend on the method of generation of electricity. She noted solar power will change the upstream data. Mr. Sgambettera noted a new initiative for integrating solar panels to power the auxiliary systems of the vehicle and not necessarily the whole vehicle. Chairman Bartels noted the County's initiative to install solar powered charging stations for electric vehicle and the impact on the upstream data.

Mr. Sgambettera stated there were limitations on what electric vehicles are available. He noted electric vehicles are small and lighter versus what the Sheriff's department needs. He discussed the new vehicles coming out, propane uses and some vehicles uses. He discussed the Yonkers pilot program which is for 20 units out of a 750 vehicle fleet. He noted this included 4 large parks and recreation trucks, 4 16-passenger vans, 5 impalas, and 10 high use Jeep Patriots.

Chairman Bartels inquired on the Ulster County proposal being all vans. She noted it was five vans and all for prison transport. She asked if this should include other vehicle. Legislative Chairman Parete discussed the process of developing the pilot. Chairman Bartels suggested the County look at several different types of cars.

Mr. Sgambettera noted the Sheriff's focus on vehicles with a consistency of mileage and that do the same routes. He noted the target of an apples to apples comparison. He noted with presenting this new idea to the department's administrative group, it was agreed the conversion of vans was easier. He noted they agreed it would not be changing the patrol car but rather selecting an auxiliary vehicle. He discussed the process of introducing the pilot to the Sheriff's staff. He noted each van completes over 30,000 miles per van annually. He noted one van, the courthouse van, runs locally only and may not be included. Legislative Chairman Parete noted the data indicated the van would provide a typical payback of two years. He noted with the conversion, the miles per gallon of the current vehicle would be 9-10 miles.

Legislator Greene noted there would be no dip in the miles per gallon. Mr. Sgambettera stated the benefit would be that all emissions decrease and there would be a direct cost benefit. In discussing a conversion pilot done for UPS, he noted for 750 UPS trucks they were able to reduce carbon footprints of 11,000 lbs per year for each truck.

In response to questioning from Chairman Bartels, Mr. Sgambettera noted the Parco Propane Company would install and manage the fueling station. He discussed the options for purchasing the fuel and leasing the equipment. Legislative Chairman Parete noted they have fueling station locations in other counties.

Legislative Chairman Parete discussed why propane was selected for the pilot and not compressed natural gas. Mr. Sgambettera discussed the need to install the Compressed Natural Gas fuel tank would limit the usability of the Sheriff's vehicles and the storage capacity to make the vehicle workable.

Legislative Chairman Parete and Mr. Sgambettera noted the conversion equipment is universal and can be transferred to other vehicles. Mr. Sgambettera indicated some equipment have had four life cycles.

Motion No. 2 Approve Resolution No. 314 – November 18, 2014

Motion Made By: Legislator Bartels

Motion Seconded By: Legislator Ronk

Text of Motion: Approve the Approval of Resolution No. 314 to the next Energy and Environment Committee meeting - 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:

Legislator Ronk noted Mr. Sgambettera provided a great presentation and felt the Legislature needed to move on and set the policy. He noted the Executive's input on the proper way for establishing the policy and that the Sheriff is on board with the pilot.

Chairman Bartels noted the distribution and discussed the of the Dobbs Ferry and Ann Arbor policies. She indicated her satisfaction in the fact that this Resolution has a stated goal. She noted the Executive's response letter with policy recommendation rationale. She felt the Legislative Chairman's resolution had a good incentive to move forward with the policy on paper. She questioned the Legislative's authority in setting a pilot to determine the use in other department vehicles, such as the Department of Public Works.

Legislative Chairman Parete stated the Sheriff could still do the pilot if the money is returned to the budget or funds.

Chairman Bartels felt a green fleet policy is what was needed and required research. She noted the "Charlie Busick Take Home Vehicle Policy" and questioned if there was authority on the green fleet policy. Legislative Chairman Parete stated everything was cumulative and that the County needed to start somewhere.

Legislator Greene felt setting policy involved working with entities such as the Department of the Environment and Climate Smart Committee. She felt these entities should check the research of the costs and emissions on the pilot. She felt the resolution felt more like a pilot than a policy.

Legislator Wawro asked about the possibility of including the Department of Social Services vehicles. Legislator Ronk replied that would be trickier as the State provided the reimbursement on the vehicles.

Legislative Chairman Parete stated it was the Legislature's role to develop the policy and then drag operations along. He noted the Legislature did not need permission to set policy. He stated the Legislature could wipe out the pilot if they did not ultimately want it. Legislator Ronk noted the distinction between pilot and policies. He noted the steps to do the pilot and then develop a comprehensive, countywide policy.

Chairman Bartels stated she would like time to verify the upstream environmental impact of Liquid Petroleum Gas, time to talk to the Sheriff regarding a larger pilot, time to think about answers of the upstream impact issue, and the review of existing comprehensive policies.

Mr. Sgambettera discussed the EPA certified emission testing that is completed on each converted vehicle.

Legislator Ronk suggested before setting goal, it should be done upon successful completion of the pilot. He discussed the setting of a benchmark based on feedback from the pilot. Legislative Chairman Parete noted this pilot was not earth shaking and does not need to be in the Legislature this month.

Chairman Bartels agreed the Committee needed one additional month and agreed to take with the Sheriff about other possible vehicles and if it would make sense for other departments.

Legislator Greene recommended amending the title to separate it into “setting a policy for creating a green fleet policy for a green fleet and establishing a green fleet pilot”. Legislator Ronk noted the change to title would not match what the Resolution contents. Legislator Greene felt the pilot would be more agreeable if a green fleet policy with phase in of energy efficient vehicles was adopted as well.

Chairman Bartels requested the Committee focus on the Dobbs Ferry template and Ann Arbor green fleet policies as homework. She noted her meeting with the County’s Fleet Manager.

Legislative Chairman Parete requested the Committee move forward with something specific in one month.

Chairman Bartels requested a motion to delete the final two whereas, and to amend the final WHEREAS to read “requested funding for a pilot program” and “RESOLVED, the Energy and Environment Committee intends to craft a sustainable green fleet policy” and “further RESOLVED, that a pilot program is hereby established to convert 5 vehicles to LPG.” Chairman Bartels noted the need to move the funding from contingency. Legislator Greene offered a friendly amendment to include “a sustainable green fleet policy which includes specific goals.” Legislator Greene and Chairman Bartels suggested a financial impact of \$25,000. Legislative Chairman Parete noted the transfer of funding to run the pilot could be done after the program is established. **Legislator Ronk made the motion to amend, which was seconded by Legislator Greene.** Chairman Bartels clarified the title was amended to read, “Establishing a pilot project for alternative fuel and committing to creating a green fleet policy”. **Legislator Ronk made the motion to amend, which was seconded by Legislator Greene.** With all in favor, the motion to amend the Resolution was carried.

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

Chairman Bartels stated she would schedule a meeting in January to get this done.

Motion No. 3 Approval of Draft Local Law Nos. 12 & 13

Text of Motion: **Resolved to Approve Draft Local Law No. 12** - A Local Law Regulating The Use Of Polystyrene Foam Disposable Food Service Ware By Food Service Establishments In Ulster County

Text of Motion: **Resolved to Approval Draft Local Law No. 13** - 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

Discussion:

In regards to Local Law No. 12, Chairman Bartels noted there were proposed amendments and indicated the sponsors felt there would be a benefit in hearing from the public. She noted this Local Law is more inclusive than the County of Albany’s law, which Local Law No. 13 was based on. She spoke of the corporate fast food industry’s voluntary goal to eliminate polystyrene use. She spoke of the price structure for various products.

Chairman Bartels requested a motion to amend the Local Law with the following changes:

- Intent & Findings – Definitions (pg. 2) – Delete Biodegradable.
- Intent & Findings – Definitions (pg. 2) – Delete Compostable.
- Section 4 – Prohibition on the Use of Polystyrene in Food Service Ware – Change dates to include a roll-out beginning with Chain Restaurants and County Purchases taking effect six (6) months after adoption and one (1) year after adoption for Food Service Establishments.
- Section 9 - Effective Dates – Upon Filing the Local Law with the Secretary of State - Chain Restaurants and County Purchases taking effect six (6) months and one (1) year after adoption for Food Service Establishments.

Legislative Chairman Parete asked about the notice to the establishments of the proposed local law. Committee discussed the Department of Health role in permitting and annual facility inspections. Legislator Greene offered a friendly amendment to the motion:

- Under enforcement and notification of violation – Commissioner of Health or designee have responsibility for notification and enforcement of this local law.

Legislator Greene motioned to accept the amendments and Legislator Wawro seconded. With all in favor the amendments were carried.

Committee discussed possible dates for the public hearing.

Roll Call Vote: No

Voting In Favor As Amended : Legislators Bartels, Greene, John Parete, Ronk, and Wawro

Voting Against As Amended: None

No. of Votes in Favor: 5

No. of Votes Against: 0

Disposition: Carried, As Amended

Motion to Postpone Request to Approve Draft Local Law No. 13 Indefinitely Made By: Legislator Ronk

Motion to Postpone Request to Approve Draft Local Law No. 13 Indefinitely Made Seconded By: Legislator Wawro

Roll Call Vote: No

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

Voting Against: None

No. of Votes in Favor: 5

No. of Votes Against: 0

Disposition: Resolution Postponed Indefinitely

Motion No. 4 Resolution No. 457 – December 17, 2014

Text of Motion: **Resolved to approve Resolution No. 457-** Confirming Reappointment Of Member To The Ulster County Resource Recovery Agency

Motion Made By: Legislator Ronk

Motion Seconded By: Legislator Wawro

Resolution No. 457 Summary: With this Resolution, the Ulster County Legislature confirms the reappointment of Catherine A. Nilsen of Saugerties as a member of the Ulster County Resource Recovery Agency.

Discussion:

Legislator Ronk stated, on behalf of the Republican Caucus, he thanked the Legislative Chairman on giving his word when the last appointment to the RRA unjustly took away the minority appointment. He noted the Chairman's promise that he kept his word. He stated Ms. Nolan is doing a good job there and that Resource Recovery Agency Executive Board Chair Smith has indicated she works well on the Board. He stated the Caucus was pleased to bring this resolution forward.

Chairman Bartels stated her comments on this resolution had noting to do with Ms. Nolan. She respectfully disagreed with Legislator Ronk and stated her belief was that the last two appointments were correctly majority appointments. She believed the last three appointments had been completed by the sitting minority. She noted this is recommendation from the Legislative Chairman to the Legislature. She noted her desire to be consistent to

her belief on these appointments. She stated she would like to reach a way and an ideal of how to make majority and minority appointments in the future. She suggested having them vetted through the Committee and did not know if there were other applicants. She stated she would have to vote no on this appointment.

Legislator Greene placed the responsibility of this ongoing dilemma because of a poorly crafted local law. She noted Ms. Nolan's valuable contribution but also felt she needed to vote no.

Committee reviewed rule #10 of the Rules of Order to confirm the Legislative Chairman only changes the quorum if the full membership is in attendance.

Legislative Chairman Parete stated consistency was the goal and strongly felt this was a minority appointment as the Chairman felt the prior appointment was a minority appointment. He felt ultimately the appointments should be about looking for good folks willing to serve and get past the Democrat and Republican categories.

Roll Call Vote:	No
Voting In Favor:	Legislators John Parete, Ronk and Wawro
Voting Against:	Legislators Bartels and Greene
No. of Votes in Favor:	3
No. of Votes Against:	2
Disposition:	Carried

New Business: None

Old Business: Climate Smart Committee - Update

Legislator Greene stated she would send a report to the Energy and Environment Committee and the Climate Smart Committee. She noted the Committee met with Department of the Environment Director LaValle and a representative from the Mid Hudson Climate Smart Communities. She highlighted an interaction at the Public Works and Capital Projects Committee meeting and noted Legislator Loughran's recommendation that the Department of Public Works report the Energy and Environment Committee on specific topics related to energy and environmental issues. She noted his suggestion focused on updates and progress reports in regards to the County's energy audit and progress on energy retrofits or solar projects. She applauded the Department of Environment's processing the information from the energy audit and energy impacts from the projects. She noted the Climate Smart Committee has received Town reports and that the Committee has a commitment to get things done and make program recommendations.

Old Business: Emerald Ash Borer

Chairman Bartels discussed postponing this topic discussion to February.

Old Business: Recycling Oversight Committee

Chairman Bartels discussed her desire to re-establish the Recycling Oversight Committee. She stated she was seeking suggestions and recommendations for discussion in the beginning of the year. She stated she would have Deputy Clerk Barringer distribute the Committee description to the Committee.

Old Business: Niagara Bottling Company

Chairman Bartels provided Ms. Mary McNamara time to speak to the Committee. Ms. McNamara stated she was from the Esopus Creek Conservancy. She noted the proposal for a private company to purchase water from a public water supply. She reported the finding of a positive declaration as part of the SEQRA process. She noted as part of the schedule for this proposal, there is a January 22nd public hearing and a final draft EIS submission on February 22nd. She suggested placing this as an agenda item for next month.

Ms. McNamara noted this was an intermunicipal and possible intercounty project. She expressed concerns as to the scale of the project and appreciated the Committee's prior support on the Lower Esopus issues. She noted this project would be building on the shores of the Lower Esopus. She stated this would be an industrial use on a stream that is just recovering. She noted the 25% of current use being recommended for this project. She stated the City of Kingston's Cooper Lake Reservoir located in the Town of Woodstock is 99% fed by the Beaverkill, which is in the Upper Esopus. She noted about fifteen (15) different organizations have joined to advocate for a smart process in reviewing and studying this project. In response to questioning from Legislative Chairman Parete, she noted Cooper Lake is located within the Sawkill/Lower Esopus watershed but that the water that fills the Cooper Lake Reservoir comes from the Ashokan or the Upper Esopus. She noted the water is diverted from the Beaverkill/Mink Hollow Brook through a weir that is connected to a pipe that carries the water a short distance to Cooper Lake. She noted this was built in 1927 and there is a minimum flow requirement.

Adjournment

Motion Made By: Legislator Ronk
Motion Seconded By: Legislator Greene
No. of Votes in Favor: 5
No. of Votes Against: 0

TIME: 9:29 PM
Dated the 3rd day of February 2015
Krista J. Barringer, Deputy Clerk
Minutes Approved on: March 4, 2015