

NAME OF COMMITTEE: Environmental Committee

DATE: February 18, 2009

TIME: 6:00 PM

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

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

LEGISLATORS ABSENT: Legislator Richard Parete

OTHERS PRESENT: Daniel Heppner, Esq., Counsel to the Legislature
Amanda LaValle, Coordinator, Dept. of Environment
David Gross, Woodstock Environment Commission
Michael Bemis, UC Resource Recovery Agency
Victor J. Melville, LWV - Observer Corp.
Pete Robbins, Citizen

Chairman Shapiro called the meeting to order at 6:02 PM.

A proposed local law to establish a plastic bag fee in Ulster County was distributed to all present (Committee members were emailed/mailed copies 10 days prior to meeting).

Chairman Shapiro introduced David Gross, Woodstock Environmental Commission, who worked with Legislator Bischoff and other members of the Subcommittee during the past 6 months and were instrumental in drafting the proposed local law.

Discussions encompassed the following issues concerning the proposed local law:

- Definition of small businesses & how the number of employees was determined
[Section 3. Definitions. Small Business. Any retail establishment that sells food or merchandise directly to customers and employs no more than 10 full-time (or full-time equivalent) employees.]
- Whether or not the square footage of store should be considered
- Should there be a ban or a fee imposed on plastic bags
- Concerns of financial impact on consumers and possible hardships
- Mandated fee will go to retailer
- Enforcement of proposed local law and where the responsibility should fall
- Goal is to reduce the number of bags being circulated and their disposal
- Concept of a variance
- Certain stores currently don't provide packaging to consumer

Amanda LaValle stated that effective January 1, 2009, there are new State regulations based on square footage of stores requiring the recycling of plastic bags.

Chairman Shapiro emphasized that there should be several more discussions regarding the proposed local law which should include involved parties i.e. Commissioner of Health or Public Health Director.

Legislator Bischoff stated that he believes the employee (or equivalent) should remain at 10 (see Definition) and see what a public hearing brings. He also mentioned that David Gross, Woodstock Environmental Committee presented a slideshow to the Subcommittee. (Ireland was used as a model where plastic bag usage fell 94%).

Michael Bemis was asked for information regarding the overall cost of recycling. When Orange County was considering a similar local law, he referred them to a broker in Canada. He added that large box stores already have some recycling efforts: cardboard, bottles, etc.

Daniel Heppner, Esq., Counsel to Legislature: He provided research from Lexis Nexis which produced a case against Suffolk County. He offered to provide copies of the case to anyone interested. He cautioned the committee to be sure that SEQRA requirements be taken into account. He asked the origin of the proposed local law. He will review the draft and offered that the variance should be removed. There should be equal protection under the law. Going forward, he believes that opinions from officials involved become part of the record.

There was a brief discussion about SEQRA. Going forward there will need to be a determination of whether or not this would be a listed or unlisted action.

Legislator Bischoff offered that the Subcommittee had addressed reaching out to local businesses. They have also had discussions about campaigns for cloth bags and who would and wouldn't be supportive of the project. Large businesses wouldn't be the concern.

Chairman Shapiro suggested a special meeting of the committee and urged participation of all members of the Subcommittee so that everyone is aware of what has taken place and what courses of action will be forthcoming.

A Special Committee Meeting was set for Tuesday, March 3, 2009 at 5:00 PM in the Library Conference Room. Chairman Shapiro wishes all stakeholders to be present. He thanked David Gross, Legislator Bischoff and the other members of the Subcommittee for their hard work.

Chairman Shapiro: At the Ulster County Soil & Water meeting, they resolved to appoint Fred Van Nostrand as the Ulster County government representative to the Lower Hudson - Long Island Resource Conservation & Development Council, Inc. The Resource Conservation and Development Program is a national program that helps communities improve their economies through wise use and prudent development of natural resources. Through this program, communities can, for example, receive funding to improve parks, attract new agricultural and forest related industries, stabilize stream banks, drain school and municipal athletic fields, repair bridges, and identify water supplies for firefighting purposes.

Legislator Rodriguez motioned, seconded by Legislator Fabiano.

Resolution approved 6 -0. (Add Legislator Zimet to the sponsorship).

Amanda LaValle, Coordinator, Department of Environment provided updates on the following issues:

- County's Stormwater efforts and compliance. MS4 regulations are complicated and DEC has annual reporting changes. They will be setting up outreach seminars for the towns to aid in the process.
- Open Space Partnership - there has been a full meeting for discussion of implementing the plan. The Open Space Plan was adopted in part for recognition of the importance of preserving open spaces, protecting wildlife and creating new recreational opportunities. (The Partnership shall focus its activities on those responsibilities contained in the Open Space Plan and recommend policy and funding actions to the appropriate legislative committees). Ms. LaValle said the stakeholders have discussed priority acquisitions areas and conservation areas and they would be working on an update to examine an overlap of priorities.

Legislator Rodriguez commented on the long standing issues involving various environmental groups who buy land and the use thereafter. He further mentioned the financial implications to taxpayers depending on the location of the land acquisitions in the County.

- County's Energy Policy - there has been a joint meeting with representatives from Purchasing, Information Services and Building and Grounds to start looking at the implementation of the policy which was adopted in December. The Policy and the Guide Book are available on the County website. Ms. LaValle also offered information from other counties who have instituted an energy policy.

The goal is to achieve a 10% reduction in energy usage over a five year period.

There was a brief discussion of proposed projects and the payback period for the implementation.

Michael Bemis, Ulster County Resource Recovery Agency provided an update regarding:

- 2008 fiscal year has ended. Submitted Treasurer's Report to Chairman Shapiro.
- Discussed decline in recyclables and the issues facing haulers due to the economy.
- New Project - They have been working with one residential neighbor, Bridge Authority and NYSDOT to develop a plan to shield the visible RRA buildings at 209 and the Kingston/Rhinecliff Bridge. In obtaining RFP's for the plan, their goal was to utilize Ulster County companies. They hope to have plans within two months.
- Capital Improvement Projects - safety items

Legislator Rodriguez discussed a Town of New Paltz Transfer Station issue with Michael Bemis.

Chairman Shapiro asked for the committee's consent to send a letter to NYSDEC Commissioner Grannis regarding the Beaverkill Trout Hatchery in Livingston Manor. The

hatchery is being financially impacted by inability to sell in NYS. All in favor. Copy of Sullivan County Legislature's letter regarding this matter distributed to committee.

New business:

Amanda LaValle, DOE:

Her department is working with Buildings and Grounds on a facelift to recycling in County buildings with new containers and signage. Hopes to encourage employee awareness.

Legislator Fabiano motioned, seconded by Legislator Rodriguez to adjourn. All in favor.

Meeting adjourned at 7:18 PM.

Respectfully submitted,

Karen L. Binder, Deputy Clerk
Ulster County Legislature