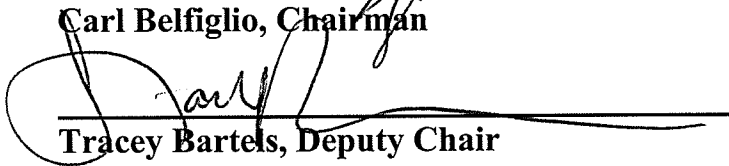


**Minutes Sign Off Sheet For:
June 7, 2012 Meeting**

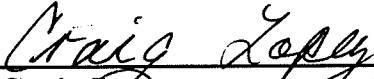
Environmental Energy & Technology Committee:



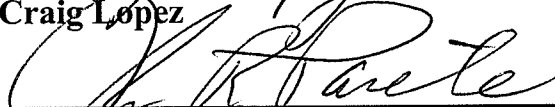
Carl Belfiglio, Chairman



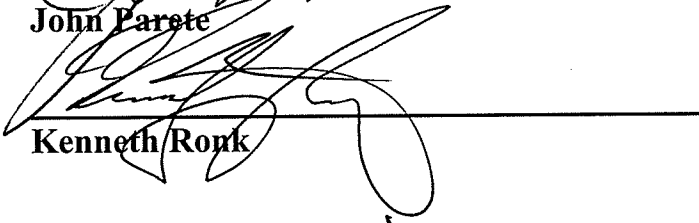
Tracey Bartels, Deputy Chair



Craig Lopez

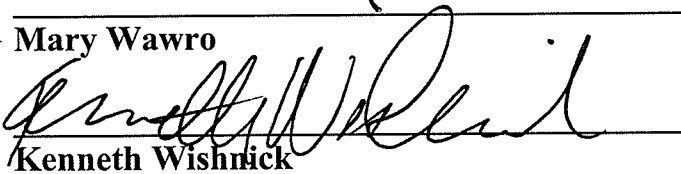


John Parete



Kenneth/Ronk

Mary Wawro



Kenneth Wishnick

Today's Date: July 5, 2012

Environmental Energy & Technology Committee

Regular Meeting Minutes

DATE & TIME: June 7, 2012 / 5:45 PM
LOCATION: Library Conference Room, 6th Floor, COB, Kingston, NY
PRESIDING OFFICER: Carl Belfiglio, Chairman
LEGISLATIVE STAFF: Fawn Tantillo
PRESENT: Legislators Tracey Bartels, Craig Lopez, Mary Wawro, Ken Wishnick, John Parete (5:48), Ken Ronk, Jr. (5:50), Bernardo.
ABSENT: None
QUORUM PRESENT: Yes
OTHER ATTENDEES: Langdon Chapman, Esq., Legislative Counsel, Franklin Reggero, Legislative Financial Analyst, Tim Rose, UCRRA Executive Director, Dennis Doyle, Director of Ulster County Planning, Kathy Nolan, Catskill Mountainkeeper, Steve Noble, Ulster County Environmental Management Counsel, Vic Melville, League of Women Voters, Emilie Hauser, League of Women Voters, Joan Walker-Wasylyk, Frack Free Catskills, Sue Rosenberg, Frack Free Catskills

- Chairman Belfiglio called the meeting to order at 5:46 PM.
- All members in attendance. (John Parete (5:48), Ken Ronk, Jr. (5:50))

MOTIONS:

MOTION NO. 1

RESOLVED To Approve the Minutes of May 3, 2012

MOTION MADE BY: Legislator Bartles
MOTION SECONDED BY: Legislator Wawro
ROLL CALL VOTE: No
VOTING IN FAVOR: Belfiglio, Bartels, Lopez, John Parete, Ronk, Wawro, Wishnick
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 7
NO. OF VOTES AGAINST: 0
DISPOSITION: Passed

Ulster County Environmental Management Committee Discussion:

Chairman Carl Belfiglio introduced Steve Noble, Chairman of the Ulster County Environmental Management Committee (UCEMC) who provided a copy of the UCEMC's 2011 Annual Report. Noble described his all volunteer committee meets monthly and is made up of members from 16 local municipalities Environmental Committees. He explained the roll of the UCEMC is to advise the Legislature about environmental issues, provide a networking and information about grant opportunity for local EMC's.

Chairman Belfiglio expressed his appreciation.

MOTION NO. 2
TEXT OF MOTION:

Resolution No. 130
Authorizing The Chairman Of The Ulster County Legislature To Amend The Contract For Audit Services To Execute An Engagement Letter To Authorize The County's External Independent Certified Auditor To Issue A Consent Letter For The Proposed Ulster County Resource Recovery Agency's 2012 Solid Waste System Revenue Refunding Bond

Tim Rose, Executive Director of the RRA explained the RRA completed a refinancing of bonds. They originally anticipated a savings of \$250,000 over 5 years but interest rates continued to drop and they will realize a savings of approximately \$350,000 over 5 years.

At the last minute, In order to obtain refinancing, the RRA was required to supply a letter from the County's External Independent Certified Auditor to Issue a Consent letter. The Independent Auditors agreed to supply the letter and trusted they would be paid at a later date. They require a payment of \$2000.

Mr. Rose suggested that the RRA could reimburse the County \$2000 if the RRA board approved it.

There was a discussion about the financial impact statement of the resolution and Legislator Bartels did not think the committee should hold up the approval process. Ronk suggested the committee approve the resolution and ask Ways and Means to amend the resolution to reflect the actual line the money will come from.

MOTION MADE BY:	Bartels
MOTION SECONDED BY:	Ronk
ROLL CALL VOTE:	No
VOTING IN FAVOR:	Legislators Belfiglio, Bartels, Bernardo, Lopez, John Parete, Ronk, Wawro, Wishnick
VOTING AGAINST:	None
NO. OF VOTES IN FAVOR:	8
NO. OF VOTES AGAINST:	0
DISPOSITION:	Motion Passes with caveat to ask Ways and Means to amend the resolution to reflect the actual line the money came from.

Note: In later discussions with the County Executive's Office it was determined that the RRA could pay the Independent Auditor Directly. The Resolution was Withdrawn by the Sponsor.

Dennis Doyle, Director of Ulster County Planning to discuss NYS Department of Environmental Conservation (DEC) Draft Consent Order And Protocol On NYC Water Releases from Ashokan Reservoir.

Doyle asked and answered the question "Why is it a Draft?", because it has not been signed by NYS DEC. He told the committee that due to the controversy over the release of turbid water the DEC is taking an unusual action and allowing Public Comment till July 2, 2012. In the mean time, the New York City Department of Environmental Protection (DEP) is releasing water under an Interim Protocol. That Protocol is in the Draft Consent order.

Doyle outlined the money associated with the Draft Consent Order that included;

- \$540,000 environmental benefits program. Doyle explained that the advantage of an Environmental Benefits program vs Fines is that Fines go into the NYS General Fund and Environmental Benefits Programs go to the area impacted.;
- 10,000 will be given to Environmental Facilities Corporation so it is not controlled by DEP

- 10,000 for fish stocking,
- \$2,000 for development of a stream development plan on the Lower Esopus
- \$330,000 to implement that plan
- \$500,000 escrow account – payable – that will be held to insure the DEP meets certain milestones contained in the Consent Order.

Elsewhere in the Consent Order is

- \$750,000 available for Turbidity reduction programs in the Upper Esopus River \$300,000 for the United States Geological Survey (USGS) to do stream gauging on the Lower Esopus
- \$60,000 available thru DEP for Technical Consultants thru the Ashokan Release Working Group (ARWG) ARWG was formed by DEP to exchange information with Local Towns. Members include DEP, DEC Town Officials.

Doyle then described issues around the DEP's use of alum to reduce turbidity, work on shafts and tunnels, the Filtration Avoidance Determination (FAD) – a 10 year program, Long term monitoring programs, effects of oversight of these programs being moved from EPA to the Department of Health, State Environmental Quality Review (SEQR) process, Water for the Future- a program that considers the effects needed maintenance of the aqueduct system on upstate communities that use the water, discovery and reactivation of the Ashokan waste channel, Shandaken Tunnel and inter-basin transfers and the impact on the people of the Lower Esopus.

Doyle felt that one thing that is good about the Consent order is that the DEC is Lead Agency. In the past DEP acted as it's own Lead Agency. With DEC as Lead Agency we can push the Department in terms of what constitutes a complete Draft Environmental Impact Statement and adequate Scope and completeness of the document.

The Committee discussed issues related to record rainfall and flooding events, both in the past and future; the issues involved with volumes of water vs quality of water; the use of alum; Ulster County's threat of a Law Suit, the changing cultures of dealing with large organizations need to reduce costs, the need for more open dialogue within County Government to keep the Legislature up to date.

Legislative Counsel Chapman asked if Doyle is satisfied with Interim Protocol? Doyle pointed to the number of people who show up when a meeting is called – 300 people came to SUNY Ulster last year. Conservation Releases are helpful – but will not eliminate flooding. Operational Releases are problematic. Protocol needs to be "live and dynamic". In the long run the Interim Protocol is not the solution.

Chapman suggested the Legislature develop a statement.

**MOTION NO. 3
TEXT OF MOTION:**

Return Proposed Local Law No. 1 of 2012 (A Local Law Known As The Hydraulic Fluid Brine Prohibition Act) to the Laws and Rules Committee to Set a Public Hearing Date.

Belfiglio thanked the committee members for the work they have done to improve the law but noted the resolution was returned to the Environmental committee to discuss the definition of Brine.

Bartels asked if there was a way to enhance the definition – it there is a difference between Production *Brine* and Production *Fluid*. Joan Walker-Wasylyk of the Frack Free Catskill explained that the terms are used interchangeably – the important word is "Production" or "Produced."

Belfiglio discussed that there was a question about including a "standard" of what chemicals are banned. Belfiglio felt that if they include a "standard" and the Gas companies change the formula and use different chemicals, the law would be ineffective.

Parete advocated for "standards" to avoid loop-holes. He quoted several agency websites and environmental laws use "minimum standards". He asked how we will know it is safe?

Bernardo suggested the company that provides the product be required to test it to remove the liability from the municipality.

Bartels asked Counsel Chapman if there is there a way to have an "open ended" standard.

Chapman read Section 3065 that covers that. He explained that Legislature sets policy; the Executive Branch administers and executes the policy. Executive is charged to come up with a procedure to execute the policy. The procedure can change.

Motion was made to return Local Law No. 1 to Laws and Rules to set a Public Hearing.

MOTION MADE BY:	Belfiglio
MOTION SECONDED BY:	Bartels
ROLL CALL VOTE:	No
VOTING IN FAVOR:	Legislators Belfiglio, Bartels, Bernardo, Lopez, John Parete, Ronk, Wawro, Wishnick
VOTING AGAINST:	None
NO. OF VOTES IN FAVOR:	8
NO. OF VOTES AGAINST:	0
DISPOSITION:	Motion Passes

Committee had a discussion about how and why the Laws and Rules Committee can sent a Resolution like Local Law No. 1 back to committee just because they don't like it. Counsel Chapman pointed out problems with the process and the need to change the Rules of the Legislature to address problems like this.

MOTION NO. 4
TEXT OF MOTION: **Request Counsel Chapman to draft a Resolution with a Statement for the Public Hearing, forward it to the Environmental Committee via email for review and Comments and schedule a special Meeting for Tuesday, June 12, 2012 to approve the Resolution.**

Committee had a lengthy discussion about the Public Hearing scheduled at SUNY New Paltz for June 19, 2012 about the NYS Department of Environmental Conservation (DEC) Draft Consent Order And Protocol On NYC Water Releases.

Legislative Counsel Chapman offered to prepare a resolution to deliver a message from the Legislature at that Public Hearing.

There was a discussion about how the committee could meet to review a proposed resolution. It was decided to hold a special meeting on Tuesday June 12, 2012, at 6:15 PM.

Counsel Chapman asked that the Committee members treat the draft as a confidential document until they approve it at the special meeting.

MOTION MADE BY: Ronk
MOTION SECONDED BY: Bartels
ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Belfiglio, Bartels, Bernardo, Lopez, John Parete, Ronk, Wawro, Wishnick
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 8
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passes

Discussion about the Future of the RRA

Chairman asked Legislator John Parete about his meeting with leadership to discuss "his" plan for the RRA. Parete said he shared his "thoughts". Belfiglio suggested the Committee should discuss ideas, develop a plan by consensus to deliver to the full Legislature.

Chairman Bernardo she would like a way to compare proposals. She asked the committee to create a simple spread sheet of different proposals and ideas for the future of the Resource Recovery Agency (RRA). It could include all the options currently being discussed from Legislator John Parete's proposal all the way down to dissolving the RRA. She doesn't care how many proposals but Leadership needs to see them in writing. Details should include the financial consequences and other consequences of each plan. She would like to see this before the next leadership meeting with the Executive on June 27, 2012. The leadership would like to be able to contrast and compare each plan and encourage the Executive to be a partner in the future plans for the RRA.

She suggested the committee may want to include any Deputy County Executives that they feel would have intuitional knowledge about the RRA. She suggested RRA Counsel Steven Wing and the RRA Comptroller would be another good resource.

Legislator Bartels said it was a good suggestion but didn't feel the Committee is equipped to do a financial analysis of the plans. Bartels does not want to rely on Wing or anyone at the RRA for help developing a financial analysis. Bartels thinks the Committee will need to hire some outside help to do an analysis of plans. She expressed concerns of what might happen if Towns leave the RRA and the Net Service Fee goes up. Bartels feels the County is approaching crisis mode because the agreements are coming up.

Bernardo said she would be more specific. She pointed out that the Committee has the recourses of the Legislative Offices and pointed to the new Financial Analyst and Deputy Clerk of Finance. She said the plans do not need to be detailed to the last penny or be thoroughly legally vetted. She wants to begin to discuss what the Legislature is willing to do philosophically. Bernardo wants to begin discussions about general questions like "Do we want to tax everybody or do we want to tax the users?". She described the need to begin a conversation within the caucuses "Here are options A, B, C, D and E. We haven't vetted them all the way down but which direction should we be going." It would allow us to whittle it down to fewer options and vet them fully, legally and financially. If we don't start somewhere, we could go on for a year with no progress.

Belfiglio felt the committee would need more time and suggested they could have a plan together by August. He felt the County Executive already has a plan and a time table. Belfiglio said the committee discussed two plans and gave overviews of plans described by Legislators John Parete and Ken Wishnick and said they are just not in writing.

The committee then discussed issues related to preserving all options for the future of the RRA. Most people felt they Committee would need to act quickly because the State Legislative Session closes June 21, 2012. It was noted that the Executive has stated he will act if the Legislature does not. Bartels suggested they ask the Executive to partner with the Committee to develop a plan.

Belfiglio agreed they needed written plans but didn't feel the committee could make a comprehensive plan that would answer every legal and financial question in two or three weeks.

Bernardo said she would be happy with any progress the committee could make, even if it is just four columns on a spread sheet with heading like "close it", "ad volorem tax", "user tax". She feels it would be a place to begin to ask questions and begin the process of vetting and building plans.

Bartels thought that was a reasonable request but couldn't happen in two weeks. Bartels restated that the committee should reach out to the Executive to partner with the RRA.

Motion to adjourn Ronk, Wishnick

Meeting adjourned 8:45 PM

Dated the 8th day of June, 2012

Fawn Tantillo
Ulster County Legislature

Minutes Approved On: _____