

**MINUTES OF THE ULSTER COUNTY
MEETING OF THE
ENVIRONMENTAL COMMITTEE
September 19, 2007**

PRESENT: Brian Shapiro, Tracey Bartels, William McAfee, Leonard Distel

ABSENT: Dean Fabiano, Hector Rodriguez, Richard Parete

Also present: Pete Robbins, Regina Lash, Kay Eagle, Josephine Smith, Donald Smith, Marguerite Brown, Robert W Hendrickson, Lee Heybruck, Patricia Harder, Liz Lipton, Irene Firmbach, Gloria Lipton, Mimi Pardini, Earl Pardini, Harry Jameson, Burt Havanky, Susan Cagnard, George Cagnard, Robert Ferri, Jim Gordon, Laura Petit, Secretary

MEETING CALLED TO ORDER

Meeting called to order at 6:00PM by Chairman Shapiro. Shapiro announced that there was a sign up sheet.

CATSKILL MOUNTAIN RAILROAD

Shapiro announced that there was public concern over the spraying along the CMRR property and that members of the railroad and public had come to the committee. This would be an open forum so people can voice their views. Shapiro opened the meeting to public comment.

Hendrickson, Dutch Village resident, said he was never notified of the spraying and was leery of what this railroad will be doing after so many years of doing nothing. He said first it was supposed to be a bike and walking trail, now it is a railroad.

Shapiro said the Committee was looking at the issue of spraying without notification. He said Michael Berardi oversees the County Committee for the railroad. Bartels said it was the railroad advisory committee. Hendrickson said that burning 3-4 tons of coal would be an environmental issue and it would add to the global warming and acid rain problem. Shapiro said he felt that since there was a Committee that specifically oversees the railroad, that the issue should be forwarded to them.

Brown, Dutch Village resident, said that she has allergies and was sitting on her porch when they started spraying. It made her eyes burn and her throat. She was very upset that she was not notified ahead of time. Harry Jameson, Chairman of the CMRR, said he had been in the business of operating trains for 24 years for this for profit organization. He presented a financial statement to Chairman Shapiro with expenses for the year 2006. He stated that the lease with the County was to maintain vegetation on the railway. He said that if the vegetation was not managed then the railroad ties would rot. He stated that in a letter from Jennifer Ringwood regarding maintenance in the City of Kingston, she questioned why the 6" rule was not being followed and included a picture of overgrowth along the tracks. He said that the Mayor supported spraying. Jameson said that along with a request from Donaldson, Ringwood and Sottile, they (CMRR) went to the railroad advisory committee and Environmental Committee for their approval. He had the minutes from the Environmental Committee meeting that stated that they were in favor and they could not dictate to the railroad. The Committee

did acknowledge the 48 hours notification. He added that CXS uses the same application in Ulster County and DOT on guardrails and at the Trolley museum.

Jameson said that after CMRR went to the Environmental Committee there were four newspaper articles. Residents approached Dart about spraying. Jameson read parts of the articles; one stated that the Committee recommended the CMRR use mechanical means. He felt a pretty sour picture was being painted and felt they were being singled out. He explained that the way the railroad was engineered, the water runoff is supposed to go on either side of the tracks. But with vegetation holding it in, the water would sit stagnant and rot the ties. He said it would take two applications before mechanical means of removal could be used. (There were objections from the public) Shapiro asked that Jameson be allowed to finish. RWC of Ohio, the applicator for CMRR, had contacted the Ulster County Health Department after a flurry of phone calls from concerned individuals when notice was posted. The County said nothing of the 48 hour notification. Lipton questioned Jameson's remark about the County telling CMRR to do what they have to do. Shapiro clarified that as a paraphrase from an editorial. He said that the Committee said they were opposed to the spraying but had no legal means to preclude. Bartels added that the Environmental Committee can not tell anyone that they cannot spray. The County Attorney's opinion was written in August to bring some clarity to the issue and the applicator is required to notify in writing to every resident in the area of the application at least 48 hours in advance.

Shapiro said that there would be discussion in the Environmental Committee whether the law was violated by the applicator. Bartels was also concerned that the County Health Department provided no information even though it is the applicator's responsibility to know the law.

Hendrickson asked how the reservoir would be managed. Would it be sprayed? Jameson said that the DEP had approved the application that was done along the Esopus. Shapiro explained that NYS had a very narrow law for applicators. Nothing could be changed. The state would accept it only as it was written. Jameson read the list of herbicides used. Fern asked if the Mayor approved of spraying. Jameson answered that the Mayor had offered to pay for it. Lipton said a lot of people do not want the spraying and she read of the symptoms that could be caused by the herbicides. She also read an article from the Kingston Times. Jameson said the herbicides could be bought in any department store.

Bartels said the County adopted this policy November 2006 to make sure that it would be applicable in 2007. She said most of the public comment came from people in the industry. Hendrickson said that even an ad in the Freeman may be helpful. Bartels said that the law required that each household is notified 48 hours in advance.

Firnback felt that trains were obsolete and caused a lot of environmental issues. She would like to see the County revisit a walking and bicycle trail. Shapiro asked if she would contact Berardi. G. Lipton said she felt like a victim of people wanting trains. She felt it was a health issue, a global warming issue, and an issue for the future of our children. She respected CMRR and Jameson's love of trains but felt that the Environmental Committee should revisit having trains and research alternative chemicals. Jameson remarked that there is more pollution from the tractor trailers nears Dutch Village than the trains will ever cause.

Distel questioned whether a second application was necessary. He had used roundup years ago for poison ivy but felt it was still a matter of common courtesy to notify your neighbors. Jameson claimed that there was heavy overgrowth already. Hendrickson asked why the other side of Washington Avenue was not done. Jameson said that it was but because of the overspray from Gill's Farms it

looked like more of an application had been applied. L. Lipton had four questions: did the Mayor approve; why wasn't a less toxic integrated pest control method used; why doesn't the lease specify that no chemicals can be used; would the Environmental Committee be responding. Jameson said that six miles was sprayed in Phoenicia and three miles in Kingston from Cornell to Hurley. Shapiro said he would keep an open line of communications with the public. Firnbach asked who the County Attorney was. Shapiro responded that it was Josh Koplovich.

FLOODING

Distel introduced the Cagnards who have been flooded ever since a culvert pipe was installed under Route 209 for the runoff. They live in Ellenville. He felt there was a simple solution to stop the flooding. Mrs. Cagnard said there was a five foot culvert that was near Route 52 where the water could be diverted to another catch basin and would touch County property. Distel said they were trying to find a reasonable solution without any cost to the County. He felt that if a ditch was dug out more then the water could run into the nearby creek. Shapiro said as the Environmental Committee they were interested but felt that it should go before Public Works. Mrs. Cagnard said they had spoken to Public Works years ago and nothing was done. She said her basement was flooding every time it rains now, and the County was only interested in getting the water off their highways. She has two sewer pumps to address the natural springs in the area and she still can't keep up with the water. Shapiro asked if Savory had any ideas (From State DOT). He understood that the Cagnards were in a high water table in a low lying area but the State tries to follow the natural course that water has taken to keep it off the highway. He said he has walked along the properties, and knows them well.

Mrs. Cagnard said they have lived there for over 23 years, and the flooding problem is recent. Bartels said that they should coordinate with Dave Sheeley. Distel thought that Central Hudson could be asked for an easement but he checked and they have a leach field where a retaining pond would have been of benefit. He felt that if the dirt was removed from the ditch, it may help water flow. Bartels felt it made sense for the residents to walk to property with County representatives to come to a mutual conclusion. Shapiro said the Committee could facilitate. Robbins felt a permaculture project would be ideal for keeping the water from rushing too fast. He is working with experts to see if permaculture could be used for runoff issues.

MOTION made by Shapiro to refer the Cagnard's flooding issue off Route 209 to Public Works Committee and second was made by Distel. All present in favor.

Shapiro asked that everyone read the letter from the County to CMRR. Bartels understood that CMRR leased the property but felt it was an extension of the County and CMRR should be following the law not relying on a loop hole.

OTHER BUSINESS

Shapiro mentioned that the Hinchey proposal and an offer to provide a scaled down version was presented. His constituents in Hardenburgh were still questioning whether a two lane road could handle the traffic impact.

The trapping issue was brought up to the NYSDEC. Shapiro said that the law was being revised to have traps located five feet above the ground with access no more than 6" (for small animals) He also said that signs were mandated to be posted.

ADJOURN

MOTION by Shapiro to adjourn and seconded by McAfee. All present in favor.

ADJOURNED: 8:00PM

Respectfully Submitted by Laura Petit