

ULSTER COUNTY LEGISLATURE  
COMMITTEE

NAME OF COMMITTEE: Environmental Committee

DATE: January 27, 2006

TIME: 5:30 PM

PLACE: Library Conference Room, 6<sup>th</sup> Floor

LEGISLATORS PRESENT: Chairman Shapiro and Legislators Distel, Fabiano, McAfee, R. A. Parete and Rodriguez

LEGISLATORS ABSENT: Legislator Bartels

OTHERS ATTENDING: Rick Fritschler, Director, Deitrich Werner  
(Environmental Management Council)  
Robert Cross, Supervisor, Town of Shandaken  
Allan Wikman, public  
Elizabeth Askew, public  
Mike Mower, public  
Jim Gordon, Woodstock Times

Chairman Shapiro called the meeting to order at 5:34 PM.

**ESOPUS GILBOA DAM GROUP**

There was discussion regarding the water release and the County Attorney's response that there were no legal implications in forming an ad-hoc working group to study this matter.

Chairman Shapiro invited Robert Cross, Supervisor, Town of Shandaken to speak. Mr. Cross has scheduled a meeting Monday, January 30, 2006 with seven supervisors for discussion of the impact to local businesses including legal actions for loss of finances.

Robert Cross stated that the group is looking at holding New York City responsible for repairs to their dam and record keeping issues. Gilboa stated that they knew about the issue since 1996 flood however construction is not slated until 2010. Cross has a meeting with Deputy Commissioner scheduled in New York City.

Even though the gates (from the dam) are only open at 22inches, one inch of rain puts it at flood level. There is ongoing erosion and the water is muddy. There is concern about the fish in the stream and even the quality of water is horrendous.

Cross had a meeting last week with Senator Bonacic who has three pieces of legislation to “police” the City’s record system. One calls for the DEC to hire more inspectors.

Evacuation procedures for residents below the portal need to be established.

Chairman Shapiro remarked that the issues outlined by the Town of Shandaken Supervisor should be discussed further by the Environmental Committee.

Legislator R.A. Parete asked about other State leaders involvement in this issue. Cross said that Schumer has representatives attend meetings and report back. DEP feels that they are there as a water advisory group.

***Legislator Rodriguez motioned, seconded by Legislator Fabiano to pass resolution establishing a forum for an ad hoc working group. All in favor. (Absent: Legislator Bartels).***

Chairman Shapiro invited Cross to discuss the Belleayre issues and the resolution. Chairman Shapiro read the resolution and explained. He also distributed a letter from the Ulster County Chamber of Commerce (Kenneth Beesmer), dated January 26, 2006, which did not support Hinchey’s proposal for Belleayre.

Supervisor Cross said that the census is based on a population that does not increase because it is controlled by State owned land which cannot be developed. In ten years that tax base (assessment) rose by less than 7/10 of a percent but the cost of living has risen significantly. This makes it difficult to balance a local budget. Cross asked “What would an alternative be? It would be to take 1% of the 5% of land that can be developed and allow new homes and taxes to happen.”

Belleayre cannot be taxes any higher than raw vacant land so it is of no tax benefit to the expansion of the tax base.

This proposal will take 800 acres of developable land away from the tax base. Cross also questioned why a resolution with this type of financial impact to a municipality would not initiate a phone call from the Committee.

Chairman Shapiro apologized for not contacting Supervisor Cross on this issue given the tax implications.

Legislator R.A. Parete commented that his concern was the Trout Unlimited people who were speaking out about the environmental impacts. It would have a great impact with the clearing and building to wildlife. He asked about lawsuits.

Supervisor Cross said that damages from a previous lawsuit, since it was implemented by a national group, never made it back to Shandaken.

Legislator Fabiano said that as a committee with representatives from all over the County, they should consider the impacts to Shandaken residents.

Legislator Rodriguez commented on the Eastern Plateau parcel and the impact to wildlife, erosion, et cetera. He felt that the developer should be brought to a meeting with other groups to come to a compromise.

Supervisor Cross felt that a presentation should be made since three of the members had not seen the project plan. They should go through adjudication and there should be a forum outside of the Town Hall Municipal area given the feelings of the Shandaken residents. He also remarked that community character is a Home Rule issue and he doesn't feel that the DEP and DEC should determine community character. He said the watersheds regulations were one of the strictest in the country.

Chairman Shapiro said he felt comfortable putting the resolution forth for the committee with the addition of eminent domain issues.

Supervisor Cross advised that the Town of Shandaken had passed a resolution which opposed any condemnation by eminent domain in their township.

***Legislator Rodriguez motioned, seconded by Legislator R.A. Parete to accept resolution endorsing the Lower-Build Alternative to the proposed Belleayre project. All in favor. (Absent: Legislator Bartels).***

Chairman Shapiro added that in terms of creating a dialogue between the developer and residents, this resolution would endorse meetings.

### **RESOURCE RECOVERY AGENCY**

***Legislator R.A. Parete motioned, seconded by Legislator Distel to appoint Leon Smith to the Resource Recovery Agency Board. All in favor. (Absent: Legislator Bartels).***

Legislator R.A. Parete stated that with all of the different issues the Agency was addressing, he felt that Leon Smith could assist in these issues with his financial

background and as an Executive at one of the largest employers (at one time) in Ulster County.

Legislator R.A. Parete feels that the debt incurred by the UCRRA went far beyond the 2012 deadline. The towns could go with a private company which would leave the County (financial backer) with the financial responsibility to pay back the bonds.

Legislator Rodriguez stated that this was a majority appointment.

Chairman Shapiro said at Treasurer's appointment regarding UCRRA that had a number of members from Waste Management who were looking to privatize the Agency. Legislator Lomita raised the issue of protecting employees and tax payers if there were privatization of the Agency.

Legislator R.A. Parete said that privatization comes up all the time and didn't feel that the Agency was worth 40 million dollars. He was opposed because the RRA offered wonderful programs including recycling.

Legislator Fabiano agreed that the Ulster County Legislature as a whole pay more attention and exercise more control. He introduced Mike Mower from Saugerties, hauler for RRA.

Legislator Rodriguez said that with investments with MRF, it was being under utilized.

Legislator Distel has dealt with RRA for years including a possible landfill siting. He likes transfer stations and is concerned that a transfer station could be eliminated which would leave residents at the mercy of the private sector.

Mike Mower said he has been a hauler for RRA since 1997 and had a good working relationship until recently with the new Executive Director. He has come to an impasse in his new contract negotiations. There have been changes which he feels need oversight especially with the new management.

Legislator Fabiano stated that what Mike Mower is asking for as a resident and a business that hires local residents, is to have his contract renegotiated as it has been previously.

Chairman Shapiro asked Mike Mower to outline the issues.

Mike Mower said there is a significant increase in hauls and hours which pushes his drivers over the federally regulated "CDL" hours a driver can log.

Chairman Shapiro asked that Mike Mower come to the next meeting.

Legislator R.A. Parete questioned if the increase in the number of loads per week was because of consolidation of private contractors.

Mike Mower said Bemis (Executive Director, RRA) favors larger companies that can handle fluctuations in waste.

Legislator Rodriguez asked that Bemis be contacted regarding this issue to get some feedback by the next meeting of the committee on February 15, 2006.

### **SOIL AND WATER**

*Legislator R.A. Parete motioned, seconded by Legislator Shapiro to approve the appointments of Frederick Van Nostrand, Leonard Tantillo, Hector Rodriguez and William McAfee to the Soil and Water Conservation District Board. All in favor. (Absent: Legislator Bartels).*

### **FOREST PRACTICE BOARD**

This board represents seven counties and meets twice a year. Chairman Shapiro proposed that a Legislator serve on this board.

*Legislator Distel motioned, seconded by Legislator Fabiano to appoint Chairman Shapiro as the Legislative representative to the Forest Practice Board. All in favor. (Absent: Legislator Bartels).*

### **FISH AND WILDLIFE MANAGEMENT BOARD**

Legislator R. A. Parete said that he reviewed the by-laws on this Board that limited appointments to three terms. He offered to be the Legislative appointment.

Chairman Shapiro offered the following appointments. William Wilklow would remain on the Board and Mark Loete would be an alternate member.

Legislator Fabiano asked if the Soil and Water Board had alternates. Chairman Shapiro advised that the Soil and Water does not have alternates.

*Legislator McAfee motioned, seconded by Legislator Fabiano to accept appointments. All in favor. (Absent: Legislator Bartels)*

## **ENVIRONMENTAL MANAGEMENT COUNCIL**

For future consideration: Joe Damareth has helped with the Woodstock water issue. Legislator Fabiano said Joe was a very capable person who would be valuable. Rick Fritschler, Chairman, EMC, said he could sit on the EMC Board for water quality.

Rick Fritschler passed out a list of recommended members for the Environmental Management Council and reminded the committee of a resolution that requested personnel funding for an engineer.

Chairman Shapiro said that until there was a meeting to education the Legislature on MS4 that this resolution probably would not pass.

Deitrich Werner reported that there was a meeting with two mayors and nine supervisors from involved MS4 communities that supported the hiring of an engineer. He felt there would be support.

Legislator R.A. Parete asked about money going back into line but not with the stipulation of grant funding being received.

Chairman Shapiro said is needed to be sold to the Legislators. This committee supported it because they have been involved with the process.

Deitrick Werner requested a list of Legislators that he should get in touch with.

Chairman Shapiro asked when the next Town Supervisors meeting was and said he would schedule a meeting of the Legislature for a presentation.

Legislator Fabiano said the bottom line is that it's really not a choice, it's necessary.

Ulster County Legislature Chairman David B. Donaldson arrived at 7:00 PM.

Chairman Shapiro spoke with Chairman David B. Donaldson on holding a meeting in the Legislative Chambers with the Legislators.

Chairman David B. Donaldson said he a met with Deitrich Werner and Rick Fritschler and that Mary Carey, Deputy Clerk, would be setting up a meeting with all involved MS4 towns. He felt that the towns would have to start chipping in because the County was in a fiscal crisis and \$60,000.00 was a significant cost. He said the meeting should occur in the next week.

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Rick Fritschler also addressed Chairman David B. Donaldson on the closing of the Kelder Center where the EMC is housed. He had offered to make needed repairs to the buildings but the college didn't feel the repairs were affordable and couldn't be performed by the EMC people. He said UCCC had \$50,000.00 in their budget for capital improvement.

Chairman David B. Donaldson said he would be glad to set up a meeting with UCCC and EMC to take care of it.

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

Meeting was adjourned at 7:05 PM.

Respectfully submitted,

Brian Shapiro, Chairman  
Environmental Committee

BS:lp