

ULSTER COUNTY LEGISLATURE
COMMITTEE

NAME OF COMMITTEE: Environmental Committee

DATE: March 15, 2006

TIME: 4:00 PM

PLACE: Ulster County Resource Recovery Agency

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

OTHER LEGISLATORS: Legislator Bartels arrived at 6:35 PM

OTHERS ATTENDING: Mike Bemis, UC Resource Recovery Agency
Frank Tomaseski, UC Resource Recovery Agency
Steve Wing, UCRRA Attorney
Laura Petit, Recycling Education, UCRRA
UCRRA Board Members: Bernadini, Roberts, Nielsen, Helms and Smith
Manna Jo Greene, Hudson River Watershed Alliance, Rosendale
Rick Fritschler, Director, Environment Management Council & Myra Fedyniak arrived at 5:45 PM

Chairman Shapiro called the meeting to order at 4:00 PM.

RESOURCE RECOVERY AGENCY

Steve Wing discussed Ulster County's Solid Waste Policy and distributed a handout. He explained the issues on flow control and Oneida-Herkimer's 10 year legal battle to regain control.

Chairman Shapiro asked for a layman's explanation of flow control. Steve Wing explained that when Solid Waste Management authorities were established to correct major environmental issues, which included each County to adopt a Solid Waste Management Plan, authorization to direct the waste generated in the County to certain facilities was allowed. This also enabled, for budgetary and operating purposes, the governing body to create and adhere to budget projections.

Mike Bemis asked how Oneida-Herkimer was doing in their program. (Steve Wing answered that Oneida had negotiated contracts with haulers to bring waste into their system).

Steve Wing said that in Dutchess County the legal process for enforcement was long and costly including hiring an investigator. It is much more advantageous to negotiate than litigate.

Chairman Shapiro asked if there are models now that are working. (Steve Wing replied not that he was aware of).

Legislator Distel asked about waste generation in Ulster County. (Mike Bemis explained that Waste Management handled its own waste and owned its own landfills).

Legislator Distel asked why Ulster County waste couldn't be taken to Dutchess County which is closer. (Mike Bemis said their gate rates were \$80/ton and they only had a 400/ton a day burn capacity).

Legislator Distel asked about the life expectancy of the Syracuse landfill. (Steve Wing answered that it was permitted for a large area).

Legislator Distel asked about alternative plans if Seneca Meadows started to refuse Ulster County waste. (Steve Wing said there was a contract thru 2009 **and the Ontario County landfill**).

Mike Bemis said long-term could be 25-30 years, but for now it is the best plan with other options being looked into.

Chairman Shapiro said it seemed like the Board was on top of new technologies and options for Ulster County waste.

Manna Jo Greene asked about the amount of waste not coming into the Agency system.

Mike Bemis said over the last two weeks, the Agency has been keeping an account of where the solid waste was coming in from (approximately 40% from out of the County). The prior Annual Reports do not fully report all numbers due to lack of cooperation for hauler to report accurate numbers.

Chairman Shapiro asked about the best way to address flow control. (Steve Wing suggested amending the Solid Waste Law in the County).

Mike Bemis spoke on compliance and doing more with compliance and recycling. Currently they are looking at haulers not bringing recycling into the system – “Show us where you are compliant.”

Kevin Roberts suggested a Press Release with non-complying haulers names listed.

Chairman Shapiro asked about enforcement at the Legislative level and appointing a Hearing Officer. (Steve Wing replied that the best way was to revise the law).

Mike Bemis informed the committee that some enforcement was taking place by open lines of communication with Agency employees. Transfer station staff watches for and reports violations.

Legislator Rodriguez asked about a Hearing Officer and qualifications. Couldn't it be done in house? (Steve Wing replied that it could be done like that by creating an administrative in-house system which may go to court if a resolution can't be reached).

Legislator Rodriguez asked if hypothetically the Sheriff could be sent to issue a warrant to the violator. (Steve Wing answered yes. He said that the administrative process is less expensive than the judicial process).

Legislator Fabiano asked about the recycling laws and what has changed in the last 15 years. It seems that the trend has changed from aggressive recycling to less participation.

Legislator Distel suggested that the public be re-informed that recycling is the law.

Chairman Shapiro said that the Recycling Oversight Committee would be playing an important role. He also asked that Steve Wing bring in a proposal of the recommended law updates. He also asked for the Board's feelings on pursuing flow control.

Kevin Roberts felt that the Board was willing to explore the opportunities of flow control.

Helm felt that it could create a monstrous financial hole (in legal fees). What's lost from one County could be gained within this County which would be a wash.

Steve Wing said there are a lot of alternatives to flow control which wouldn't include everyday enforcement. One alternative is franchising.

Helm said that Rockland franchising nets \$350. per household.

Mike Bemis asked that everyone consider that the Agency is trying to run their organization as a business in an effort to reduce the net service fee but it will take some

time. He is planning on doing everything he can to make the budget work and reduce the net service fee. He brought up the subject of an audit in addition to other tasks. (Tomaszeski mentioned that an audit was very time consuming and required retrieving archived minutes).

Legislator Fabiano asked if the State auditors periodically conducted audits. (Steve Wing answered yes; they usually audit localities every 3 years).

Legislator Rodriguez said that it is good practice to audit the books. He asked when the next meeting of the Environmental Committee was. (Chairman Shapiro answered April 19th).

Manna Jo Greene said it was very apparent to her that it would make sense for the Agency to site a landfill when writing the next 20 year plan.

(Rick Fritschler and Myra Fedyniak, EMC arrived at 5:45 PM).

Chairman Shapiro asked if the means to appoint a Hearing Officer was already in the law or should it be amended to be in the law. (Steve Wing answered that it was already written into the law).

Arnie Bernadini said that fine tuning the efficiency of the Agency operation has been a priority. He asked what the committee would like to see them do over the next 20 years.

Rick Fritschler said that in an EMC/LEWV study done 5 years ago, it was recommended that the County consider a landfill.

Steve Wing said that the plan is due for an update. The Agency Board (Roberts) invited the committee back in August.

Rick Fritschler submitted a resolution to accept an Estuary Grant (non-matching) and the EMC will provide in-kind services. He also would like to submit a request to reimburse funds for the engineer's position.

Chairman Shapiro asked Rick to update the committee on the MS4 Water Quality Program. (Rick Fritschler answered that there were 3 critical components that required the adoption of Local Laws. He said that by funding a site plan engineer, it would provide a system for centralized information location that could factor in projects for the entire County).

Chairman Shapiro asked what the base salary was for an engineer. (Rick Fritschler answered that the salary was about \$63,000. with 42% benefits = \$90,000).

Chairman Shapiro asked if the towns could fund this position. (Rick Fritschler answered that the towns and County had to enforce the regulations and provide public access to documents which should be considered to. A full time engineer would keep all data centralized).

Chairman Shapiro felt that next meeting on April 19th, would be where EMC could make the presentation with salary, job description and recommendations for hire.

Legislator Rodriguez said that the Legislature would be given the information to review at their May meeting.

Manna Jo Greene asked if it wouldn't be too much to handle servicing 11 towns? (Rick Fritschler answered that data would be collected on the number of permit applications to determine the workload. However, most applications would be standard and not require a lot of oversight. The Highway Supers say the biggest problem is the Planning Departments allowing buildings in drainage areas).

Legislator Distel felt it would be a lot of work for one engineer in an area with a lot of development. (Rick Fritschler replied that currently it can be done and developed as the workload expands. This engineer would only be available to review the Stormwater Management and not Planning or Building applications).

Legislator Fabiano asked if all the MS4 towns were aware that they were going to share in the cost for the long term. (Chairman Shapiro agreed that it should be a long term commitment). (Rick Fritschler replied that in order to support the system which required a \$460/household per year – it would mean long term funding).

Legislator McAfee asked if the towns knew what it was going to cost them and if permitting would be delayed for contractors. (Rick Fritschler replied that all towns were at the MS4 meeting on March 15th, and were made aware of the long term financial responsibility).

Legislator Fabiano asked about the time frame to comply before fines were implemented. (Rick Fritschler answered that two towns were already fined \$10,000. each for failing to file a Notice of Intent).

Rick Fritschler also announced that there was a free conference for his staff that would get them \$7,000. in funding.

Chairman Shapiro asked if all 11 communities were responsive to a legal commitment.

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Legislator Rodriguez asked if all municipalities were reached out to.

Manna Jo Greene announced two environmental events that were coming up in Rosendale (see attached).

Chairman Shapiro asked about the process and attending meetings.

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

Meeting was adjourned at 6:35 PM.

Respectfully submitted,

Laura Petit o/b/o

Brian Shapiro, Chairman
Environmental Committee

BS:lp