

ULSTER COUNTY LEGISLATURE  
COMMITTEE

NAME OF COMMITTEE: Environmental Committee

DATE: April 19, 2006

TIME: 6:00 PM

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

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

LEGISLATORS ABSENT: Legislator McAfee

OTHERS ATTENDING: Mike Bemis, UC Resource Recovery Agency  
Manna Jo Greene, Hudson River Watershed Alliance,  
Rosendale  
Rick Fritschler, Director, Environment Management  
Council

Chairman Shapiro called the meeting to order at 6:00 PM.

Legislator Berardi made a presentation regarding a Tuesday morning meeting of interested parties called the Lower Esopus Workshop. Rick Fritschler was also present. The meeting was initiated through Mike Principe of the DEC. Legislator Berardi found that the answer were available through this group of people...the information just needed to be coordinated.

Chairman Shapiro thought the workshop was a great idea. He felt that Cornell and the Town Supervisors Association were a good combination. He asked if there was any information the Committee could use to draft a resolution. Rick Fritschler said that a Lower Esopus study was done last year and the real issue was getting the DEP to cooperate with controlled water releases for water quality and flood control. DEP maintains that they are not responsible for water below the dam.

Chairman Shapiro asked if the project could be moved forward with a funding source like Cornell has. Legislator Berardi said that the project (focus) needs to be cooperatively addressed with DEP (not a blame game). He felt that flooding because it has its economic impacts may generate more cooperation.

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Ben Huston, Water Quality Chairman of DEC, has been appointed as point person for this project.

Chairman Shapiro asked if Gary Capella could be included in the process.

Chairman Shapiro introduced Susan Staples, Euphrosyne Bloom to address the FAA overflights issue. The request is to mitigate overflight noise issues. Presentation was made by Susan Staples who outlined specific areas in Ulster County where there were low flight patterns. Euphrosyne distributed a map of flight patterns detailing 200 – 300 flights that pass right over Ulster County. Felt that the County should look at protecting its park space. It is important to tourism and quality of life to look at redirecting some of the air traffic.

Legislator Bartels asked how proposed changes would affect small, local airplanes. Susan Staples said it wouldn't impact visual flights; it was for commercial FAA instrument controlled flights. Susan Staples said that the tactic their group is using to increase flight levels to protect the parks.

Legislator Fabiano asked about changes being made with no Public Hearing. Susan Staples said until recently it was done. There has been support by local Congressmen.

Legislator Fabiano asked if it would impact a small business like Ulster Airport.

Legislator Rodriguez said he would support the resolution. He asked about new routing and how original routes were created. Euphrosyne said 20 years from now the air traffic would be intolerable since it was a straight A – B route which includes Montreal, Albany, etc.

Legislator Parete – FAA should reconsider its routes.

Susan Staples said that noise mitigation would need to be looked at of which flying at higher altitudes is only a small portion of it.

Legislator Distel would support the legislation because he's right in the flight path too.

Chairman Shapiro said the general consensus is that the FAA does not support the need to protect the parks.

Comments are being accepted until June 1<sup>st</sup>.

Chairman Shapiro drafted a resolution (see memo).

Legislator R.A. Parete motioned, seconded by Distel to approve the language in the resolution.

Rick Fritschler said that grants had been applied for to purchase a truck and a vacuum tank. Expecting to hear that a \$50,000.00 would be awarded to pay for an engineer.

Legislator R.A. Parete said that Legislator Bischoff has forwarded a letter asking for legislative input by May 3<sup>rd</sup> for a May 8<sup>th</sup> meeting on the re-chartering proposal.

Rick Fritschler felt the Charter was deficient in addressing responsibilities of EMC that are broad and include bridging with Soil and Water, Federated Sportsmen, etc. He said that it should reflect more current roles. He drafted a proposal that included language from Article 45 and 37. He distributed a copy of these done by a staff member at Cornell about the functions of the EMC. If the EMC was combined with a department such as Cornell or the Planning Board, the professional staff would provide direction to the policy making council rather than the council providing direction to the staff. At large members tend to stay for longer periods of time and continue functionality of a council when new people come on.

Legislator Bartels asked if Fritschler's document was a proposed replacement for the Charter proposal?

Legislator Rodriguez had a comment on term limits and agreed with Fritschler's proposal for no term limits.

Rick Fritschler said that Resolution No. 222 wanted ex-officio members to be voting members which could create a problem for necessary members to vote.

Legislator R.A. Parete said that an ex-officio member is counted and can vote if they are present but should not be counted if they are not present (for quorum purposes).

Chairman Shapiro is looking to increase membership and attendance at EMC meetings. Rick Fritschler said that there is a lot of work for a volunteer on this council to do and could be compensated for with a stipend.

Legislator Rodriguez asked if there was staff who were board members? Rick Fritschler said there was one.

Manna Jo Greene asked if at large members were from Towns (even those) without CAC's?

Legislator Bartels asked about 48 seats with 24 reserved? Why lock into so many seats when the existing ones cannot be filled? Rick Fritschler said the intent was to have the seats available.

Manna Jo Greene said having 48 seats filled would be more like managing a convention. Rick Fritschler said it was necessary. The new Charter has no provisions for reappointment.

Legislator Rodriguez asked how many representatives in the towns were actually attending. It seemed more at-large members were attending.

Chairman Shapiro asked how the Committee felt about a letter to the Supervisor regarding attendance records of appointees.

Legislator Bartels said a letter should be sent and include importance of the position in addition to attendance records.

Rick Fritschler said that when Vincent Dunn was appointed as liaison, he never missed a meeting. Chairman Shapiro said he would take it into consideration and asked for a volunteer from the Committee. Rick Fritschler also thought quarterly meetings may make it easier for people to attend.

Chairman Shapiro offered to speak with Legislator Bischoff with comments. Rick Fritschler said the Town Meeting that he had asked Chairman Donaldson about was held but the second meeting was cancelled however, only Fritschler was advised – the Town Supervisors showed up at the college. Chairman Shapiro said he would address that and the urgency of the MS4 requirements.

Legislator Bartels said that a reminder should be sent to the County Attorney about the urgency of a resolution. Rick Fritschler also brought up the issue of open space planning and selling of tax parcel.

Legislator R.A. Parete asked if the property in question was lost by an individual or corporation. Rick Fritschler said it was an individual who owned the IRS.

Legislator Rodriguez asked if liens could be cleared? Rick Fritschler said that if the County retained ownership, the liens didn't need to be cleared. Legislator Bartels said the

attorneys were asked to reach out to the State to see if the liens could be cleared. She also said a process should be put into place by the County to handle these tax parcel issues. Chairman Shapiro thought it should be coordinated with Efficiency and Reform. Rick Fritschler said a study should be done to head off by reviewing areas to map out potential County acquisition of any tax sale parcels.

Manna Jo Greene said that a review of the areas of Special Interest should also be mapped out in the event there is not EMC at the Town level so the County can respond. Chairman Shapiro said that if the municipality was asking for assistance then it could be given assistance in evaluating environmental impacts.

Legislator Bartels asked if Rick Fritschler knew what Highway Departments were spraying on roadside vegetation? Rick Fritschler said that he was told they were not using herbicides. Legislator Rodriguez said that the issue of mandatory notification should be brought up at a later meeting.

### **Ulster County Resource Recovery Agency**

Mike Bemis, UCRRA asked what the Committee would like to see? Chairman Shapiro did ask to have monthly reports and minutes passed out.

Legislator Bartels had a question about the 2 – 6 million revenue bond referred to in the minutes.

RRA is using a new bond counsel that was recommended by the County Attorney. The purpose of the bond was to pay off the BAN note that was originally taken to build the MRF. Legislator R.A. Parete asked what happened to the 2 million dollars received from the State? He thought the building cost a total of 2 million dollars and it was 100% reimbursable. Mike Bemis said that with a \$600,000.00 payment due in May, it was necessary to re-bond. He reminded the Committee that they requested that a ten year loan is not taken for equipment with a life expectancy of 6 years. Also expensive were the site clean-ups. There is a need to replace old State bid equipment with heavy duty equipment. The swings will be seen in maintenance costs.

Legislator Fabiano said that State bid should be sufficient to get by with. Mike Bemis said that a Catapillar was heavier duty and would last especially when moving and climbing trash.

Legislator Rodriguez spoke about resolution regarding audit of RRA's books and would like to move it through Committee.

Legislator Rodriguez motioned, seconded by Legislator Bartels. All in favor.

Mike Bemis said a key component to coming close to matching or reducing the debt service fee was being addressed. He referred to the next service reserve which was never filled in previous years. He distributed a graph of monies that are being put back into the reserve fund through sales of assets including the Agency collection business.

Legislator Distel asked about bad debt owed. Mike Bemis listed several large bad accounts with contractors that bring waste to the Agency. Legislator Distel asked if a claim was filed against the hauler that owed \$185,000.00. Mike Bemis said he has been negotiating with the hauler but will file in the next week if no progress is made.

Mike Bemis distributed an overtime budget. Legislator R.A. Parete said his job allowed one day a month off and he had to work on Saturdays. Mike Bemis said there is language in the Union contract to work a five day week so some work weeks are Tuesday through Saturday. He said his next project is maintenance expenses. Reviewed recycling compliance and asked about someone approaching Dean Palen in the Health Department. He said he has been trying to work with two haulers that are not recycling. They have not submitted recycling plans to RRA licensing or the Health Department.

Legislator Bartels asked what the procedure was for the hauler to pick up recycling. Do they charge or does it have to be provided for free. Mike Bemis said it is up to the hauler. Manna Jo Greene said the law was written so that the haulers had to provide recycling. Mike Bemis also said that an acceptable recycling plan must be on file with the Agency.

Chairman Shapiro offered to call R.S. Parete, Chairman of the Health Committee, to approach Dean Palen regarding compliance.

Mike Bemis also told the Committee about an advertising campaign to promote recycling.

Legislator Bartels asked about response to letter requesting appointment to Recycling Oversight Committee. Chairman Shapiro said he didn't get any response to the letter.

Legislator Bartels said she would like to meet with Legislator Berardi and bring forward a resolution that any County building projects consider green building. Legislator Rodriguez said that even Leeds buildings should be considered.

Manna Jo Greene offered to give some information regarding green buildings.

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Mike Bemus circulated opinion statement written by Andrew Ghiorse and responded to some of his comments.

Legislator Rodriguez motioned, seconded by Legislator R.A. Parete to adjourn meeting.

Meeting adjourned at 8:57 PM

Respectfully submitted,

Laura Petit o/b/o

Brian Shapiro, Chairman  
Environmental Committee

BS:lp