

**COLUMBIA COUNTY
ENVIRONMENTAL MANAGEMENT COUNCIL**

**MEETING MINUTES
1 JUNE 2009**

PRESENT:

Ed Simonsen, Kinderhook
Dan Marcus, Stockport
Karen Mort, Ghent
Deirdre Henderson, Chatham
Bob Kessler, Hillsdale
Karl Gabosh, Austerlitz
Harvey Weber, Copake
John Adams, Canaan
Mark Burch, Stuyvesant
Frances Szasz, Germantown
Ed Van Nostrand, CC DOH

REGRETS:

Anthony LaSalvia, Taghkanic (resigned)
Matt de la Houssaye, City of Hudson
Dean Vander Schaaff, Livingston
Ed Nabozny, Greenport
Melissa Sorman, Gallatin
Theresa Mayhew, CC Coop. Ext.

STAFF:

Roland R. Vosburgh, Principal Planner

GUESTS:

Bob Sacks, Town of Copake Councilman
Scott Stackpole, resident of Taghkanic

CALL TO ORDER

In the absence of a chairman, Roland R. Vosburgh called the meeting to order at 7:05 pm and announced that a quorum (10 out of 19 members) was present to conduct business. A printed agenda was distributed.

**ELECTION OF TEMPORARY MEETING CHAIRMAN & RECOMMENDATIONS
FOR EMC CHAIRMAN AND VICE CHAIRMAN**

Roland R. Vosburgh opened the floor for nominations for a temporary meeting chairman. *Karl Gabosh made a motion to appoint Ed Simonsen temporary meeting chairman, seconded by Deirdre Henderson.* Several members expressed their support for Mr. Simonsen. *Vote: All in favor.*

Temp. Chairman Simonsen explained that the Planning, Economic Development, & Tourism (PET) Committee of the Board of Supervisors (BOS) requested the EMC provide a

recommendation on both a new chairman and vice chairman. The terms of office would be co-terminus with their membership terms.

After discussion, ***Karl Gabosh made a motion to recommend Ed Simonsen for EMC Chairman, seconded by Harvey Weber. Vote: All in favor. Frances Szasz made a motion to recommend Harvey Weber for EMC Vice Chairman, seconded by Karl Gabosh. Vote: All in favor.***

Temp. Chairman Simonsen said he was overwhelmed by the support. He said that he has served on a lot of committees but none is he more proud of than the EMC because of all of the members' dedication and their earnest desire to protect the environment.

APPROVAL OF MINUTES

Harvey Weber made a motion to approve the draft 27 April 2009 EMC minutes, seconded by Bob Kessler. Vote: All in favor.

Temp. Chairman Simonsen noted that the next meeting will be Monday, 22 June 2009 and he requested ideas for the meeting agenda. There was a brief discussion. Deirdre Henderson suggested that the most productive meetings included a brief full EMC meeting followed by committee meetings as was done over the last year. She also asked the EMC to consider a program where special speakers would be invited to speak to the EMC and the public, as well, about various issues, rotating these special speaker meetings around the county and held on separate nights from the regular monthly EMC meeting. Two suggested topics were climate change and smart growth issues.

SPECIAL SPEAKER

In a continuation of EMC discussions surrounding the Town of Copake and the environmental and agricultural issues at the Copake Valley Farm on Rt. 22, Temp. Chairman Simonsen introduced Bob Sacks, Copake Town Councilman who was invited to provide a presentation about the history of this issue in the Town of Copake.

Mr. Sacks thanked the EMC for the invitation and distributed copies of "A Short History of Copake Valley Farm LLC" to members and single copies for the EMC files of letters sent by Senator Steve Saland and Assemblyman Marc Molinaro about the NYS Department of Ag & Markets (NYSDAM) letter to the Town of Copake regarding unreasonable restrictions on a farm operation in a state certified ag district. Mr. Sacks described the property owner, Mr. Sal Cascino, as in the waste handling business who has violated both state and federal environmental laws and Town regulations regarding past activities at the property. He stated that 200,000 cubic

yards of material from Mr. Cascino's waste handling business in the Bronx was dumped on the Copake farm property. Town officials and residents are concerned about the potential for contamination of groundwater from this dumping. He further said that this was not just a Copake issue, but a county issue to be concerned about. He read items 1-9 from his handout and took questions.

The discussion included the following issues:

- Ideas for the Town to pursue if the owner fails to comply
- Mr. Sacks stated that Mr. Cascino has bought land in the Town of New Lebanon
- The status of NYSDAM's further deliberation about their initial letter of findings
- Copake officials have had a conference call with the Commissioner of NYSDAM
- Whether the size of the proposed barn and use of compost material from off site would be considered customary agricultural practices
- Testing of the material dumped on site was limited, more should be done
- The responsibility of the NYS Department of Environmental Conservation for overseeing testing of construction and demolition (C&D) debris with applicants paying for testing
- Value of a detailed aquifer study for southern Columbia County
- The impact of the NYSDAM findings
- The views of the wider agricultural community about this issue
- The issue includes at least two parts: the dumping of contaminated material on the land and the misuse of the Ag Districts program
- The real need to protect bona fide farmers and their operations from harassment and overly restrictive local regulations
- How the EMC should best respond to the issue; e.g. specifics versus generic policy issues

Mr. Sacks was thanked for his presentation and excused himself at 8:00 pm to attend another meeting.

After further discussion, Dan Marcus made a motion to set up a subcommittee of the EMC to investigate the issue and develop recommendations for full EMC consideration. There was further discussion to clarify the charge to the subcommittee. Frances Szasz thought there were two issues to address: the proper handling and oversight of C&D and contaminated material handling and disposal and the size of the building proposed for the ag use on the property. Dan Marcus modified his motion to focus on the issue of dumping contaminated materials on farm properties, and seconded by Mark Burch. In the discussion that followed, Bob Kessler spoke in defense of NYSDAM to protect bona fide farmers and cautioned about how the BOS might react to comments that would be seen as discouraging new farm operations in the county. John Adams stated that with all the existing laws against illegal dumping, what would we expect the BOS to do or say other than that existing laws should be complied with. Deirdre Henderson wanted more clarification for the charge. Karl Gabosh responded that the subcommittee would

formulate a recommendation within the boundaries and bring it to the full EMC for discussion. Frances Szasz suggested two charges: the dumping of toxic wastes on arable land and the circumvention of Ag & Markets law. All seemed to agree that farmers should not want to contaminate their property. Mark Burch agreed with Ms. Szasz's two part charge and said that this could become a larger county issue. *Dan Marcus modified his motion to create an EMC Subcommittee to investigate and make recommendations to the full EMC on this topic to incorporate the two issues of 1) dumping of toxic wastes on arable land and 2) the issue of circumventing Ag & Markets Law. The modified motion was seconded by Mark Burch. Vote: All in favor.*

It was suggested that this subcommittee could have its first meeting following the next regular EMC meeting on 2 Monday 22 June 2009, that there may be NYSDEC speakers who could be invited, and to take a look at whether local regulations are fully protective.

The following members volunteered to serve on this subcommittee: Dan Marcus, Harvey Weber, Frances Szasz, Bob Kessler, Deirdre Henderson, Kate Cashen, and Ed Van Nostrand. Mr. Marcus and Mr. Weber agreed to co-chair the subcommittee.

OLD BUSINESS

Temp. Chairman Simonsen reported that he and several other EMC members attended the 5/26/09 PET Committee at which he presented the EMC Energy Report, which was adopted by the EMC on 27 April 2009. All those who attended thought the presentation went well and the report was well received, as the PET Committee accepted/approved the report unanimously.

However, there is still uncertainty what the next step is for the report. Mr. Vosburgh reported that he sent an email to the BOS clerk and County Attorney asking for past practice of the BOS and any advice. He summarized the advice he received from the County Attorney as: the action depends on the purpose of the report but if official BOS action is necessary, a resolution by the full BOS would be needed. While some members see our role as advisory only and how the committee deals with EMC input is up to them, others believe that as the EMC advises the BOS, not a committee of the BOS, that the report should go before the full BOS. It was the consensus that Temp. Chairman Simonsen should contact PET Committee Chairman Rick Keaveney to discuss how to proceed. All agreed that the Energy Report should be widely distributed and encourage local governments to implement the recommendations. One idea was that the Energy Report be approved by the full BOS and then distributed to local governments in the county.

Temp. Chairman Simonsen announced that the Energy Committee would now begin to work on the Phase II portion of the report to provide more details. Harvey Weber suggested that the issue

of outdoor wood boilers be included in the Phase II work, but Mr. Simonsen would prefer to examine the existing Phase II items and the outdoor wood boilers could be in Phase III.

With the resignation of Tony LaSalvia from the EMC, Temp. Chairman Simonsen asked for a volunteer to chair the Water Committee. Harvey Weber agreed to serve as Water Committee chairman.

NEW BUSINESS

Karl Gabosh asked that the EMC chairman contact the towns without members (Ancram, Taghkanic, and New Lebanon) to urge them to appoint representatives.

Mark Burch reported that the NYSDEC air monitoring station is on site at the Town of Stuyvesant Town Hall but not connected yet to power. The Town has requested National Grid to make the connection, but they are on a waiting list. There was a concern that the station was only promised to Columbia County for one year and we need to clarify that this is one year of operation, not just one year. Temp. Chairman Simonsen will contact Supervisor Valerie Bertram about the hold up in connection and discuss ways to speed the work up. There was also discussion about how the data would be made available and to whom.

Karl Gabosh recommended that an EMC member be included on Lafarge's Community Liaison Committee. *A motion was made by Deirdre Henderson that Temp. Chairman Simonsen contact Lafarge Cement Co. and request that Karl Gabosh be added as a member of the Community Liaison committee, seconded by Harvey Weber. Vote: All in favor.*

Mark Burch announced that his term expires in November and he may not be able to be reappointed. He is checking into possible replacements.

Dan Marcus agreed to place a discussion of county plastics recycling on the agenda for the 22 June 2009 meeting.

With no further business, the meeting was adjourned at 9:00 pm

Minutes prepared by:

Roland R. Vosburgh, Principal Planner