

**COLUMBIA COUNTY  
ENVIRONMENTAL MANAGEMENT COUNCIL**

**MEETING MINUTES  
23 MARCH 2009**

**PRESENT:**

J. Pierre Gontier, Chairman, Canaan  
Karl Gabosh, Austerlitz  
Kate Cashen, Claverack  
Frances Szasz, Germantown  
Robert Kessler, Hillsdale  
Ed Nabozny, Greenport  
Daniel Marcus, Stockport  
Matt de la Houssaye, City of Hudson  
Deirdre Henderson, Chatham  
Harvey Weber, Copake  
Melissa Sorman, Gallatin  
Mark Burch, Stuyvesant  
Ed Simonsen, Kinderhook  
Ed Van Nostrand, CC DOH

**REGRETS:**

Dean Vander Schaaff, Livingston  
Anthony LaSalvia, Taghkanic  
Theresa Mayhew, CC Coop. Ext.

**STAFF:**

Roland R. Vosburgh, Principal Planner

**CALL TO ORDER**

Chairman Gontier called the meeting to order at 7:00 pm and noted that a quorum (13 of 19 members) was present to conduct business.

**APPROVAL OF MINUTES**

Dan Marcus made a motion to approve the February 2009 minutes and seconded by Harvey Weber. Vote: All in favor.

**OLD BUSINESS**

Committee Reports

Chairman Gontier reported that Tony LaSalvia was not able to attend so there would not be a report from the Water Committee. He asked Ed Simonsen of the Energy Committee to proceed.

Energy Committee:

Ed summarized the committee history extending back to discussions on priority issues in 2007 and then the development of the 2008 work program. One of the priorities identified was energy conservation and generation. He reported that the committee started out small, but interest grew over the year to its current nine members. The committee held two to three special committee meetings outside of the regular monthly Council meetings.

Ed distributed copies of a draft report from the Energy Committee dated 10/27/08 and revised 1/21/09 and 3/19/09. He read the cover page of the report and outlined the recommendations as falling in Phase I (spring 2009) and Phase II (summer & fall 2009). The report describes three elements in Phase I (Community Initiatives, Planning & Zoning Leadership, and County Initiatives) which Ed briefly highlighted. The report breaks these three elements of Phase I into more detailed descriptions covering the issue/items, the EMC recommendation, background information and rationale for recommendation, approximate costs and further resources.

Overall, Ed believes that our current energy costs are an “anomaly”, that developers should design to please the community and not themselves, and does not understand why any unclaimed deposits for returnable containers should not go to NYS government.

Kate Cashen explained that the committee’s goal was to encourage the Council to encourage local governments to adopt new policies and behaviors. She welcomed any feedback on the draft report and suggested that the report would be especially useful if it could cite local examples of successful projects and policies conducted by local governments in the county.

Dan Marcus thought that there are some issues that county government should mandate rather than encourage. Kate agreed that was the type of discussion that should happen. Frances Szasz recommended that under lighting standards, the high cost of total system replacement was an impediment and she recommended a commitment to replace of obsolete lighting fixtures over time when they break. This was how Germantown proceeded when this issue was investigated over 20 years ago. Chairman Gontier wondered how much local control local government would have on highway and street lighting fixtures. Harvey Weber explained that Taconic Shores developed an agreement with the Town of Copake to upgrade obsolete lighting fixtures when they broke with modern down shielded lighting. Ed noted that metal halide lighting is the best type of light source. Chairman Gontier noted the good example of the Town of Kinderhook lighting standards already in place, yet unforeseen consequences can happen, such as the fugitive light from the interior lights of the CVS store on Rt 9 at the roundabout. Matt de la Houssaye explained that the committee report presents those issues that are ready to move ahead and fully supported by the committee members.

Under the topic of sidewalks and trails, Chairman Gontier wondered how much detail the committee thought was appropriate in identifying population nodes and connections. Under asphalt recycling, he also wondered if the committee was looking at recycling of asphalt shingles. Harvey said that the Town of Copake is conducting a survey now to assess support for bike lanes. Ed Simonsen pointed out a legal glitch related to roadside trails when the road in question is a user road, meaning that the local government does not own the land under the road, each property owner owns to the center line of the road. There was further discussion about sidewalk maintenance responsibilities and liabilities where some communities provide the snow plowing and others require abutting property owners to maintain the walks. Dan explained that “tort transfer” law deals with sidewalk ownership, maintenance, and liability.

Karl Gabosh explained that the committee wanted to have two phases to address issues readily embraced by county government in Phase I and then to address Phase II issues, some of which are more problematic and controversial. Karl stated that this is the document the committee recommends be presented to the county Board of Supervisors. He believes that while all EMC members should be able to comment and have input, it is the committee that should have the final say on the committee report language. He argued against a lengthy review and editing process and did he want to bury the Board with large amounts of data.

Chairman Gontier agreed with Karl’s goals. The full Council should have time to review and comment for purposes of a final committee report and then the report goes to a vote and a majority vote of the Council carries the day. It was suggested that the approved report be placed on the EMC website. Kate asked that any comments be sent to her by email because she put the report together on her computer. She asked that comments be sent to her or Ed Simonsen in the next two weeks. Matt suggested one small change since the City of Hudson recently signed on to the “Smart Community” initiative.

Chairman Gontier thanked the committee for their great work, holding extra meetings, and looking at all angles of energy conservation. Frances said she was quite pleased with the report and thought that it should move forward swiftly with approval of the EMC as a working document presented to the Board of Supervisors committee for consideration. She recommended the report be termed “working document” so that the Supervisors are aware that the report could be revised by the EMC, if issues arose at the Board committee level. Mr. Vosburgh explained that the Planning, Economic Development, Tourism, and Agriculture Committee of the Board meets on 4/21/09 which is before the next EMC meeting scheduled for 4/27/09.

Frances Szasz made a motion that the EMC adopt the Energy Committee report tonight as a working document and forward to the Board of Supervisors committee (for their 4/21/09 meeting) and seconded by Harvey Weber. Discussion of this motion included Kate’s expectation that the EMC would not be voting on the report tonight so as to allow all members (including

those not present) the opportunity to read and comment. As part of the logistics of taking the EMC recommendations to the Board, Chairman Gontier announced that he would be stepping down as an EMC member and thus chairman when his term expired in mid May. Therefore, his last meeting as chairman would be April. Kate stated her opinion that the committee report should be presented by the members of the committee rather than the chairman. The consensus of the discussion supported holding off on committee report adoption. Therefore, Frances withdrew the motion. As it stands now, the draft Energy Committee report will be distributed and reviewed and any comments for revisions sent to Ed Simonsen or Kate Cashen as soon as possible. A full EMC vote on the report will be taken at the April EMC meeting and the final report presented to the Board of Supervisors at their May committee meeting.

## **NEW BUSINESS**

NYS Department of Agriculture Finding re: Town of Copake Planning Board action re: Sal Cascino farm operation application

Ed Simonsen explained that several members had discussed this issue before the meeting. Ed turned it over to Kate Cashen who turned it over to Harvey Weber to discuss. Harvey reported that the issue involves the Sal Cascino property in the Town of Copake where there have been a series of violations of state and local laws concerning illegal dumping, filling, and construction activities. The NYSDAM letter was the result of a request by Mr. Cascino to review the denial of his planned farm operation by the Copake Planning Board in 2008. Mr. Cascino's property is located within a state certified Article 25AA ag district. Harvey is concerned that the NYSDAM letter which finds that the Planning Board conducted an overly restrictive review process and did not support agriculture, undermines the Town's position concerning violation of local zoning and sanctions the dumping of unwanted material in the town. He was seeking EMC support for the Town of Copake's position. The NYS DEC and the Attorney General are taking one position against the owner and then NYSDAM's letter supports the owner, so state agencies are not even in agreement. At this point, he distributed copies of letters of support for the town sent by Assemblyman Molinaro and Senator Saland to Gov. Paterson. He also noted that the town now has a recently complete groundwater resources and protection plan prepared by NY Rural Water Association which notes groundwater contamination occurs from illegal dumping. Kate distributed a copy of a resolution for the EMC to adopt supporting the Town of Copake and opposing the action of NYSDAM.

Chairman Gontier cautioned that this matter is in the courts and that is where the issue needs to be resolved and that an EMC resolution would not have any influence. He suggested focusing on changes to state law instead. He reminded the Council of the importance placed on agriculture in NYS through the right to farm law and the Ag Districts Program, both state laws. Kate explained that her goal was to have the Board of Supervisors support the Town of Copake

and urge that all state agencies speak with one voice. Frances provided some history on the Town of Clermont's experience with dumping and land filling operations at the LaMunyon property on Rt. 9 in the 1980s. Deirdre Henderson stated that she would want to see the NYSDAM letter before taking any action. When she asked whether any EMC members had seen the letter, no one indicated that they had. Ed Simonsen concluded that there is consensus that the EMC is sensitive to Copake's situation. As a result of the discussion, no action was taken on any resolution, but the Council agreed to find out more about the matter.

#### Copake Groundwater Resources and Protection Study

Harvey Weber reported that the report was now available and made a motion that a copy (CD provided) be placed on the EMC website, seconded by Ed Simonsen. Vote: All in favor.

With no further business the meeting was adjourned at 8:55 pm.

Minutes prepared by  
Roland R. Vosburgh, Principal Planner