

**COLUMBIA COUNTY
ENVIRONMENTAL MANAGEMENT COUNCIL**

MEETING MINUTES

26 OCTOBER 2009

PRESENT:

Ed Simonsen, Chairman, Kinderhook
Karl Gabosh, Austerlitz
Dean Vander Schaaff, Livingston
Scott Stackpole, Taghkanic
John Dax, New Lebanon
Kate Cashen, Claverack
Melissa Sorman, Gallatin
Frances Szasz, Germantown
John Adams, Canaan
Karen Mort, Ghent
Dan Marcus, Stockport
Mark Burch, Stuyvesant
Theresa Mayhew, CCE
Ed Van Nostrand, CC DOH

REGRETS:

Dierdre Henderson, Chatham
Harvey Weber, Copake
Ed Nabozny, Greenport

VACANCIES:

Town of Ancram
City of Hudson

ABSENT:

Phil Leonard, Clermont
Robert Kessler, Hillsdale

STAFF:

Roland R. Vosburgh, Principal Planner

CALL TO ORDER

Chairman Ed Simonsen called the meeting to order at 7:00 pm and noted that a quorum (12 out of 19 members) was present to conduct official business.

APPROVAL OF MINUTES

The draft September EMC minutes were reviewed. *Dean Vander Schaaff made a motion to approve the 9/28/09 EMC minutes as presented and seconded by Theresa Mayhew. Vote: All in favor.*

CHAIRMAN'S REPORT

Chairman Simonsen has made many efforts to remind municipalities without members of such vacancies and has had no success.

Regarding the minutes, he noted that currently we record attendance in two categories: present and regrets. He recommended that an absent category be included as well to track non-attendance. The consensus was supportive and starting with this meeting, members absent will be listed.

Chairman Simonsen reported that the Planning, Economic Development, & Tourism Committee meets tomorrow (Tuesday, 10/27/09) and there would not be enough time to prepare any EMC presentation, even if final action were to be taken on any issue at this meeting.

Fran Martino, with the Kinderhook Watershed Alliance, has contacted him several times about speaking to the EMC. Chairman Simonsen prefers not to give up an entire meeting for her presentation and recommended that the EMC consider a special meeting or have Ms. Martino meet with the EMC Water Committee.

CORRESPONDENCE:

None

AGENDA AMENDMENT:

Karl Gabosh requested time to report on the first meeting of the Lafarge Cement Co. Community Liaison Committee which he attended as the EMC representative. Chairman Simonsen concurred and permitted him to report. Mr. Gabosh noted that it seemed that the company created the liaison committee for public relations reasons and was lightly attended (it meets four times per year). The plant manager reported that the facility is operating at only 65% capacity (due to economic downturn) and Mr. Gabosh wondered whether this would impact emissions recorded at air monitoring sites. He learned that Lafarge is will to work with schools in the three county region and offer a \$1000 scholarship. Ward Stone with NYSDEC was holding a press conference the same day as the liaison committee meeting discussing his findings on mercury contamination in the region of the cement plant and he thought there was a different conclusion about the findings between Mr. Stone and Lafarge officials. He was also given a tour of the facility.

Frances Szasz added that she was recently added to the Holcim Cement Company community liaison committee representing the Town of Germantown, across the river from the Holcim facility in the Town of Catskill.

OLD BUSINESS

1) ECL Article 47

Chairman Simonsen expressed his goal to bring this discussion of EMC powers and duties to a conclusion. He said he wants to determine whether Board of Supervisors Resolution No. 190 of 1974 or ECL Article 47 is the controlling document for EMC powers and duties. He did however express his opinion that the responsibilities in both documents are essentially the same, but that he believes ECL Article 47 is controlling, and he did not see the need to consult the county attorney. After discussion, the consensus was that the EMC should consult both documents in undertaking its activities. ***Therefore, John Dax made a motion to recognize that ECL Article 47 and BOS Resolution No. 190 of 1974 are essentially identical in describing the EMC powers and duties and seconded by Karl Gabosh. Vote: 11 yeas, 1 nay, 0 abstentions. Motion carried.***

2) Outdoor Wood Boilers

Chairman Simonsen reviewed the actions at the last EMC meeting at which the draft recommendation prepared by Dan Marcus was reviewed and John Dax volunteered to revise and email to all members prior to this meeting (which was done by John Dax). His original three page revised draft was further condensed to two pages by changing the font (no reduction in text). During the discussion the following points were made:

- How many towns in the county have already addressed this issue?
- Several towns have started to discuss the issue and the Town of Kinderhook has enacted a moratorium on new installations, but none apparently have addressed specifics of the draft EMC recommendation.
- NYSDEC prepared draft statewide regulations for OWBs and have presented them to the Governor's office for review.
- Concern was expressed about the ad hoc nature of the EMCs deliberation to date on OWBs and the danger of a single EMC member bringing up a "hot issue" which goes to the EMC and a position is taken in a disorderly manner. Suggestion made that the EMC develop a process to address issues in an organized manner.
- Discussion about what causes a local issue to rise to a county wide or statewide issue for the EMC to become involved.
- EMC started looking at OWBs because of the recent NYS Attorney General report on OWBs and belief that elected officials were probably not aware of the report.
- EMC should play role of identifying issues for BOS, as was done with air monitoring station recommendation.
- Discussion on EMC member's role in representing their community versus a larger perspective on what is an identified environmental issue.
- The EMC should work on broad issues but be ready to take up "hot topics" at any time.
- The second draft was well done.
- OWBs are a valid county wide issue and we should comment.

- The EMC should focus on getting our communities to consider the issues, rather than offer specific things to do or not to do.
- Suggestion that there were inconsistencies in some of the draft recommendations and a concern that phasing out all existing OWBs was not consistent with what other local governments have done.
- The recommendation is a phase out plan, similar to what happens all the time in industry, so this is not over reacting.

Karl Gabosh made a motion to adopt the draft OWB recommendation prepared and email distributed by John Dax (dated 10/26/09) and seconded by Dan Marcus. The discussion established a need to change some language in the above draft. Therefore, Karl Gabosh withdrew his motion. The first revision was suggested by Dan Marcus to change recommendation no. 7 by inserting the word “non-conforming” between the words all and OWBs to read as follows:

Make provisions for phasing out all non-conforming OWBs, already installed on the effective date of the new law by a date certain.

The second revision was suggested by Kate Cashen to replace the word “with” with the word “concerning” in the last sentence of the opening paragraph of the Recommendation section to read as follows:

The Council recommends that Columbia County municipalities adopt local laws concerning the following elements:

Mark Burch made a motion to accept the draft OWB recommendation prepared by John Dax with the two revisions recommended by Dan Marcus and Kate Cashen above and seconded by Melissa Sorman. Vote: 11 yeas, 1 nay, 0 abstentions.

3) EMC Speakers

Chairman Simonsen deferred this discussion to a future meeting in the absence of Dierdre Henderson.

4) Energy Committee Re: composting and plastic bags

Karl Gabosh reported that the committee worked on the composting issue with the goal that food and yard waste could be composted in the county to save on trucking costs of wastes to out of county landfills. He thinks that it is a good idea to put the issue on the political radar even with the economic downturn, but is not optimistic that it would be supported at the present time.

There are many good composting programs underway in the US which are also economically viable. He mentioned a Bard College student, Susan Robinson, who had developed a proposal. Some yard waste is currently composted at the Greenport Transfer Station, but Mr. Gabosh sees no reason why it could not be done on a county wide basis.

Chairman Simonsen asked Mr. Gabosh to compile a list of all current composting facilities in the county for a report, possibly next month. Chairman Simonsen also recommended holding off on recommendations on plastic bags and focus solely on composting for now.

5) Major County Environmental Issues

Chairman Simonsen thanked the members for emailing him ideas on the five major environmental issues in the county. He passed out copies of the list which he compiled from the input he received (entitled “Top Five Most Critical Environmental Issues in Columbia County” dated 10/26/09). Included was one page of thoughts from John Adams which focused on the impacts of residential development throughout the county and recommended contacting Ellen Epstein at Columbia Land Conservancy. There was general agreement on the importance of water resources. Chairman Simonsen did not want other issues overlooked such as the need for a county wide comprehensive plan and some way to get local governments to comply with the State Environmental Quality Review Act (SEQRA) and suggested that the County Planning Board could be given responsibility to look at more projects, e.g. any subdivision of five or more lots and any commercial development anywhere in the county and they should work to make sure SEQRA is complied with. There was some discussion about the role of the EMC in looking at these kind of issues. Chairman Simonsen recalled that Commissioner Ken Flood indicated that some staff resources could be available. The discussion concluded with a consensus that it would help the EMC to know what information exists and identify the gaps in our knowledge and then could make recommendations to the BOS. Chairman Simonsen agreed to contact Ellen Epstein about speaking to the EMC at the January 2010 meeting.

NEW BUSINESS

Frances Szasz reported hearing about a possible cougar siting in the county although NYSDEC official position is that cougars do not occur in New York State. She added that many suspect that the NYSDEC has reintroduced cougars into the state and will not admit it. She has concerns about animal and human safety with cougars and thinks the BOS should be writing to NYSDEC about this issue and the lack of public information. Several other members recounted sitings or stories about sitings of cougars.

The schedule for the November meeting was discussed. It was decided to reschedule the November meeting one week later than normal to avoid the Thanksgiving week. Therefore the

next meeting will be held on Monday, 30 November 2009. Chairman Simonsen said that the focus of the November meeting would be the issue of residential development impacts.

The meeting was adjourned at 9:00 pm.

Minutes prepared by:

Roland R. Vosburgh, Principal Planner