

**COLUMBIA COUNTY  
ENVIRONMENTAL MANAGEMENT COUNCIL**

**MEETING MINUTES  
28 SEPTEMBER 2009**

**PRESENT:**

Ed Simonsen, Chairman, Kinderhook  
Karl Gabosh, Austerlitz  
Dierdre Henderson, Chatham  
John Adams, Canaan  
Kate Cashen, Claverack  
Melissa Sorman, Gallatin  
Frances Szasz, Germantown  
Robert Kessler, Hillsdale  
Dean Vander Schaaff, Livingston  
John Dax, New Lebanon  
Dan Marcus, Stockport  
Scott Stackpole, Taghkanic

**REGRETS:**

Mark Burch, Stuyvesant  
Theresa Mayhew, CCE

**STAFF:**

Roland R. Vosburgh, Principal Planner

**VACANCIES:**

Town of Ancram  
City of Hudson

**CALL TO ORDER**

Chairman Ed Simonsen called the meeting to order at 7:08 pm and noted that a quorum (requires 10 out of 19 members) was not present to conduct official business. Three voting members arrived after the call to order so that by 7:20 pm there was a quorum (12 out of 19 members).

**APPROVAL OF MINUTES**

The draft August EMC minutes were reviewed. Dan Marcus noted that his recollection about the discussion of outdoor wood boilers (OWBs) was that he expressed support for a county-wide moratorium. Melissa Sorman made a motion to approve the 8/24/09 EMC minutes as presented and seconded by Karl Gabosh. Vote: All in favor.

**CHAIRMAN'S REPORT**

Chairman Simonsen recommended a procedure to allow the draft meeting agenda to be amended at the start of each meeting. Kate Cashen made a motion to allow for the agenda to be amended at the start of each meeting and seconded by Frances Szasz. Vote: All in favor.

Chairman Simonsen noted that many issues and ideas have been discussed at the EMC meetings over time and he recommended the EMC develop a system for tracking EMC issues that have not been brought to some sort of conclusion, so that the EMC does not overlook them. There was consensus that this was a good idea.

Chairman Simonsen reported that Commissioner Ken Flood contacted him to clarify his recommendation that the EMC develop concise, one page issue summaries when reporting to the Board of Supervisors.

Chairman Simonsen reported that at the invitation of Bob Kessler, he met with the Town of Hillsdale Green Solutions committee. It was a very productive meeting and he was impressed with the local committee members. Bob Kessler explained that the committee is dealing with biodiesel and wind power regulation issues for the town currently.

Chairman Simonsen reported no new developments regarding the two member vacancies on the EMC.

**THERE WAS NO NEW CORRESPONDENCE TO REPORT.**

**OLD BUSINESS**

*1) Outdoor Wood Boilers:*

Chairman Simonsen thanked Dan Marcus for drafting a one page OWB issue paper which was emailed to all members. The discussion raised the following points:

- Prohibiting existing OWBs is not advisable.
- Recommendation of a moratorium should include a roadmap of what is going to be done and how long it will take.
- OWBs which meet EPA guidelines for emissions should not be prohibited.
- Emissions from any OWB (including those meeting EPA guidelines) depend on fuel characteristics and how the unit is operated.
- OWBs emit both particulates and gases; people need to realize this and separate the two issues.
- The EMC is only an advisor to other levels of government.
- The EMC should discuss Article 47 powers and duties and come to agreement before taking action on a specific issue such as OWBs.

The consensus of the EMC at this point was to take up the discussion of Article 47 and BOS Resolution 190 powers and duties. Dan Marcus made a motion to table the discussion of OWBs and seconded by Bob Kessler. Vote: All in favor.

## 2) *EMC Powers & Duties*

Members referred to a handout prepared by Chairman Simonsen, as well as copies of Article 47 of the Environmental Conservation Law and Columbia County BOS Resolution 190 of 1974 which established the EMC.

The discussion raised the following points:

- There is no debate about powers and duties; it is all laid out in Article 47 and Res. No. 190 on what the EMC should be doing as an advisor.
- Language includes the terms “shall” and “may” which are legally significant. The EMC should identify the priority of the “shall” provisions and which of the “may” provisions the EMC would like to address.
- It is a question of prioritizing what the EMC should and could do under these two authorities.
- The EMC should get input from the NYSDEC staff who oversees EMCs in the state as to the current activities of EMCs as well as the current expectation of NYSDEC toward EMCs.
- There were divergent viewpoints on whether Article 47 or Resolution No. 190 was the controlling document or “organic” (authorizing) act. Article 47 is the state law authorizing EMCs, but Resolution 190 is the creation document for the CC EMC.
- There were divergent viewpoints on the supremacy of Article 47 or Resolution 190.
- Are Article 47 and Resolution No. 190 contradictory to each other in any respect? Is there any diminution of EMC power under Resolution No. 190 compared to Article 47?
- Did this question ever get referred to the CC Attorney? (no)
- The EMC reports to the CC BOS, so what we choose to address is very important and EMC should decide whether the focus is on general, county wide issues or very specific local matters.
- Realistically, the EMC has no staff or budget and members are volunteers with a great variety of issues. Because of the lack of resources, the EMC must prioritize what we can actually accomplish.
- The EMC is a small group with a huge mandate, but the EMC should be getting something done. Focus on a few issues and finish them each year. We can debate powers and duties forever.
- EMC should be specific, fears that broad advice will be ignored by BOS.
- In the past the BOS provided more direction for EMC projects (e.g. solid waste planning in the 1980s). EMC could present BOS with list of priorities for their input or simply ask the BOS to give us their suggestions.

- The requirement of an EMC annual report is an opportunity to improve two way communication with the BOS and also as a vehicle for conveying EMC recommendations.
- R. Vosburgh explained that EMC annual reports were consistently produced in the 1980s but not the 1990s, due in large part to low membership and quorum difficulties. The meeting minutes throughout this period have been relied upon as the official record of EMC activities. There was a 1999 annual report and a 2008 report filed.
- Environmental standards are needed so that EMC recommendations can cite these and avoid ambiguity.
- Re: OWBs, how do we know they are a problem, e.g. how many are located in Columbia County? Create a subcommittee to get the facts on OWBs in the county? How would you collect that information?
- What about setting aside wildlife habitat?
- Identify and highlight the five major trends in environmental issues in Columbia County in the annual report.

This discussion concluded without reaching any conclusion or taking any specific action other than that Chairman Simonsen asked each EMC member to identify and prioritize the top five environmental issues and email them to him.

### *3) Speaker Program*

Dierdre Henderson recounted that two meetings ago she did not wish to proceed without some assurance that the EMC had the support of the BOS. Chairman Simonsen noted that Commissioner Flood was very supportive of the speaker program concept. Ms. Henderson listed the topics suggested to date: smart growth, biodiversity/wildlife habitat, climate change (in particular the DEC Climate Smart program), and water quality (in particular aquifers). As far as potential speakers are concerned, she includes Ward Stone (DEC wildlife biologist), Paul Breyer (NYS smart growth advisor to the governor), and Richard Reynolds of USGS. She asked the EMC two questions: 1) how many speakers do we want to schedule annually and 2) what sites throughout the county could be used for the meetings?

### *4) Energy Report Phase 2*

Chairman Simonsen asked that the pending Energy Committee recommendations of plastic bags and composting be completed for final action.

## **NEW BUSINESS**

Karl Gabosh reported that he will be attending the Lafarge Cement Co. Community Liaison Committee meeting on 9/29/09.

Frances Szasz reported that she is starting to become involved in a similar community liaison committee for the Holcim cement plant in the Town of Catskill.

Bob Kessler reported that the Hillsdale Green Solutions committee has invited Ned Depew to speak on retrofitting a home for energy conservation.

Dierdre Henderson announced that the revised state energy plan was available for public review and comment through 10/17/09.

With no further business, the meeting was adjourned at 9:10 pm.

Minutes prepared by:

Roland R. Vosburgh, Principal Planner