

Ulster County Government Sustainability Initiatives: Environmental Executive Orders, Laws, Resolutions & Procedures

Ulster County Department of the Environment

January 2013

Michael P. Hein, County Executive





Printed on Recycled Paper

ULSTER COUNTY EXECUTIVE

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January 2013

Dear Municipal Leader,

As we continue to transform Ulster County government to be more efficient, more effective, more transparent and more sustainable, I am pleased to offer you this guidebook to use as a resource so that we may work together to protect our precious environment.

As you take similar steps to create a healthier and more sustainable future, you will find that this guidebook contains a broad range of initiatives implemented by Ulster County. It is designed to help eliminate waste, reduce costs, enhance the quality of life and improve the delivery of services to our residents. These initiatives pay financial and environmental dividends by improving energy efficiency, reducing energy demand, reducing solid waste, and helping to protect our valuable environment.

Ulster County is proud to say that our innovative "green cleaning" practices and "energy smart" office procedures have now become standard. The County has also reduced the use of unnecessary toxins in our environment by banning the use of pesticides of all County property and more recently banning the use of hydraulic fracturing brine on County roads.

As evidenced by the material included in this guidebook, Ulster County is fully committed to providing a more sustainable future for our residents, businesses, visitors, and for generations to come. As Ulster County continues to blaze a new path toward becoming a model "green" community, it is my intent that this guidebook be available to assist our local municipalities to do the same, making "green government" within Ulster County the norm. I encourage all municipal leaders and decision-makers to examine the enclosed initiatives and to use the material in this guidebook as a template or starting point for similar initiatives or discussions in your community.

Very Truly Yours,

A handwritten signature in blue ink, appearing to read "M. P. Hein", with a long horizontal flourish extending to the right.

Michael P. Hein
County Executive

Ulster County Government Sustainability Initiatives: Environmental Executive Orders, Laws, Resolutions & Procedures (January 2013)

Sustainability in Municipal Government

Municipal governments provide a wide variety of important services, but in so doing, must necessarily consume valuable resources. Municipal government operations require the use of energy, equipment, and supplies on a daily basis. The use of resources comes at costs to both the environment and to taxpayers, as energy alone can account for as much as 10% of a local government's operating expenses (US Department of Energy, 2005) and local government operations contribute to greenhouse gas production.

Sustainability initiatives are ways to help ensure that the abundant environmental, social and economic resources we rely on today will continue to be available for future generations. The broad principals of sustainability call on municipal governments to act for the long term vitality of their communities even while making what seem to be mundane everyday decisions. By choosing more sustainable practices, municipal governments not only have the opportunity to produce positive environmental, health, and financial benefits for our communities but have the opportunity to lead by example and encourage others to act.

This Guide

This collection of sustainability initiatives was compiled to serve as guidance to Ulster County's municipal governments while reviewing their operations and considering ways to improve their sustainability. The Executive Orders, laws, resolutions and procedures in this guide can be used as templates, "first drafts" or as starting points for discussions among local law makers.

Government sustainability initiatives can apply to many aspects of municipal operations. Ulster County's sustainability initiatives included in this guide cover green procurement; energy use and conservation efforts; nontoxic (or least toxic) landscape and building maintenance activities; integrative pest management; recycling and waste reduction efforts; fuel efficient vehicle purchase procedures; and transportation.

Beyond the documents included in this guide, the County has also gained a wealth of experience working through the implementation of these initiatives. As with any organization that attempts to change operations, there have been unanticipated hurdles at times. However, the occasional hurdles we have faced have been more than offset by cost savings, increases in efficiency, and improved employee comfort. For example: the switch to green cleaning products simplified cleaning routines, saving time and money; the use of low/no VOC paints reduced occupant complaints about odor during renovations and allows for painting during business hours; and the elimination of pesticide use on County property helped streamline the maintenance of facilities. We encourage any municipality to reach out to the County (contacts included on the following page) to learn more about the measures included in this guide.

Additional Resources

There are many other resources available to help municipalities with their sustainability initiatives. For example, Ulster County engages in a comprehensive bidding process for many products, including "green" products, used by the County. Local municipalities can purchase off of the County's awarded bids. This can save time and money for municipalities while ensuring that the products meet specified environmental and health standards.

In addition, Ulster County provides an online website, www.SustainableUlster.org, which is a one-stop resource where residents, businesses, municipalities and organizations located in Ulster County can find information on rebates, incentives, grants, and tips to reduce energy usage. This site also highlights some of the energy conservation projects that have been implemented by Ulster County, including the installation of a 130 panel solar photovoltaic array at a County Department of Public Works substation, an energy efficient indoor lighting retrofit at six County buildings, and an energy efficient outdoor LED lighting retrofit at the Golden Hill Complex.

For additional information on any of the Executive Orders, laws, resolutions and procedures included in this guide, please contact Amanda LaValle, Coordinator, Ulster County Department of the Environment at (845) 338-4755 or alav@co.ulster.ny.us.

For information regarding County bids and cooperative purchasing, please contact Ed Jordan, Deputy Director of Purchasing at (845) 334-5574 or ejor@co.ulster.ny.us.

While Ulster County government is proud of the many innovative steps implemented to date, sustainability is not an end but rather an adaptive process of continuing efforts. For this reason, this document is expected to be periodically revised in an online version as new initiatives are implemented. The guide will be available online at Ulster County's energy and sustainability website www.SustainableUlster.org and on the Department of the Environment website <http://www.co.ulster.ny.us/environment>.

Summary and Table of Contents

SECTION ONE: GREEN PURCHASING- This section contains: resolutions adopted by the Ulster County Legislature and approved by the County Executive; procedures from Ulster County's "Standard Operating Procedures (SOP) Manual" relating to the procurement of a variety of goods, materials, and supplies; and a guidance memorandum for energy efficient vehicle purchases.

Green Procurement Procedure- **Page 1-1**
SOP Manual: Environmentally Preferable "Green" Procurement

Green Cleaning- **Page 1-5**
Resolution No. 282, November 16, 2010: Requiring the Purchase and Use of Green Cleaning Products in All County Facilities

Low/No VOC Paints- **Page 1-9**
Resolution No 283, November 16, 2010: Requiring the Purchase and Use of Low or No Volatile Organic Compounds (VOC) Paints and Coatings in All County Facilities

Recycled Paper- **Page 1-12**
Resolution No. 159, June 21, 2011: Requiring That Certain Publications Shall Be Printed On At Least 30% Recycled Content Paper

Energy Efficiency Vehicle Procurement Guidance- **Page 1-15**
Memorandum, August 7, 2008: Guidance for Fuel Efficient Vehicle Purchase

SECTION TWO: ENERGY USAGE & CLIMATE PROTECTION- This section includes: resolutions adopted by the Ulster County Legislature and approved by the County Executive designating Ulster County as an Energy Smart Community and establishing new construction green building standards; energy smart office procedures from the SOP; Ulster County's Energy Policy and Implementation Guidebook; and the resolution establishing Ulster County as a Climate Smart Community.

Energy Smart Community Resolution- **Page 2-1**
Resolution No. 218, June 10, 2004: Resolution Designating Ulster County as an Energy Smart Community

Green Building Standards- **Page 2-2**
Resolution No. 383, November 8, 2006: Establishing High Performance Green Building Standards for County of Ulster New Construction Projects

Energy Efficient Office Procedures- **Page 2-5**
SOP B.7.: "Energy Smart" Office Procedures *from County of Ulster Standard Operating Procedures (SOP) Manual*

Climate Smart Community Pledge-

Page 2-27

Resolution No. 184, August 16, 2011: Climate Smart Community Pledge for the County Of Ulster

SECTION THREE: ELIMINATING OR REDUCING POTENTIAL TOXINS AND POLLUTANTS- This section contains: an Executive Order, resolutions and local laws adopted by the Ulster County Legislature and approved by the County Executive that provide for reducing the exposure of residents, visitors, employees, and the environment to potential toxins and pollutants.

Ban on Pesticides on County Property-

Page 3-1

Local Law No. 4 of 2009: Requiring Non-Toxic Landscape Maintenance on Land Owned or Leased by the County of Ulster, with Exceptions and Waivers in Appropriate Circumstances

Ban on Hydraulic Fracturing on County Property-

Page 3-8

Resolution No. 74, March 15, 2011: Prohibiting the Leasing of any County-Owned Lands, Including but not limited to County Parks for High-Volume Chemical Slick-Water Hydraulic-Fracturing to Extract Natural Gas

Ban on Hydraulic Fracturing Brine Procurement-

Page 3-11

Executive Order No. 1-2012: Banning the Purchase and/or Use of Liquid Waste Product from Hydraulic Fracturing Operations

Ban on Hydraulic Fracturing Brine Application on County Roads-

Page 3-13

Local Law No. 6 of 2012: Known as the "Hydraulic Fracturing Brine Prohibition Act"

Web Resources for Municipalities on Hydraulic Fracturing-

Page 3-17

Resolution No. 245, October 16, 2012: Establishing a County Policy Requiring the Posting of Information on the County Website to Assist Ulster Municipalities to Enact Local Ordinances Prohibiting Hydraulic. Also included are the available web resources as of January 2013.

Section One: Green Purchasing

This section contains resolutions adopted by the Ulster County Legislature and approved by the County Executive; procedures from Ulster County's "Standard Operating Procedures (SOP) Manual" relating to the purchasing and procurement of a variety of goods, materials, and supplies; and a guidance memorandum for energy efficient vehicle purchases.

I. PURCHASING

I.1. ...Environmentally Preferable “Green” Procurement

DATE: May 1, 2011

The purpose of this SOP is to minimize the negative environmental impacts of the County’s activities by ensuring the procurement of services and products that:

- reduce toxicity
- conserve natural resources, materials, and energy
- maximize recyclability and recycled content
- maximize energy efficiency in procurement of new computer equipment
- reward manufacturers and vendors that reduce environmental impacts in their production and distribution systems
- create a model for successfully purchasing environmentally preferable products that encourages other purchasers within our local communities to adopt similar goals

Recycled Goods and Services - The County supports markets for recycled goods and other environmentally preferable products and services by requiring County departments, administrative units and contractors to procure and utilize such goods, products and services whenever practicable.

1. Purchase products and services that minimize environmental impacts, toxics, pollution, and hazards to worker and community safety to the greatest extent practicable, and that meet the performance requirements. Factors that should be considered when determining the environmentally preferable good or service include, but are not limited to:
 - a. Minimization of virgin material use in product or service life cycle.
 - b. Maximization of recycled products used in product or service life cycle.
 - c. Maximization of recycled material content used in product or service life cycle.
 - d. Environmental cost of entire product or service life cycle.
 - e. Reuse of existing products or materials in product or service life cycle.
 - f. Recyclability of product.
 - g. Minimization of packaging.
 - h. Reduction of energy/water consumption.
 - i. Toxicity reduction or elimination.
 - j. Elimination of non-certified hardwoods in product or service life cycle.
 - k. Durability and maintenance requirements.

1. Ultimate disposal of the product.
2. Procure environmentally preferable products and services where criteria have been established by governmental or other widely recognized authorities (e.g., EPEAT Silver, Energy Star, EPA Eco Purchasing Guidelines).
3. Integrate environmental factors into the County's buying decisions where external authorities have not established criteria, such as:
 - a. instituting practices that reduce waste by increasing product or service efficiency and effectiveness, resulting in the purchase of fewer products wherever practicable and cost-effective without reducing safety or workplace quality.
 - b. replacing disposable products with reusable or recyclable products that also durable, long lasting, and refillable to the greatest extent practicable.
 - c. supporting eco-labeling practices by buying products bearing such labels in preference of others, where they are available and provide economic value.
 - d. taking into account life cycle costs and benefits.
 - e. evaluating, as appropriate, the environmental performance of vendors in providing products and services.
4. Raise staff awareness on the environmental issues affecting procurement by providing relevant information and training.
5. Encourage suppliers and contractors to offer environmentally preferable products and services at competitive prices.
6. Encourage providers of services to consider environmental impacts of service delivery.
7. Comply with all environmental legislative and regulatory requirements in the procurement of products and services, including, but not limited to Resolution No. 282 of 2010 requiring the purchase and use of green cleaning products in all County facilities and Resolution No. 283 of 2010 requiring the purchase and use of low or no volatile organic compounds (VOC) paints and coatings in all County facilities.
8. **Definitions**
 - a. **Environmentally Preferable Products and Services** means products and services that have a lesser or reduced effect on human health and the environment when compared with competing products that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the product.
 - b. **Life Cycle Cost** means the amortized annual cost of a product, including capital costs, installation costs, operating costs, maintenance costs, and disposal costs discounted over the lifetime of the product.
 - c. **Practicable** means sufficient in performance and available at a reasonable price.

- d. **Recyclable Product** means a product which, after its intended end use, can demonstrably be diverted from the County of Ulster's solid waste stream for use as a raw material in the manufacture of another product.
- e. **Recycled Material** means material and byproducts that have been recovered or diverted from solid waste, and have been utilized in place of raw or virgin material in manufacturing a product. It is derived from post-consumer recycled material, manufacturing waste, industrial scrap, agricultural waste, and other waste material, but does not include material or byproducts generated from, and commonly reused within, an original manufacturing process.
- f. **Virgin Material** means any material occurring in its natural form. Virgin Material is used in the form of raw material in the manufacture of new products.

9. **Purchasing Department Responsibilities:**

- a. Develop and maintain information about environmentally preferable products and services and recycled products containing the maximum practicable amount of recycled materials, to be purchased by departments, administrative units and contractors whenever possible.
- b. Inform departments, administrative units and contractors of their responsibilities under this procedure and provide implementation assistance.
- c. Require the use of recycled materials and recycled products by incorporating them in bid specifications where practicable.
- d. Disseminate information on recycled and environmentally preferable product procurement requirements, specifications, and performance to assist vendors with procurement opportunities with the County.

10. **Department of Environment Responsibilities:**

- a. Support the Purchasing Department in its implementation of this procedure by providing training, information when requested, and assistance in the evaluation of environmentally preferable products and services.
- b. Support departments and administrative units in evaluation and analysis of environmentally preferable products and services.
- c. In collaboration with the Purchasing Department and the requisitioning department or administrative unit, establish guidelines governing the review and approval of specifications for the procurement of selected materials based on considerations of recycling, energy and water conservation, life cycle costing and other environmental considerations.

11. **Department and Administrative Unit Responsibilities:**

- a. Evaluate each requested product and service to determine the extent to which the specifications could include an environmentally preferable option.

- b. Determine standard(s) at which products are considered environmentally preferable based on the selective criteria contained in this procedure.
- c. Purchase recycled products with the maximum amount of recycled material practicable.
- d. Ensure that contracts issued by the departments or administrative unit include environmentally preferable products and recycled products wherever practicable.
- e. Ensure that contracts issued by the department or administrative units require the maximum practicable amount of recycled material and that contractors provide certification of this content and report amounts used.
- f. Ensure that all paper printing activities use recycled paper with a minimum recycled content as specified by the Purchasing Department.
- g. Utilize both sides of paper sheets whenever practicable in printing and copying.
- h. Expand the awareness and use of environmentally preferable products and services.

Notes:

Goal - encourage and increase the procurement of environmentally preferable products and services. It reflects a commitment to provide environmental leadership and appropriate guidance. By incorporating environmental considerations into public purchasing, the County of Ulster can help to reduce negative impacts on the local and global environment, remove unnecessary hazards from its operations, protect the public health, reduce costs and liabilities, and potentially improve the environmental quality at the workplace and in our local communities. This is an effective way to direct the County's effort in procuring environmentally preferable products and services.

Nothing in this procedure shall be construed as requiring a department, administrative unit or contractor to procure products that do not comply with General Municipal Law, perform adequately for their intended use or are not available at a reasonable price in a reasonable period of time.

Requiring The Purchase And Use Of Green Cleaning Products In All County Facilities

Legislator Robert Parete, Co-Sponsors: The Environmental Subcommittee (Co-Chairmen Petit and Shapiro and Legislators Belfiglio, Robert Parete and Rodriguez), and Multi-Sponsors: The Governmental Services, Environmental and Administrative Committee (Chairman Roberts and Legislators Belfiglio, Fabiano, Petit, Ronk, Richard Parete, Robert Parete, Rodriguez and Shapiro) and Legislators Briggs, Donaldson, Gregorius, Hochberg, Lomita, Loughran, Madsen, Richard Parete, Provenzano, Sheeley, Stoeckeler and Zimet offer the following:

WHEREAS, the Ulster County Legislature’s Governmental Services, Environmental and Administrative Committee is tasked with setting policies that pertain to environmental issues, and

WHEREAS, the Ulster County Legislature is committed to providing safe and healthy facilities for employees, customers and visitors, and

WHEREAS, Green cleaning products are cleaning and maintenance products that minimize adverse impacts on human health and the environment and yet clean effectively, and

WHEREAS, a Green Cleaning policy can reduce the levels of cleaning chemicals, mold, and airborne dust, major indoor triggers of asthma attacks, and

WHEREAS, as the green cleaning product market continues to expand, more cleaning products and competition are available in the marketplace which will lower costs, and

WHEREAS, facilities that implement a Green Cleaning Program may realize a reduction in overall cleaning cost due to:

- Reducing chemical waste and waste disposal requirement;
- Reducing the amount and number of cleaning products needed;
- Causing a reduction in sick time and at-work injuries; and
- Instituting an overall green cleaning training program that includes training about product use to reduce waste and obtain the best results.

WHEREAS, Green Seal is an Independent, non-profit organization, “Third Party Certifying” organization, and

WHEREAS, Third Party Certified (TPC) products are cleaning products have been certified by an established and legitimate, nationally-recognized program developed for the purpose of identifying environmentally preferable products. Any such TPC certification program shall:

Resolution No. 282 November 16, 2010

Requiring The Purchase And Use Of Green Cleaning Products In All County Facilities

- Have an open, transparent process for setting standards that involves the public and key stakeholders
- Clearly define the fees a manufacturer must pay for certification;
- Clearly identify any potential conflicts of interest;
- Have criteria for certification that are publicly available and transparent;
- Certification is based on consideration of human health and safety, ecological toxicity, other environmental impacts, and resource conservation, as appropriate, for the product and its packaging, on a life cycle basis;
- Require periodic revisions and updates of the standards;
- Monitor and enforce the standards, provide for the authority to inspect the manufacturing facilities, and periodically do so;
- Have a registered/legally protected certification mark;
- Make the standards easily accessible to purchasers and manufacturers (e.g. available for download on the program's website);
- Be developed by consensus, if possible;
- Establish leadership levels in standards for products, and

WHEREAS, the Governmental Services, Environmental and Administrative Committee has met and reviewed said request with a majority of the members voting approval, now, therefore, be it

RESOLVED, the Ulster County Legislature hereby establishes a "green" cleaning policy that mandates the purchase and use of cleaning products in all county facilities. Green Cleaning Products shall meet GS-37 standard as provided by Green Seal or equivalent. Green Seal, a non-profit organization that provides science-based environmental certification standards, has developed the "Environmental Standard for General-Purpose, Bathroom, Glass, and Carpet Cleaners Used for Industrial and Institutional Purposes"(GS-37), which establishes certification requirements for safer and less harmful cleaning products. Under the GS-37 standard for Green Seal Certification, products must meet requirements for toxic compounds, carcinogens and reproductive toxins, skin and eye irritation, skin sensitization, and combustibility, as well as life cycle analysis from production to disposal, and be it further

Resolution No. 282 November 16, 2010

Requiring The Purchase And Use Of Green Cleaning Products In All County Facilities

RESOLVED, product categories certified under GS-37 include the following:

- General Purpose Cleaners
- Glass Cleaners
- Bath Cleaners
- Carpet Cleaners
- Carpet Spot Removers
- Toilet Bowl Cleaners

and, be it further

RESOLVED, the Ulster County policy on green cleaning does not supersede or change existing health, labor, education and environmental regulations related to cleaning and maintenance practices and disposal of hazardous chemicals. However, in certain locations (e.g., food service areas) and for special circumstances (e.g., blood spills) different products and practices may be needed to satisfy the requirements of existing public health, labor, education and environmental conservation regulations, and, be it further

RESOLVED, the Purchasing Department shall issue an Annual report to the Legislative Committee responsible for Environmental issues on the procurement of green cleaning products, and, be it further

RESOLVED, Ulster County staff is permitted to deplete existing inventories of cleaning products. Implementation shall take effect by June 1, 2011,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 32 NOES: 0
(Absent: Legislator Shapiro)

FINANCIAL IMPACT:
NONE

Resolution No. 282 November 16, 2010

Requiring The Purchase And Use Of Green Cleaning Products In All County Facilities

STATE OF NEW YORK

ss:

COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 16th day of November, 2010, and that the same is a true and correct transcript of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 18th Day of November in the year Two Thousand and Ten.

/s/ Karen L. Binder
Karen L. Binder, Clerk
Ulster County Legislature

Submitted to the County Executive this

18th Day of November, 2010.

/s/ Karen L. Binder
Karen L. Binder, Clerk
Ulster County Legislature

Approved by the County Executive this

23rd Day of November, 2010.

/s/ Michael P. Hein
Michael P. Hein, County Executive

Requiring The Purchase And Use Of Low Or No Volatile Organic Compounds (VOC) Paints And Coatings In All County Facilities

Legislator Robert Parete, Co-Sponsors: The Environmental Subcommittee (Co-Chairmen Petit and Shapiro and Legislators Belfiglio, Robert Parete and Rodriguez), and Multi-Sponsors: The Governmental Services, Environmental and Administrative Committee (Chairman Roberts and Legislators Belfiglio, Fabiano, Petit, Ronk, Richard Parete, Robert Parete, Rodriguez and Shapiro) and Legislators Briggs, Donaldson, Gregorius, Hochberg, Lomita, Loughran, Madsen, Richard Parete, Provenzano, Sheeley, Stoeckeler and Zimet offer the following:

WHEREAS, the Ulster County Legislature endeavors to provide a healthy work environment for all employees, and

WHEREAS, estimates demonstrate that Americans spend up to 90% of their time indoors. Many common items contain toxic chemicals that may lead to a variety of health problems, and

WHEREAS, as an operator of public buildings, Ulster County has an important responsibility to adopt and implement public policies and practices that seek to protect the long-term health of all those who work in and visit these properties, and

WHEREAS, according to the United States Environmental Protection Agency (EPA) website, “Volatile organic compounds (VOCs) are emitted as gases from certain solids or liquids. VOCs include a variety of chemicals, some of which may have short- and long-term adverse health effects. Concentrations of many VOCs are consistently higher indoors (up to ten times higher) than outdoors”, and

WHEREAS, VOCs are emitted by a wide array of products numbering in the thousands, including traditional paints, and

WHEREAS, as the “green” product market continues to expand, more products and competition are available in the marketplace which will lower costs, and

WHEREAS, avoidance of toxic substances and conditions, as they might influence not only the environment but human health more directly, is a longstanding concern of the Ulster County Legislature, and

WHEREAS, Green Seal is an independent non-profit organization dedicated to safeguarding the environment and transforming the marketplace by promoting the manufacture, purchase, and use of environmentally responsible products and services, and

Resolution No. 283 November 16, 2010

Requiring The Purchase And Use Of Low Or No Volatile Organic Compounds (VOC) Paints And Coatings In All County Facilities

WHEREAS, the Governmental Services, Environmental and Administrative Committee has met and reviewed said request with a majority of the members voting approval, now, therefore, be it

RESOLVED, Ulster County shall procure and use low- or no-VOC paints and sealers on all new, renovation and repair projects in County-owned and leased facilities, and, be it further

RESOLVED, Ulster County shall procure and use low- or no VOC paints and coatings that meet Green Seal GS-11 Standards or equivalent. Green Seal establishes requirements and GS-11 Standard for paints and coatings, and, be it further

RESOLVED, the Director of Purchasing shall report to the Environmental Committee of the County Legislature on the procurement of low- or no-VOC paints on an annual basis, and, be it further

RESOLVED, Ulster County staff is permitted to deplete existing inventories. Implementation shall take effect by June 1, 2011.

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 32 NOES: 0
(Absent: Legislator Shapiro)

FINANCIAL IMPACT:
NONE

1120

Resolution No. 283 November 16, 2010

Requiring The Purchase And Use Of Low Or No Volatile Organic Compounds (VOC) Paints And Coatings In All County Facilities

STATE OF NEW YORK

ss:

COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 16th day of November, 2010, and that the same is a true and correct transcript of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 18th Day of November in the year Two Thousand and Ten.

/s/ Karen L. Binder
Karen L. Binder, Clerk
Ulster County Legislature

Submitted to the County Executive this

18th Day of November, 2010.

/s/ Karen L. Binder
Karen L. Binder, Clerk
Ulster County Legislature

Approved by the County Executive this

23rd Day of November, 2010.

/s/ Michael P. Hein
Michael P. Hein, County Executive

Requiring That Certain Publications Shall Be Printed On At Least 30% Recycled Content Paper

Legislators Robert S. Parete, Provenzano and Zimet and Co-Sponsors: The Government Operations and Environmental Services Committee (Chairman Shapiro and Legislators Bernardo, Maio, Petit, Ronk, Robert Parete and Zimet) offer the following:

WHEREAS, according to the United States Environmental Protection Agency, the United States uses about 68 million tons of paper and paperboard each year, and more than 2 billion books, 350 million magazines, and 24 billion newspapers are published, and the average office worker uses 10,000 sheets of copy paper each year, and

WHEREAS, the Ulster County Legislature believes it is fundamentally important to protect our natural resources through efforts to Reduce the total waste stream, Reuse what we can, and Recycle everything else, and

WHEREAS, purchasing and using recycled paper continues the demand and diverts waste from clogging landfills, and

WHEREAS, printing is defined as any process that transfers to paper or another substrate a printed image from a negative, plate, electronic memory, electronic file, die or stencil, and

WHEREAS, certain publications is defined as magazines, booklets and pamphlets; corner-stitched, side-stitched, saddle-stitched or perfect bound. And, shall also include the printing of items such as brochures, envelopes, letterheads, business cards and forms, and

WHEREAS, various national and international standards apply to printing, and

WHEREAS, where paper with at least 30% post-consumer recycled content is not available, or does not meet required form, function and utility, paper procurements shall use post-consumer recycled content to the extent practicable, and

WHEREAS, the Government Operations & Environmental Services Committee has the authority set policy pertaining to the Department of the Environment, Environmental Management Council, Fish and Wildlife Management Board, Forest Practice Board and Soil & Water Conservation District, including the protection of waterways and the County's recycling efforts, and

Resolution No. 159 June 21, 2011

Requiring That Certain Publications Shall Be Printed On At Least 30% Recycled Content Paper

WHEREAS, the Government Operations & Environmental Services Committee has met and considered this resolution, now, therefore, be it

RESOLVED, in recognition of Earth Day in April of 2011, certain publications shall be printed on at least 30% Recycled Paper to the maximum extent practicable and whenever feasible, all county departments shall apply this policy to other printed items such as brochures, envelopes, letterheads, business cards and forms, and be it further

RESOLVED, all County Departments and elected officials are encouraged to disseminate publications through electronic means to the greatest extent possible, and be it further

RESOLVED, that all County Departments and elected officials are encouraged to print using one color or shades of one color (monochromatic), and be it further

RESOLVED, that certain County Department publications shall have a recycled paper logo or the words "Printed on Recycled Paper", and be it further

RESOLVED, all County Departments Heads and elected officials are encouraged to print publications and material using double sided paper to the maximum extent practicable, and be it further

RESOLVED, the Ulster County Purchasing Department shall issue an annual report to the Ulster County Legislature regarding its responsibility on the procurement of all aggregate paper purchases, and be it further

RESOLVED, this policy shall take effect on July 1, 2011,
and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 27 NOES: 4
(NOES: Legislators Frey, Roberts, Sweeney and
Terrizzi)
(Absent: Legislators Aiello and Wadnola)

Resolution No. 159 June 21, 2011

Requiring That Certain Publications Shall Be Printed On At Least 30% Recycled Content Paper

FINANCIAL IMPACT:
TO BE DETERMINED

0623

STATE OF NEW YORK

ss:

COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 21st day of June, 2011, and that the same is a true and correct transcript of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 23rd Day of June in the year Two Thousand and Eleven.

|s| Karen L. Binder
Karen L. Binder, Clerk
Ulster County Legislature

Submitted to the County Executive this
23rd Day of June, 2011.

Approved by the County Executive this
29th Day of June, 2011.

|s| Karen L. Binder
Karen L. Binder, Clerk
Ulster County Legislature

|s| Michael P. Hein
Michael P. Hein, County Executive

COUNTY OF ULSTER

P.O. BOX 1800
KINGSTON, NEW YORK 12402

DEPARTMENT OF THE ENVIRONMENT

17 Pearl Street, Kingston NY

Phone: 845-338-7287

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AMANDA L. LAVALLE
COORDINATOR

MARTIN J. REISINGER
DEPUTY COORDINATOR

MEMORANDUM

To: Alan Lomita, Chairman
Way and Means Committee, Ulster County Legislature

CC: Brian Shapiro, Chairman
Environmental Committee, Ulster County Legislature

From: Amanda LaValle and Marty Reisinger
Ulster County Department of the Environment

Re: Guidance for fuel-efficient vehicle purchase

Date: 8/07/08

The Department of the Environment completed some brief research into your question about enhanced fuel-efficiency standards for vehicle purchase by the County. We unfortunately didn't find any definitive methodology referencing Federal CAFÉ (Corporate Average Fleet Efficiency) standards. However, we did find some useful information which we feel may be of help in the procurement process. In this memo, you will find our suggestions along with some background information. In addition, attached to this memo is a graph which represents the purchase prices and estimated five year fuel costs for vehicles available on state contract. We think that this visualizes the benefit of purchasing fuel efficient vehicles by considering the combined costs of fuel use along with initial purchase cost.

We hope that this information will be useful to you and the committee. Please call on us (338-7455; 340-3522) with any questions or concerns.

Background Information on Fuel Efficiency Requirements-

In 1975 the Federal government first established the Corporate Average Fuel Economy (CAFÉ) standards. Those standards doubled passenger car fuel economy average to an average of 27.5 mpg. The standards were reduced for Model Years '86 -'89 and increased back to 27.5 mpg for Model Year 1990 and have remained at this level since that time. The standard for light trucks was set at 22.2 mpg for model year 2007. New CAFÉ standards are set to increase fuel economy for both cars and light trucks to 35 mpg by 2020. We

did not find any reference to municipal or state government enacting their own fleet average standards as a way to increase fleet efficiency.

In New York State, Executive Order #111 was signed in June of 2001 and it sets standards for alternative fuel vehicle procurement for state government. NYS Executive Order #111 requires all state agencies, public benefit corporations and public authorities to assure that at least 50% of all new light-duty vehicles acquired shall be “alternative-fuel” vehicles by 2005. Alternative-fuel vehicle acquisitions are to increase by 10% annually through 2010, arriving at 100% of all vehicles purchased. Alternative-fuel vehicles, as defined, include Bi-fuel (CNG/ gasoline; propane/gasoline), Flex-fuel (ethanol/gasoline), hybrid (electric/gasoline), and licensed “Neighborhood Electric” vehicles. While not specifically required under E.O. #111, all other entities in NY State, e.g., county governments, are “encouraged” to also adopt these requirements.

EPA Green Vehicles Guide

Securing specific vehicle purchases based on enhanced fuel efficiency and lowest emissions can be supported by referencing the US EPA Green Vehicle Guide. The actual website (<http://www.epa.gov/greenvehicles/index.do>) is a useful tool that allows you to search the make, model and model year of all available vehicles and compare specific choices for fuel efficiency and lowest emissions profile - both important environmental criteria.

For your use, we included a spreadsheet that provides the green vehicle rating criteria for cars that are available on state contract. We referenced this spreadsheet to the current state bid lists for “Passenger Cars” and “Alternative Fuel Vehicles” issued by NYS, Office of General Services. You can review this spreadsheet to easily identify the best performing vehicles currently on state contract.

UC Department of the Environment Recommendations-

In summation of our research, we would like to offer these general guidelines for procurement of vehicles.

1- Explicitly consider fuel costs as part of the purchase costs

We realize it may not be economically feasible to purchase only hybrid vehicles or the most fuel efficient vehicles within a particular vehicle class. However, we suggest that in addition to the purchase cost of the vehicle the County consider the fuel costs of operating the vehicle over a five year period of time. We contend that the purchase cost *plus* the fuel cost for the vehicle more accurately reflects the costs to the County associated with a vehicle purchase. The bar chart attached to this memo illustrates this cumulative cost.

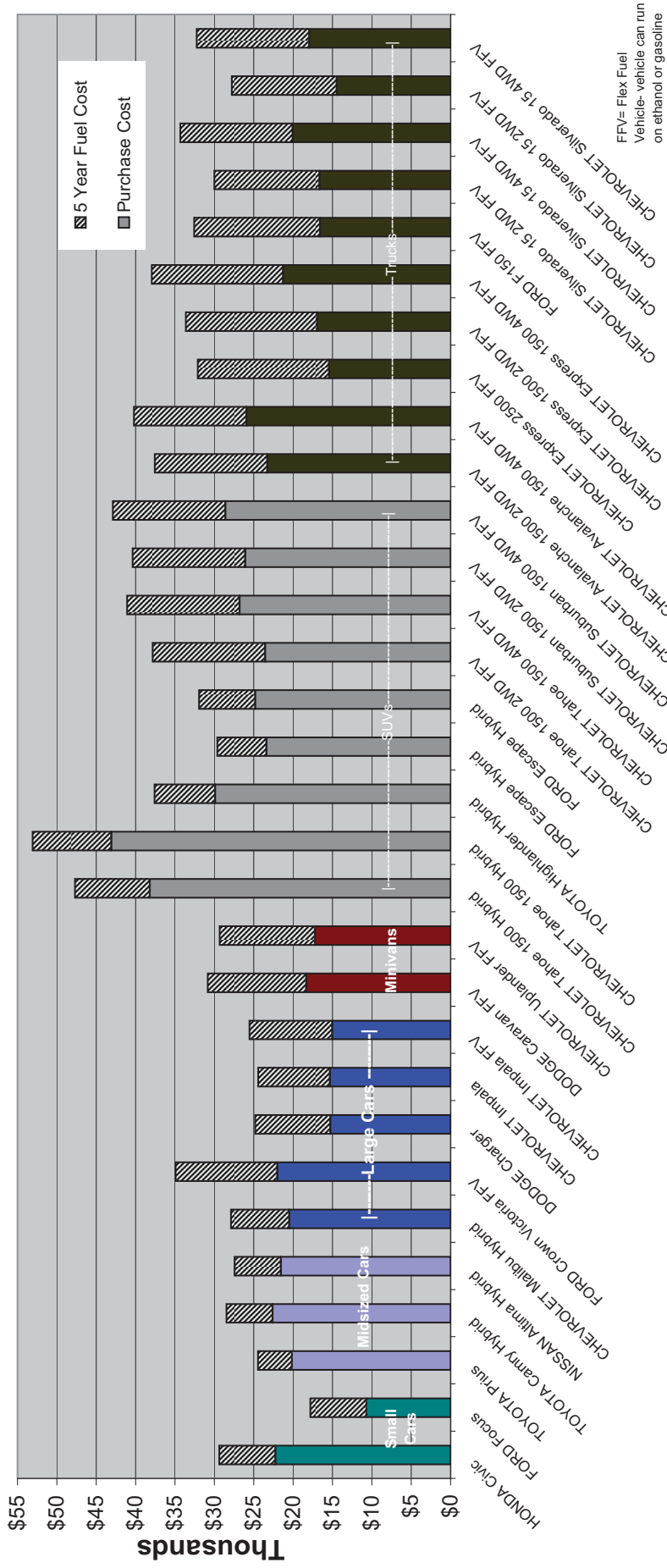
2- Buy hybrid or highly fuel efficient vehicles when practicable

There are several vehicles on state contract which may be more costly to procure which actually cost less over a period of time due to increased fuel efficiency and decreased fuel costs. For example, if the County were to purchase an SUV, we would highly suggest the **Ford Escape Hybrid** be reviewed. In addition, for mid-sized cars we suggest the **Toyota Prius**. Both vehicles are cost effective, fuel efficient and produce low levels of emissions.

3- Buy Flex-Fuel vehicles when available

Although the practicality and environmental benefit of ethanol fuels are highly debatable at this point in time, there are quite a few vehicles on the state contract list which are available in models which can run on gasoline or ethanol for no increase in purchase cost. When this is the case, we suggest buying the flex-fuel vehicle for the following reason 1) ethanol may become more widely available as a fuel source 2) alternative methods of ethanol production which have environmental benefits may be developed in the coming years. Purchase of flex fuel vehicles now would be a low to no cost way to position the County to take advantage of the economic and environmental advantages of alternative fuels in the future.

Cost Comparison of Selected Vehicles Available on 2008 State Contract



FFV= Flex Fuel Vehicle- vehicle can run on ethanol or gasoline

Prepared by the Ulster County Department of the Environment, August 2008

Notes: FFV= Flex Fuel Vehicle- vehicle can run on ethanol or gasoline
 Purchase price is the NYS OGS vehicle bid costs. Fuel costs were estimated using the following assumptions 1) vehicles are driven 10K miles/year, 2) fuel cost is \$4/gallon and 3) vehicle gets the estimated EPA combined mileage for the MPGs.

Model Year 2008 Green Vehicle Guide

| Model | Veh Class | Cyl | Drive | Fuel | Air Pollution Score | City MPG | Hwy MPG | Cmb MPG | Greenhouse Gas Score | PA SmartWay rated | NYS contract | 2008 NYS Contract Price | 5 yrs fuel at \$4/gal and 10K mpy | Purchase Cost + 5 yrs fuel |
|-----------------------------|-------------|---------|-------|-------------|---------------------|----------|---------|---------|----------------------|-------------------|--------------|-------------------------|-----------------------------------|----------------------------|
| HONDA Civic | small car | (4 cyl) | 2WD | CNG | 9 | 24 | 36 | 28 | | yes | YES | \$22,246 | \$7,143 | \$29,389 |
| FORD Focus | | (4 cyl) | 2WD | Gasoline | 9.5 | 24 | 33 | 28 | 8 | yes | YES | \$10,673 | \$7,143 | \$17,815 |
| TOYOTA Prius | | (4 cyl) | 2WD | Gasoline | 8 | 48 | 45 | 46 | 10 | yes | YES | \$20,122 | \$4,348 | \$24,470 |
| TOYOTA Camry Hybrid | midsize car | (4 cyl) | 2WD | Gasoline | 8 | 33 | 34 | 34 | 9 | yes | YES | \$22,590 | \$5,882 | \$28,472 |
| NISSAN Altima Hybrid | | (4 cyl) | 2WD | Gasoline | 9.5 | 35 | 33 | 34 | 9 | yes | YES | \$21,554 | \$5,882 | \$27,436 |
| CHEVROLET Malibu Hybrid | | (4 cyl) | 2WD | Gasoline | 6 | 24 | 32 | 27 | 8 | yes | YES | \$20,478 | \$7,407 | \$27,886 |
| FORD Crown Victoria FFV | large car | (8 cyl) | 2WD | ethanol/gas | 6/6 | 11/15 | 16/23 | 13/18 | 6/5 | no | YES | \$22,009 | \$12,903 | \$34,912 |
| DODGE Charger | | (6 cyl) | 2WD | Gasoline | 6 | 18 | 26 | 21 | 6 | no | YES | \$15,274 | \$9,524 | \$24,798 |
| CHEVROLET Impala | | (6 cyl) | 2WD | Gasoline | 6 | 18 | 29 | 22 | 6 | no | YES | \$15,332 | \$9,091 | \$24,423 |
| CHEVROLET Impala | | (6 cyl) | 2WD | ethanol/gas | 6/6 | 14/18 | 21/29 | 16/22 | 8/6 | yes | YES | \$15,016 | \$10,526 | \$25,542 |
| DODGE Caravan | | (6 cyl) | 2WD | ethanol/gas | 6/6 | 11/17 | 17/24 | 13/19 | 6/5 | no | YES | \$18,334 | \$12,500 | \$30,834 |
| CHEVROLET Uplander | minivan | (6 cyl) | 2WD | ethanol/gas | 6/6 | 12/16 | 17/23 | 14/19 | 7/5 | yes | YES | \$17,204 | \$12,121 | \$29,326 |
| CHEVROLET Tahoe 1500 Hybrid | | (8 cyl) | 2WD | Gasoline | 6 | 21 | 22 | 21 | 6 | no | YES | \$38,186 | \$9,524 | \$47,710 |
| CHEVROLET Tahoe 1500 Hybrid | | (8 cyl) | 4WD | Gasoline | 6 | 20 | 20 | 20 | 6 | no | YES | \$43,069 | \$10,000 | \$53,069 |
| TOYOTA Highlander Hybrid | SUV | (6 cyl) | 4WD | Gasoline | 8 | 27 | 25 | 26 | 8 | yes | YES | \$29,899 | \$7,692 | \$37,591 |
| FORD Escape Hybrid | | (4 cyl) | 2WD | Gasoline | 8 | 34 | 30 | 32 | 9 | yes | YES | \$23,376 | \$6,250 | \$29,626 |
| FORD Escape Hybrid | | (4 cyl) | 4WD | Gasoline | 8 | 29 | 27 | 28 | 8 | yes | YES | \$24,804 | \$7,143 | \$31,947 |
| CHEVROLET Tahoe 1500 | | (8 cyl) | 2WD | ethanol/gas | 7/7 | 11/14 | 15/20 | 12/16 | 6/4 | yes | YES | \$23,546 | \$14,286 | \$37,832 |
| CHEVROLET Tahoe 1500 | | (8 cyl) | 4WD | ethanol/gas | 7/7 | 11/14 | 14/19 | 12/16 | 6/4 | yes | YES | \$26,794 | \$14,286 | \$41,080 |

Model Year 2008 Green Vehicle Guide

| Model | Veh Class | Cyl | Drive | Fuel | Air Pollution Score | City MPG | Hwy MPG | Cmb MPG | Greenhouse Gas Score | EPA SmartWay rated | NYS contract | 2008 NYS Contract Price | 5 yrs fuel at \$4/gal and 10K mpy | Purchase Cost + 5 yrs fuel |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|---------|-------|-------------|---------------------|----------|---------|---------|----------------------|--------------------|--------------|-------------------------|-----------------------------------|----------------------------|
| CHEVROLET Suburban 1500 | SUV | (8 cyl) | 2WD | ethanol/gas | 7/7 | 11/14 | 15/20 | 12/16 | 6/4 | yes | YES | \$26,085 | \$14,286 | \$40,371 |
| CHEVROLET Suburban 1500 | | (8 cyl) | 4WD | ethanol/gas | 7/7 | 11/14 | 14/19 | 12/16 | 6/4 | yes | YES | \$28,595 | \$14,286 | \$42,881 |
| CHEVROLET Avalanche 1500 | | (8 cyl) | 2WD | ethanol/gas | 7/7 | 11/14 | 15/20 | 12/16 | 6/4 | yes | YES | \$23,275 | \$14,286 | \$37,561 |
| CHEVROLET Avalanche 1500 | | (8 cyl) | 4WD | ethanol/gas | 7/7 | 11/14 | 14/19 | 12/16 | 6/4 | yes | YES | \$25,925 | \$14,286 | \$40,211 |
| CHEVROLET Express 2500 | van | (8 cyl) | 2WD | ethanol/gas | 6/6 | 9/12 | 12/16 | 10/14 | 4/2 | no | YES | \$15,439 | \$16,667 | \$32,106 |
| CHEVROLET Express 1500 | | (8 cyl) | 2WD | ethanol/gas | 6/6 | 9/12 | 12/16 | 10/14 | 4/2 | no | YES | \$16,954 | \$16,667 | \$33,621 |
| CHEVROLET Express 1500 | | (8 cyl) | 4WD | ethanol/gas | 6/6 | 9/12 | 12/16 | 10/14 | 4/2 | no | YES | \$21,279 | \$16,667 | \$37,946 |
| FORD F150 FFV | | (8 cyl) | 4WD | ethanol/gas | 3/3 | 9/13 | 12/17 | 10/15 | 4/3 | no | YES | \$16,305 | \$16,000 | \$32,305 |
| FORD F150 FFV | | (8 cyl) | 4WD | ethanol/gas | 6/6 | 9/13 | 12/17 | 10/15 | 4/3 | no | YES | \$16,571 | \$16,000 | \$32,571 |
| CHEVROLET Silverado 15 | pickup | (8 cyl) | 2WD | ethanol/gas | 6/6 | 11/15 | 15/20 | 13/17 | 6/4 | no | YES | \$16,654 | \$13,333 | \$29,988 |
| CHEVROLET Silverado 15 | | (8 cyl) | 4WD | ethanol/gas | 6/6 | 11/14 | 14/19 | 12/16 | 6/4 | no | YES | \$20,041 | \$14,286 | \$34,327 |
| CHEVROLET Silverado 15 | | (8 cyl) | 2WD | ethanol/gas | 7/7 | 11/15 | 15/20 | 13/17 | 6/4 | yes | YES | \$14,458 | \$13,333 | \$27,791 |
| CHEVROLET Silverado 15 | | (8 cyl) | 4WD | ethanol/gas | 7/7 | 11/14 | 14/19 | 12/16 | 6/4 | yes | YES | \$17,958 | \$14,286 | \$32,244 |
| Note- Vehicles in blue font are considered preferred environmental choices. Please see the EPA green vehicle guide http://www.epa.gov/greenvehicle/ for additional information on the EPA rating criterion and SmartWay designation | | | | | | | | | | | | | | |

Section Two: Energy Usage & Climate Protection

This section includes resolutions adopted by the Ulster County Legislature and approved by the County Executive designating Ulster County as an Energy Smart Community and establishing new construction green building standards; energy smart office procedures from the SOP; the Ulster County's Energy Policy and Implementation Guidebook; and the resolution establishing Ulster County a Climate Smart Community.

RESOLUTION DESIGNATING ULSTER COUNTY AS AN ENERGY SMART COMMUNITY

The Government Efficiency and Reform Committee (Chairman Noonan and Legislators Busick, Harris, Maloney, Lomita, Robert Parete and Shapiro), Bartels, Berardi, Dart, Donaldson, Feldmann, Hyatt, Kraft, Loughran, R.A. Parete, Provenzano, Rodriguez, Stoeckeler and Zimet offers the following:

WHEREAS, the United States has a finite amount of natural resources from which to create energy, and

WHEREAS, the cost of energy continues to escalate, and

WHEREAS, the New York State Energy Research and Development Authority provides significant technical and financial assistance for energy efficient improvements in commercial, residential and institutional buildings, and

WHEREAS, the legislature of Ulster County, NY recognizes the value to our community in promoting energy efficiency, and

WHEREAS the Government Efficiency and Reform Committee has met and reviewed this request with the majority of the members voting approval, and

RESOLVED, that the Ulster County Legislature does hereby designate itself as an Energy Smart Community, and

FURTHER RESOLVED, that the Ulster County Legislature seeks to partner with NYSERDA to promote energy efficiency throughout the County of Ulster, and

FURTHER RESOLVED, that the Ulster County Legislature encourages all owners and users of commercial, residential and institutional buildings in Ulster County to cooperate with the County and NYSERDA to find and utilize more efficient sources and systems.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 33 NOES: 0

FINANCIAL IMPACT:

\$0.00

0624

Establishing High Performance Green Building Standards For County Of Ulster New Construction Projects

Legislators Bartels, Donaldson, Gregorius, Kraft, Loughran, R.S. Parete, Provenzano, Sheeley, Terpening and Zimet, the Efficiency, Reform and Intergovernmental Affairs Committee (Chairman Bischoff and Legislators Liepmann, Rodriguez, Shapiro, Busick and Cummings), the Environmental Committee (Chairman Shapiro and Legislators Distel, R.A. Parete, Rodriguez, Fabiano and McAfee) and the Public Works Committee (Chairman Berardi and Legislators Bischoff, Cahill, Dart, Lomita, Stoeckeler, Fabiano, Felicello and McAfee) offer the following:

WHEREAS, development and construction practices are significant contributors to the depletion of natural resources and a major cause of air and water pollution, solid waste, deforestation, toxic wastes, health hazards, global warming and other negative consequences, and

WHEREAS, buildings use one-quarter of all the world's wood harvest, consume two-fifths of all materials and energy flows, and account for more than one-third of CO2 emissions, and

WHEREAS, Ulster County spends in excess of \$1,375,000.00 annually on combined fuel costs for its conventionally constructed public buildings, and

WHEREAS, construction of public buildings to high performance green building standards will reduce energy use, conserve water, reduce waste, increase the use of recycled materials, improve the health and satisfaction of Ulster County employees and citizens and empower economic development of businesses involved in green building and materials, and

WHEREAS, the Federal Government, states and municipalities across the U.S. have adopted high performance green building principles by incorporating the U.S. Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system into their building projects, and

WHEREAS, comprehensive studies have been completed concluding that LEED Silver rating can be achieved with little increase in construction costs (0-3%) and that the economic benefits of green design are approximately 10 times the initial investment, and

WHEREAS, construction costs represent only 20-30 percent of the building's entire costs over its 30 to 40 year life, emphasis should be placed on the life cycle costs of a public building. High performance green buildings have reduced lifecycle costs, and

Resolution No. 383 November 8, 2006

Establishing High Performance Green Building Standards For County Of Ulster New Construction Projects

WHEREAS, the construction industry in the County of Ulster represents a significant portion of our economy through Capital Improvement Projects and proposed development, and as a significant portion of the building industry is represented by small business, an increase in sustainable building practices will encourage and promote new and innovative small business development throughout New York, and

WHEREAS, the Environmental Committee has met and reviewed said request with a majority of members voting approval, and

WHEREAS, the Efficiency, Reform and Intergovernmental Affairs Committee has met and reviewed said request with a majority of the members voting approval, and

WHEREAS, the Public Works Committee has met and reviewed said request with a majority of members voting approval, and

WHEREAS, the Ways and Means Committee has met and reviewed said request with a majority of the members voting approval.

RESOLVED, that before taking on any County funded construction projects, including major renovations, representatives of Ulster County will meet with NYSERDA to inform themselves of any relevant programs and/or incentives, and

FURTHER RESOLVED, the County will request a NYSERDA audit before any capital project, renovation or new construction, that requires a bid, and

FURTHER RESOLVED, that all Ulster County funded new construction of public buildings be designed and built to a minimum rating of "LEED™ Silver" using the U.S. Green Building Council's LEED-NC™ rating system *except as set forth below*, and

FURTHER RESOLVED, if another agency is funding part of a construction project, the project is not required to be LEED certified unless mutually agreed to by the agency and Ulster County, and

FURTHER RESOLVED, that *in the event that* certain new building types may not be appropriate for LEED certification for reasons other than those financial, *then*, in *such* situations the *Ulster County* Department of Buildings and Grounds *shall* provide a report to the *Ulster County* Public Works Committee *setting forth*

Resolution No. 383 November 8, 2006

**Establishing High Performance Green Building Standards For
County Of Ulster New Construction Projects**

the reasons why such LEED certification is not appropriate, at which time the report shall be forwarded to the full Legislature for its determination, and

FURTHER RESOLVED, County agencies are encouraged to work cooperatively with one another to achieve the goals outlined in this resolution, and

FURTHER RESOLVED, that requests for proposals and bids for County funded construction projects shall explain the requirement for LEED certification,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 30 NOES: 0
(Absent: Legislators Alfonso, Every and
Felicello)

FINANCIAL IMPACT:
PROJECTED SAVINGS

1135

B.7. ...“Energy Smart” Office Procedures

DATE: May 1, 2011

Following this procedure will save significant energy, material and financial resources. This procedure must be followed except where legal requirements dictate otherwise.

1. **Use less paper, printer ink and copy machine toner.**
 - a. Print when needed and for County purposes only.
 - i. Send an email instead of printing or copying.
 - ii. Use the scanning feature available on many office copy machines to scan and email a document, instead of printing and sending it.
 - iii. Print one copy of a report for employees to share instead of printing multiple copies.
 - b. Use paper, ink and toner efficiently.
 - i. Use double-sided or duplex printing when printing from the computer or using the copy machine.
 - ii. Reduce the margins to a maximum of 0.75” on the left and right; and to 0.5” top & bottom.
 - iii. Single space or 1.5 space rather than double space the document.
 - iv. Choose a smaller font and font size (e.g. Century Gothic 11pt) which can result in less toner, ink and paper use.
 - v. Print using Draft mode.
 - c. Reuse paper whenever possible. Use the back of preprinted paper for drafts or for scrap paper.
 - d. Recycle paper when no longer usable.
2. **Turn off lighting and office equipment when not in use.**
 - a. Turn off all lights when not needed or when leaving the area.
 - b. Turn off computers when not in use or at the end of the day.
 - c. Enable the standard energy efficiency features to “power-down” individual computers after periods of inactivity. Standard energy efficiency features can be found on the home page of the Intranet in the Frequently Used Documents section under “Energy Smart Office Procedures.”
 - d. Use a ‘power strip’ to turn off office equipment (printers, copiers, fax machines, etc) at the end of the workday and when not in use for extended periods.

3. **Recycle at work.** Recycling is required by law. The Ulster County Mandatory Source Separation and Recycling Law bans regulated recyclable materials from inclusion in the regular trash. In Ulster County buildings, employees must separate recyclables into the following categories:
 - a. Paper, including all office paper, newsprint, magazines, thin board (like tissue or cereal boxes) and paper packaging.
 - b. Commingled recyclables, including glass, metals, and plastic food, beverage and other types of containers.
 - c. Cardboard, including corrugated cardboard must be broken down and set out for recycling.

4. **Dispose of materials appropriately.**
 - a. Computer equipment must be disposed of in an environmentally safe manner. Request Information Services to dispose of all computer equipment.
 - b. Toner must be handled according to packing/manufacture's directions.
 - c. For other materials like paint, consult with Department of Public Works, Division of Buildings & Grounds.



Ulster County
Department of the Environment

Ulster County Government Energy Policy & Implementation Guidebook



December 2008



ULSTER COUNTY GOVERNMENT ENERGY POLICY

EXECUTIVE SUMMARY

Purpose:

The purpose of this policy is to introduce cost-effective, energy-efficient technologies into County facilities and promote an energy conscious culture that encourages prudent decisions with regard to energy consumption. In the bigger picture, the reduction in total energy demand that will result across all county government operations can help hedge against higher energy costs and help to drive down the need for new power plants and energy imports.

Energy conservation is the key element of this policy because of its potential to reduce overall energy demand and consumption. Energy conservation also plays an important role in addressing climate change by lowering overall greenhouse gas emissions. It is often the most economical strategy to advance climate protection efforts and provides an environmentally benign alternative to increased energy production and consumption. Moreover, by lowering energy demand, energy conservation provides for greater flexibility in choosing preferred methods of energy production, e.g., “green power” - renewable energy that is produced with no man-made greenhouse gas emissions.

History:

The Ulster County Government Energy Policy was initiated by Ulster County Environmental Committee and the Global Warming Advisory Committee (a special advisory committee to the Legislature). In June 2008, the Ulster County Department of the Environment took over the effort to refine and finalize the policy. The policy was prepared with technical assistance from the US Department of Energy, National Renewable Energy Laboratory.

The Ulster County Legislature adopted the Ulster County Government Energy Policy at their December 10, 2008 meeting. Ulster County has joined a very small group of NY counties and municipalities with energy policies.

Implementation:

This policy is supported by a fourteen page **Implementation Guidebook** and sets measurable energy reduction goals. The Implementation Guidebook provides a structure to realize these goals through a combination of energy conservation upgrades, enhanced operational efficiencies, and employee action. It allows for a considerable reduction in overall energy consumption without the use of capital funding. The guidebook is not a static document and may be modified in the future to reflect emerging “best practice” energy conservation and energy management strategies and initiatives. The guidebook also supports objectives that result in healthier buildings and enhanced worker comfort, both of which can contribute to greater workplace productivity.

Ulster County Government Energy Policy

Purpose:

The purpose of this policy is to ensure energy and resource efficiency are explicitly considered and examined throughout the County government and County decision-making. This policy establishes guidelines for cost-efficient and sustainable resource consumption and allows the Ulster County Department of the Environment to coordinate implementation of the policy specifics through the Ulster County Government Energy Policy Implementation Guidebook. This guidebook is not a static document and may be modified in the future to reflect emerging “best practice” energy conservation and energy management strategies and initiatives.

Background:

- The efficient and conscientious use of energy by municipal government is essential to modeling good citizenship, accountability, and service.
- Local government has a responsibility to be a leader in workplace resource efficiency.
- Optimizing energy conservation and energy management can result in significant cost savings and enhanced environmental stewardship.
- The combustion of fossil fuels - through electricity generation, heating and transportation - results in carbon dioxide emissions. Increased concentrations of carbon dioxide in the atmosphere contribute to the greenhouse effect and global climate change.
- A reduction in energy consumption by Ulster County government will reduce greenhouse gas emission attributable to County operations.
- As energy costs continue to rise, energy conservation measures provide costs avoidance/cost savings as well as help to decrease domestic demand for volatile foreign oil imports.
- To effectively address energy conservation by a large municipal entity, both operational efficiency and employee usage patterns must be addressed.

The Ulster County Legislature hereby resolves and declares that it is the policy of Ulster County Government to:

- Recognize the energy demand and environmental impact associated with the County’s operation and management of facilities necessary to provide services to the people of Ulster County;
- Establish efficient energy management within County government operations as a fundamental operational objective;
- Execute an implementation strategy to detail the goals and action items of this policy;
- Implement, where practicable, energy efficiency measures through a variety of mechanisms such as life cycle analysis and energy performance contracting;

- Provide for the verification and commissioning of fundamental building systems to ensure they are designed, constructed, installed, calibrated, and operating as intended, in order to achieve exemplary energy performance goals;
- Adhere to voluntary green construction and remodeling standards for buildings where appropriate, such as ENERGY STAR, and encourage various nationally supported and resource efficient standards, such as the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED), for building excellence when appropriate and/or life cycle cost effective;
- Encourage operation and planning based on the prudent use of natural resources and minimize greenhouse gas emissions from burning fossil fuels, water use, and waste generation;
- Encourage the tracking, promotion, and publication of sustainable and energy efficient practices;
- Encourage vehicle fleet efficiency and the use of alternative fuels;
- Encourage the adoption of environmentally preferable purchasing policies for products, vehicles, and service and suggest that contractors and suppliers commit to similar energy efficiency and sustainability standards;
- Encourage the expansion of renewable energy use and other distributed generation technologies throughout the County's facilities and activities.
- Provide County personnel with proper training and education in implementing this policy;
- Serve as an educational and informational resource in energy efficient practices within the workplace and foster a sense of personal responsibility for optimal energy management in employees;
- Recognize and reward individual and collective efforts that contribute to the County's energy resource conservation policy goals;
- Regularly measure the County's environmental impact, including energy use, water use, fleet emissions, recycled materials, and waste generation;
- Support continuous energy performance improvements by funding new efficiency measures with funds derived from utility savings.
- Research and consider additional cost-effective technologies as they become available;
- Utilize innovative financing and contractual mechanisms, incentive and reward systems, and shared savings programs to further the County's goals.

Adopting County Of Ulster Energy Policy

The Environmental Committee (Chairman Shapiro and Legislators Bischoff, R.A. Parete, Rodriguez, Fabiano, Petit and Roberts) offers the following:

WHEREAS, the purpose of this policy is to ensure energy and resource efficiency are explicitly considered and examined throughout the County government and County decision-making, and

WHEREAS, this policy establishes guidelines for cost-efficient and sustainable resource consumption and allows the Ulster County Department of the Environment to coordinate implementation of the policy specifics through the "Ulster County Government Energy Policy Implementation Guidebook", and

WHEREAS, local government has a responsibility to be a leader in workplace resource efficiency, and

WHEREAS, setting policy will ensure the proper use of public funds with regards to the County practice of efficient and conscientious use of energy by municipal government and is essential to modeling good citizenship, accountability, and service, and

WHEREAS, "County of Ulster Energy Policy" is hereby annexed, and

WHEREAS, the Environmental Committee has met and reviewed said request with a majority of the members voting approval.

RESOLVED, that the Ulster County Legislature hereby approves the annexed "County of Ulster Energy Policy," in the form as filed with the Clerk of the Ulster County Legislature or as modified by the County Attorney,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 30 NOES: 0
(Absent: Legislators Aiello, Felicello and Kraft)

FINANCIAL IMPACT:
TO BE DETERMINED

**ULSTER COUNTY GOVERNMENT
ENERGY POLICY
IMPLEMENTATION GUIDEBOOK**

ULSTER CONTY GOVERNMENT ENERGY POLICY IMPLEMENTATION GUIDEBOOK

I. MISSION STATEMENT

- A.** Ulster County Government commits to significantly improve its energy management in order to maximize use of taxpayer dollars and maximize resource efficiency. Ulster County Government further commits to continually seeking ways to realize the full potential of current energy control systems as well as new equipment and upgrades and to accelerate the implementation process of behavioral and operational resource conservation measures.

The following objectives form the basis this energy policy and can be modified to reflect current conditions over time:

- Continually and systematically improve the efficient use of all Ulster County Government energy resources to ensure a secure and sustainable energy supply by increasing energy efficiency to the maximum extent practicable in all Ulster County Government buildings and facilities.
- Ensure that new and existing Ulster County Government buildings and facilities are designed, maintained and upgraded, as required, to be as energy efficient as practicable based on life cycle cost evaluations.
- Implement clean and renewable energy systems to the maximum extent practicable in Ulster County Government buildings, facilities and operations to improve energy security, reduce costs, and meet or exceed the requirements of the NYS Renewable Portfolio Standard (25% of Retail Electricity Sales by 2013).
- Increase energy efficiency to the maximum extent practicable for all Ulster County Government vehicles, including the increased use of the most fuel efficient vehicles available and alternate-fueled vehicles in the county fleet.
- Continually and systematically reduce harmful greenhouse gas emissions generated through Ulster County Government operations by replacing conventional and more polluting sources of energy with clean and renewable energy sources in order to conserve essential energy resources and positively contribute to a healthy and stable climate future.

- B.** Ulster County Government seeks to encourage comfortable employee working conditions, introduce cost-effective, energy-efficient technologies into its facilities, and promote an energy conscious culture to encourage cost-effective decisions with regard to energy consumption.

- C.** As a consumer of products and services, Ulster County Government encourages reducing our use and cost of energy and water where appropriate by:
- 1) Purchasing best practice energy-and water-saving products and technologies, which reduce operating costs;
 - 2) Promoting energy and resource efficiency, water conservation, and the use of renewable energy products, and by helping to foster markets for emerging technologies; and

- 3) Participating in the existing local, statewide, regional, and federal energy management training efforts and encouraging internal training.

D. Where appropriate, Ulster County Government may encourage resource conservation as a workplace value by:

- 1) Providing training and technical assistance resources, which assist energy managers and facilities personnel in evaluating various energy-saving technologies.
- 2) Providing clear goals, performance indicators, and a measurement framework to assist managers.
- 3) Enabling facility managers and facilities personnel to implement energy efficiency projects using innovative financing strategies through public-private partnerships and utility incentive programs.
- 4) Implementing outreach and communication strategies to increase awareness among employees at all levels, not only those involved in energy or facility management.
- 5) Encouraging all employees to develop energy-efficient habits in the workplace on a daily basis.

E. Ulster County Government strives to serve as a good example to other local governments by demonstrating, where appropriate, the benefits of energy efficiency, water conservation, and alternative energy strategies (renewable and other distributed generation technologies).

II. ESTABLISH ENERGY CONSERVATION PROGRAM STRUCTURE

A. Establish Team & Responsibilities

- 1) Designation of an Energy Efficiency Team: Ulster County Government encourages the Department of the Environment to develop, implement and coordinate an Energy Efficiency Team to review issues pertaining to this Guidebook and the Energy Policy, address issues pertaining to energy laws and state and federal regulations affecting County facilities, and inform and educate County employees regarding best practices and progress in the implementation of the Energy Policy and this Implementation Guidebook.
- 2) The Energy Efficiency Team shall include Department of the Environment staff and can also include representation from the Department of Public Works, Planning Department, and Purchasing Department.
- 3) Technical Support Teams consisting of appropriate maintenance, custodial, and facilities personnel from each county building or facility can also be formed to meet the goals and requirements of this Energy Policy and Implementation Guidebook. Technical Support Teams are encouraged to be in regular contact with the Department of the Environment to implement policy goals and develop building-specific plans to reduce resource consumption wherever necessary.

B. Establish Accountability Framework

- 1) To effectively achieve its energy and resource conservation goals, Ulster County Government is dedicated to tracking and measuring results. Life Cycle Assessment strategies will be utilized where appropriate.
- 2) Annual Resource Conservation Review
The Energy Efficiency Team will meet annually to revisit goals, discuss metrics and performance tracking, and update this guidebook. Revised plans may be included in annual reports to the Ulster County Legislature and should coincide with the development of a long term / 5 year plan.
- 3) Annual Budget Submission
The Department of Public Works, Buildings and Grounds, and/or the Department of the Environment budget submissions may specifically request funding necessary to achieve the goals of the policy and guidebook. Budget submissions may include the costs associated with: encouraging the use of, administering, and fulfilling agency responsibilities under energy savings performance contracts, utility energy-efficiency service contracts, and other contractual platforms for achieving conservation goals; encouraging implementation of life-cycle cost-effective measures; encouraging procurement of life-cycle cost-effective products; encouraging implementation of shared savings with other involved departments.
- 4) Shared savings and financial incentives
A portion of savings potentially derived from the ongoing implementation of this Energy Policy is encouraged to be designated to Ulster County Government as a whole to be shared and to protect against budget shortfalls or for use at the discretion of Ulster County Government. Consistent with the promotion of energy efficiency, a portion of the energy savings will be budgeted through a County approved shared savings plan to encourage:
 - Purchase of new energy-efficient equipment and/or to finance energy-efficiency retrofitting projects, additional energy saving management projects, related capital improvements, initiatives, and training, invest in renewable energy systems, and purchase electricity from renewable energy sources.
 - Provision of staff, faculty and administration energy efficiency training and/or technical assistance; operation and maintenance training for building operators and maintenance staff which can have tremendous impact on energy and water use; and promote employee involvement to enhance facility comfort and/or make operations more efficient, typically resulting in reduced maintenance costs.
- 5) Innovative Financing and Contractual Mechanisms
 - In addition to available appropriations, Ulster County Government encourages maximization of its use of available alternative financing contracting mechanisms, including, but not limited to, utility demand side management programs, shared energy savings contracts, and energy savings performance contracts, to meet the goals of the policy and implementation guidebook. Energy savings performance contracts and utility energy-efficiency service contracts provide significant opportunities for making County facilities more energy efficient at no net cost to

taxpayers. In addition, the Department of the Environment is encouraged to work with the County Legislature to identify and eliminate internal regulations, procedures, or other barriers to implementation of the policy and guidebook.

- Ulster County Government will strive to procure appropriate utility rebates and/or equipment manufacturer's rebates.
- The Ulster County Purchasing Department and the Ulster County Department of the Environment shall seek additional opportunities to negotiate favorable rates for electric power and natural gas purchases, including but not limited to pursuing an aggregated and cooperative procurement of electricity supply that emphasizes increasing the amount of clean and renewable energy purchased in a competitive marketplace.
- The development, implementation and ongoing refinement of this Energy Policy is consistent with the "Develop Strategic Advantage in Green and Renewable Technologies and Products" recommendation included as part of a group of comprehensive economic development strategies advocated in Ulster Tomorrow: A Sustainable Economic Development Plan for Ulster County.
- Putting optimal energy conservation measures in place is the first priority of this Energy Policy. Part of this process can require the use of skilled local contractors to provide energy efficiency improvements to Ulster County Government buildings and facilities. This approach can help to keep more of our "energy dollars" in local circulation, creating an "economic multiplier" effect which strengthens the local economy. Moreover, financial savings accrued over the life of these initial energy efficiency improvements can be reinvested in the local economy in the form of more advanced energy conservation measures that can provide even more savings and local economic benefits. This approach provides that energy efficiency improvement projects designed to minimize the drain of energy dollars from the local economy can be leveraged to save money while helping to spur local economic growth.

C. Staff Development & Engagement

- 1) Ulster County Government is encouraged to ensure that all appropriate personnel that are involved in resource conservation related decisions and operations will receive training for implementing the policy and guidebook.
- 2) Ulster County Government may provide relevant training or training materials for those programs that they deem appropriate in relating to the energy management strategies contained in the policy and guidebook.
- 3) At a minimum, every new employee that works in County facilities or with energy equipment is encouraged to be given basic instruction on the introduction to energy management, the whole building approach, lighting, HVAC, energy management systems and controls, efficient water use, and efficiency standards for other natural resources.
- 4) Ulster County Government is encouraged to incorporate into existing procurement courses, or develop for new courses, information on energy management tools, including energy savings performance contracts, utility

energy efficiency service contracts, ENERGY STAR and other energy efficient products, water and other natural resources, and life cycle cost analysis.

D. Communications & Recognition Strategy

- 1) Ulster County Government is encouraged to develop outreach programs that include education, training, and promotion of ENERGY STAR and other energy efficient products for all its employees.
- 2) Ulster County Government will develop a comprehensive internal and external communications strategy to showcase its resource conservation efforts and successes.
- 3) Ulster County Government is encouraged to designate exemplary new and existing facilities with significant public access and exposure as showcase facilities to highlight energy or water efficiency and renewable energy improvements.
- 4) When Ulster County Government constructs a new building or designs a new building addition, it may designate it, at the earliest stage of development, to be a showcase highlighting advanced technologies and practices for energy efficiency, water conservation, or use of solar and other renewable energy.
- 5) Ulster County Government may designate one of its major buildings to become a showcase to highlight energy or water efficiency and also may attempt to incorporate cogeneration, solar and other renewable energy technologies, and indoor air quality improvements. Selection of such buildings may be based on considerations such as the level of visitors, historic significance, and the likelihood that visitors will learn from displays and implement similar projects.

III. FACILITIES

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|---------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Goals & Performance Indicator(s) | Reduce energy consumption in buildings, facilities and operations by a minimum of 10%, as a county portfolio, over the next five years beginning in 2009, using 2007 energy use as a baseline. All new buildings set to 75 in EPA’s Target Finder (See “III. D.”) Reduce water consumption in facilities by 10% as a County portfolio, by 2011. |
| Baseline(s) | Establish baseline energy (by 2009) and water (by 2010) performance for every facility. |
| Measurement | Track energy and water use monthly using EPA’s ENERGY STAR Portfolio Manager. |

Ulster County Government encourages development of sustainable building principals in new and existing facilities with the Legislature having adopted the “LEED Silver” designation of the US Green Building Council as the minimum rating standard of energy efficiency that must be achieved for all new construction and major renovation of county

buildings and facilities. The Legislature has also adopted a Mid-Hudson “Energy Smart Community” designation with the expressed intent to partner with NYSERDA to promote energy efficiency throughout Ulster County.

Ulster County Government is encouraged to optimize life-cycle costs, pollution, and other environmental and energy costs associated with the construction, life-cycle operation, and decommissioning of facilities. Ulster County Government may use Energy Savings Performance Contracts, utility energy-efficiency service contracts, or other means to conduct evaluations and make improvements to buildings in order to meet the criteria.

A. Proposed Energy Efficiency Measures

Energy efficiency measures shall include, but not be limited to, the following:

1) Physical Plant - routine maintenance and upkeep

- Lighting
 - Turn off all unnecessary lights, especially in unused offices and conference rooms and turn down remaining lighting levels where possible.
 - Replace incandescent lighting with energy efficient low-wattage fluorescent lamps and ballasts.
 - Install energy efficient parking lot and emergency lighting; all outdoor lights are to be placed on photo cells and/or timers.
 - Install LED traffic signals and exit signs wherever possible.
 - Replace all incandescent flood lights with CFL floodlights.
 - Upgrade all electrical panels at the Ulster County Fairgrounds.
- Buildings
 - Establish air conditioning temperature set points; heat temperature set points (Both can be adjusted to maximize efficiency while continuing to provide year around comfort).
 - Install maximum temperature set back during heating season; air conditioning shut down on nights and weekends.
 - Convert existing toilets to power 1 gal /1.6 gal flush units.
 - Install automatic low flow faucet and toilet controls.
 - Place all exhaust fans on individual timers or computers.
 - Set hot water temperature at or below 120 F., or as practicable.

2) Larger Projects

- Lighting
 - Place all interior lighting on timers or computer controls for low occupancy conditions; Install interior motion sensors in all county buildings to optimize lighting use.
- Buildings
 - Retrofit buildings and facilities to established high performance energy efficient standards as required, e.g., comprehensive air sealing and maximum insulation.
 - Replace existing boilers with new high efficiency boilers.

- Install specific energy savings devices, e.g., programmable thermostats, motion sensors, variable speed motors for HVAC equipment, etc., where appropriate.
- Implement the already adopted (LEED Silver) high efficiency energy standards for major renovations and for new construction.
- Install “economizers” on all HVAC equipment (Provides greater thermal efficiency by recovering low temperature energy from the flue gas before it is exhausted to the atmosphere).

B. Reduction of Fossil Fuel Use

- 1) Through life-cycle cost-effective energy measures, we will encourage the reduction of fossil fuels and the associated greenhouse gas emissions attributed to building and facility energy use.
- 2) We will consider renewable energy sources as an alternative to conventional fossil fuel use and as a potential means to reduce and/or eliminate unnecessary fossil fuel use through the deployment of renewable energy sources or by other appropriate methods.
- 3) Where alternative fuels and/or renewable energy sources are not practical or life-cycle cost-effective, we will encourage the improvement of the efficiency of our buildings and facilities.

C. Life-Cycle Analysis

- 1) Ulster County Government is encouraged to use life-cycle cost analysis in making decisions about investments in products, services, construction, and other projects to lower our costs and to reduce energy and water consumption.
- 2) Buildings that minimize life-cycle costs with efficiency measures are encouraged to be recognized. Such recognition is an assessment of the County’s progress toward implementing the Energy Policy.

D. “ENERGY STAR”; “LEED”; “Green Globes”

Ulster County Government will strive to meet the ENERGY STAR building criteria for energy performance and indoor environmental quality in their eligible facilities to the maximum extent possible. All county funded buildings shall be designed to achieve 75 points on the EPA national energy performance rating system as determined by EPA’s ENERGY STAR Target Finder, provided that the building is supported by EPA’s rating system. Operating buildings should be benchmarked annually using EPA’s ENERGY STAR Portfolio Manager. These ENERGY STAR tools are available. Buildings that rank in the top 25 percent in energy efficiency relative to comparable commercial and State buildings receive the ENERGY STAR building label. Ulster County Government may integrate this building rating tool into additional general facility audits that may be undertaken as part of energy performance contracts.

Ulster County Government may use voluntary standard assessment rating systems including, but not limited to, the Green Building Initiative’s Green Globes rating system and/or the U.S. Green Building Council’s LEED (Leadership in Environmental and Efficient Design) rating system.

E. Energy Audits

- 1) Ulster County Government is encouraged to implement cost-effective recommendations from comprehensive audits of facilities performed within the past 5 years, for installation of energy efficiency, water conservation, and renewable energy technologies consistent with supporting the energy program goals.
- 2) Ulster County Government is encouraged to further identify high priority buildings and facilities to conduct comprehensive energy audits. After completion of a comprehensive facility audit of each targeted county building or facility, Ulster County Government is encouraged to begin implementing cost-effective recommendations for installation of energy efficiency, water conservation, and renewable energy technologies for each facility consistent with supporting the specific needs of the facilities' Technical Support Teams. Such audits may be conducted as part of energy performance contracts and should also be used to verify energy savings.

F. Off-Grid Energy Generation

Ulster County Government may use off-grid generation systems, including solar hot water, solar electric, solar outdoor lighting, wind turbines, fuel cells, and other off-grid design alternatives, where such systems are life-cycle cost-effective and offer benefits including energy efficiency, pollution prevention, source energy reductions, avoided infrastructure costs, or expedited service.

G. Water use

Through life cycle cost effective measures, such as increasing efficiency of water usage by installing high efficiency plumbing fixtures for all facilities and pumping processes including waste water, Ulster County Government encourages the reduction of water consumption and associated energy use in our facilities to reach the goals set under the appropriate sections of this policy. Where possible and appropriate, water cost savings and associated energy cost savings will be included in Energy Savings Performance Contracts and other financing mechanisms.

H. Temperature Settings

- 1) Central heating controls and individual room thermostats shall be programmed to a specific temperature range and may have an unoccupied setback temperature setting as low as 55 degrees.
- 2) Central cooling controls and individual room thermostats shall be programmed to a specific temperature range and may have an unoccupied setback temperature setting as high as 80 degrees.
- 3) Setback temperatures may go into effect as early as deemed necessary by facilities staffs provided that as increases or decreases in temperatures do not create an unnecessarily uncomfortable working environment for employees and do not unreasonably affect the working environment during normal operating hours. Setback times may vary by building.

- 4) Specific temperature settings shall be under total Department of Public Works, Buildings and Grounds system control. Individual building occupants will not have the ability to change or override Buildings and Grounds settings. Any temperature change requests must be directed through the Lotus Notes system.
- 5) Building temperatures will remain at setback temperatures during weekends and holidays unless specific requests have been made 24 hours in advance through Lotus Notes and deemed necessary and cost effective by the appropriate facility manager.

Exception: Buildings open for normal public use on weekends shall be set to accommodate normal work day settings mentioned above in H, 1 - 4.

I. Space Heaters

The use of electric space heaters in individual offices and departments shall be prohibited unless the staff member has been determined to have specific needs with approval obtained through the area Facility Manager, an energy endorsement by the Department of the Environment, and a safety endorsement by the Safety Department.

IV. Purchasing

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|---------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Goals & Performance Indicator(s) | All ENERGY STAR products; top 25% energy efficient products where ENERGY STAR products are unavailable. # of products implemented vs. # of products available. |
| Baseline(s) | Create % and Goal by 2009. |
| Measurement | Audit of available ENERGY STAR products and the percentage of ENERGY STAR products purchased versus purchased in 2008. |

Ulster County Government encourages the initiation of a regional purchasing approach for energy products/equipment as well as services such as electricity, natural gas, water, and any other identified measures that would further enhance energy efficiency and conservation of natural resources. Ulster County Government will strive to develop a purchasing plan that specifies products or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose.

The Purchasing Department and the Department of the Environment shall seek additional opportunities to negotiate favorable rates for electric power and natural gas purchases, including but not limited to pursuing an aggregated and cooperative procurement of electricity supply that emphasizes increasing the amount of clean and renewable energy purchased in a competitive marketplace.

The Purchasing Department is further encouraged to increase the sourcing of county office supplies containing the highest percentage of recycled materials content to the maximum extent practicable.

A. ENERGY STAR® and Other Energy-Efficient Products

- 1) The Purchasing Department is encouraged to select, where life-cycle cost effective, ENERGY STAR and other energy efficient products when acquiring products that use energy, e.g., HVAC equipment, hot water heaters, computers and office equipment, appliances, etc. For product groups where ENERGY STAR labels are not yet available, the Purchasing Department is encouraged to select products that are in the upper 25 percent of energy efficiency for their respective product categories.
- 2) Ulster County Government is encouraged to incorporate energy-efficiency criteria consistent with ENERGY STAR and other designated energy efficiency levels into all guide specifications and project specifications developed for new construction and renovation, as well as into product specification language developed for all purchasing procedures.

B. Electricity from Renewable Energy Sources

- 1) Beginning June 15, 2005, Ulster County Government initiated a 7 year contract with Community Energy, Inc. to purchase 10% of its annual electricity demand from “Green Power” (no man-made greenhouse gas emissions) in the form of clean and renewable wind energy generated in New York State. This Energy Policy directs Ulster County Government to increase this purchase to 25%, or to the maximum extent practicable, by 2013. This increased procurement of “Green Power” is consistent with the “Renewable Portfolio Standard” adopted by the New York State Public Service Commission on September 22, 2004 that requires 25% of the state's electricity to be supplied from renewable energy sources by 2013.
- 2) Ulster County Government encourages the expansion of the use of renewable energy (passive solar, solar thermal, solar electric, wind, hydro electric, geothermal, biomass) and other distributed generation technologies within our facilities and in our activities by encouraging the implementation of alternative energy projects and by encouraging purchase of electricity from renewable energy sources.
- 3) Through life cycle cost analysis, Ulster County Government may evaluate its current use of electricity from renewable energy sources. Ulster County Government may also consider the greenhouse gas intensity of the source of the electricity and may strive to minimize the greenhouse gas intensity of purchased electricity.
- 4) Based on this review, Ulster County Government may adopt policies and pursue projects that increase the use of electricity from renewable energy sources. Ulster County Government may include provisions for the purchase of electricity from renewable energy sources as a component of their requests for bids whenever procuring electricity. Ulster County Government may use savings from energy efficiency projects to pay additional incremental costs of electricity from renewable energy sources.

V. Transportation

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| Goals & Performance | Overall decrease in petroleum usage through various means including, but not limited to, a |
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|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Indicator(s) | reduction in total # of fleet vehicles, an increase in total # of alternative fuel vehicles, ensuring vehicle type is properly matched with specific function/ task, addressing how driving behavior impacts fuel consumption, improved overall fleet mileage, etc. |
| Baseline(s) | Audits to set baseline in year 2009. |
| Measurement | Verifiable decrease in vehicular petroleum consumption; % of vehicles that exceed average or standard fuel efficiency for respective vehicle class, use combined power or alternative fuels. |

Ulster County Government strives to reduce petroleum consumption through encouragement of improvements in fleet fuel efficiency and the use of alternative fuel vehicles and alternative fuels such as E85 or bio-fuels. Ulster County Government also encourages the improvement of access to alternative modes of transportation, including public transportation (e.g., buses, light rail), carpooling, bicycling, and walking. Specifically, Ulster County Government seeks to:

- Reduce the total number of fleet vehicles.
- Downsize current and future fleet vehicles.
- Require the highest fuel efficiency vehicle available be procured for each vehicle class and explicitly consider fuel costs over a projected 5 year period to more accurately reflect the total cost associated with specific vehicle purchasing.
- Require alternate-fuel vehicles to the maximum extent practicable be procured for each vehicle class, including public transit buses, explicitly considering fuel costs over a projected 5 year period to more accurately reflect the total cost associated with specific vehicle purchasing.
- Reduce and eliminate vehicle idling.
- Replace required on-the-job driving with telecommunications, mass transit, carpooling, biking or walking to the maximum extent practicable.
- Create incentives to reduce county employee driving, e.g., transit passes, preferred parking for carpools and vanpools, expand UCAT ridership to & from work (currently \$.30 one-way for county employees), alternating 4 day work week, etc.

A. Fleet purchasing & fuel specifications

Ulster County Government may develop a purchasing plan for E85, biofuel, or combined power vehicles.

B. Community Advocacy

Ulster County Government may work with vehicle-intensive businesses throughout the County to reduce greenhouse gas emissions through fleet and fuel choices.

VI. Waste & Recycling

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| Goals & Performance Indicator(s) | Establish a baseline recycling rate for all county buildings and facilities as a % reduction of overall waste; Develop increased participation benchmarks to capture additional recyclable materials. Weight (in pounds; tons) per week/month/year |
| Baseline(s) | Audits to set baseline in year 2009 |
| Measurement | Increased capture rate of recyclable materials per collection, per year; % reduction in waste collection, frequency, and container size. |

When we think about energy, it is important to consider more than just our direct energy consumption (e.g. lights, appliances, vehicles, heat) but all the energy required to produce the goods and materials we use everyday. All goods and materials require energy in their processing, manufacturing, distribution, and disposal. The recycling of materials decreases not only the demand for raw materials but also the amount of energy required for the processing and extraction of raw materials. Therefore, increasing the capture rate for all recyclable materials within all county offices and agencies is also an important contributor to the goals of a comprehensive Energy Policy.

As an additional energy saving measure, county recycling requirements must be met for all “regulated recyclable materials” as per the Ulster County Mandatory Source Separation and Recycling Law. These recyclable materials shall include, but not be limited to, all regulated recyclable materials in addition to construction and demolition debris, automotive and consumer batteries, computers and other electronic devices, fluorescent lamps, thermostats and other mercury-laden devices where appropriate.

Ulster County Government is encouraged to implement a program to work with local/regional waste management to ensure efficient pickup of trash and solid waste through the elimination of unnecessary pickups, accomplished through effective compacting of trash bins prior to pickup and appropriate bin sizing, pickup frequency, and recycling practices. Ulster County Government is encouraged to implement an enhanced recycling program at each facility to offer alternatives to waste collection, processing and disposal that may derive additional cost savings for the County.

VII. Information Technology

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| Goals & Performance Indicator(s) | % of Energy Star labeled computers and monitors to overall total; % of total computers and monitors enabled and using Energy Star PC Power Management low power sleep mode |
| Baseline(s) | Audits to set baseline in year 2009 |
| Measurement | Audits to verify percentages annually |

Ulster County Information Services is a major user of energy resources, not only to power desk top computer and printer equipment, but also to cool server rooms and maintain the uninterrupted power supply required to provide for a stable computing environment. UC Information Services is committed to ensuring that the equipment solutions proposed and ultimately provided meet the needs of County users while maintaining the highest level of energy efficiency practicable. UC Information Services will partner with the Department of the Environment, the Department of Public Works, Buildings and Grounds, and the Purchasing Department to find mutually agreeable solutions to further the County's commitment to energy conservation.

VIII. Employee Energy Conservation

The Department of the Environment will develop an "Energy Smart Offices" program to educate and encourage county employees to reduce energy consumption and promote "ownership" of energy costs by individual departments.

Electricity used by common office equipment (including computers, monitors, copy machines, computer network equipment, telephone network, printers and fax machines) makes up a significant share of the electricity used in commercial buildings. Power monitoring is a common technique that decreases the amount of power consumed when the equipment is not in use. Other efficiency features such as double-sided printing can save money and reduce the environmental costs of producing the paper.

The Energy Smart Offices Program shall include, but not be limited to:

Office Temperatures - Establishing mandatory temperature set-points for heating and a/c during hours of operation.

Lights Out - Turning off lights in unoccupied areas; use lighting appropriate to the task – unnecessary lighting should be turned off.

Power Down - Fully enabling energy saving features on computers and office equipment, e.g., "energy saver" mode on copy machines; shutting down equipment that is not in use overnight or on weekends.

More E-Mail = Less Paper – Make greater use of e-mail for communication, reducing the need for printing and copying.

Double-Sided Printing & Copying - Whenever an office printer or copier must be used, make sure all defaults are set for double-sided.

Scan vs. Copy - Utilize the scanner feature on the copier to export documents to a computer, reducing the amount of paper used.

Energy Conservation Captains - Assign one or more employees in each work area to assure that lights and equipment are turned off at the end of each workday, recycling requirements are consistently met, etc.

| UC GOVERNMENT ENERGY POLICY IMPLEMENTATION GUIDEBOOK - Task Distribution | | | | | | |
|--------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Guidebook Section | Dept. of the Environment | DPW - Buildings and Grounds | Purchasing Dept. | Information Services | Persomnel | County Executive Office |
| I. Mission Statement | I.C + Promoting Energy and Resource Efficiency I.D + Communication & Outreach; Employee Energy Conservation. | | I.A + Fleet Vehicles I.C + Purchasing "Best Practice" Products & Technologies I.D + Financing Strategies | | | I.A Increasing Energy Efficiency; Clean and Renewable Energy I.C Energy Mgmt. Training I.D Tech. Asst. & Performance Indicators |
| II. Energy Conservation Program Structure | II.A + Energy Efficiency Team II.B + Annual Resource Conservation Review; Annual Budget Submission. II.C + Employee Energy Training II.D + Communications Strategy | II.A + Technical Support Teams II.B + Annual Budget Review | II.B + Negotiate Favorable Utility Rates; II.B + Increase 'Green Power' Procurement II.C + Incorporate info. on energy mgmt. tools | | II.C Employee Energy Training | II.B Shared Savings & Financial Incentives II.D Designate 'Showcase' Facilities |
| III. Facilities | III.C + Life-Cycle Analysis III.D + Energy Performance Criteria | III.A Proposed Energy Efficiency Measures III.G Water Use III.H + Temperature Settings | | | | III.A Proposed Energy Efficiency Measures III.B Reduction of Fossil Fuels III.D Energy Performance Criteria III.E Energy Audits III.G Water Use |
| IV. Purchasing | Negotiate Favorable Utility Rates; Increase 'Green Power' Procurement. | | + Regional Purchasing for High Performance Equipment; Negotiate Favorable Utility Rates; Maximize 'Recycled Material Content' in Office Supplies. IV.A + Energy Efficient Product Procurement IV.B + Electricity from Renewable Energy Sources | | | IV.B Electricity from Renewable Energy Sources |
| V. Transportation | + Develop and Implement Anti-Idling Requirements for All County Vehicles. | | V.A + 'Fuel Efficient' Fleet Vehicle Purchasing Plan | | | Reduce Petroleum Consumption through Fleet Downsizing, Increased Fleet Efficiency, Alternative Fuel Vehicles; Create Incentives to Reduce County Employee Driving. |
| VI. Waste & Recycling | + Establish Baseline Recycling Rate for All County Buildings and Facilities; Increase Capture Rate for All Designated Recyclable Materials. | | | | | |
| VII. Information Tech. | + Educate All Staff to Power-Down all Plug-In Office Equipment. | | + Develop Procurement Standards to Require Purchasing the Most Energy Efficient Plug-In Office Equipment. | + Determine # of 'Energy Star-Rated' Computers and Monitors Currently In Use. Enable All Computers and Monitors to "Power-Down" When Not In Use. | | |
| VIII. Employee Energy Conservation | + Develop and Implement 'Energy Smart Offices' Program to Educate, Enable and Require All County Employees to Reduce Energy Consumption. | | | | | |

Notes:
 Energy Performance Contractor will be selected and tasked in early 2009.
 + Denotes Lead Agency for those specific tasks.

Climate Smart Community Pledge For The County Of Ulster

Legislator Laura Petit and Co-Sponsors: The Governmental Services and Administration Committee (Chairman Roberts and Legislators Belfiglio, Fabiano, Ronk, Robert Parete, Madsen and Rodriguez) offer the following:

WHEREAS, Ulster County understands that climate change poses a real and increasing threat to our local and global environments and is primarily exacerbated by the current burning of fossil fuels, and

WHEREAS, Ulster County is desirous of investigating methods to address and reduce such threats, and

WHEREAS, it is believed the scale of greenhouse gas (hereinafter referred to as “GHG”) emissions reductions required for climate stabilization will require sustained and substantial efforts and that even if emissions were dramatically reduced today, communities would still be required to adapt to the effects of climate change for decades to come, and

WHEREAS, Ulster County’s timely response to climate change provides us with an unprecedented opportunity to save money, and to build livable, energy-independent and secure communities, vibrant innovative economies, healthy and safe schools, and resilient infrastructures, and

WHEREAS, Ulster County has established itself as an energy and environmental leader through policies, resolutions and local law including those establishing the County as an Energy Smart Community, requiring the purchase of renewable energy, establishing energy efficient building standards, establishing a County Government Energy Policy, and other resolutions regarding energy conscious and green purchasing, and

WHEREAS, there exists opportunities to take a comprehensive approach to implement policies and programs at the County government level to further reduce GHG emissions, increase energy efficiencies, promote local job growth, increase economic activity and resiliency, improve quality of life, and promote social justice, and

WHEREAS, Ulster County has a long-standing interest in attracting and retaining innovative businesses and is in a position to serve as an example for surrounding municipalities and all of New York State by setting a precedent for reducing GHG emissions, and

WHEREAS, the Towns of New Paltz, Rosendale and Saugerties, the Village of New Paltz and the City of Kingston have already set the bar as leaders in adopting the Climate Smart and Green Jobs Community Pledge, and

Resolution No. 184 August 16, 2011

Climate Smart Community Pledge For The County Of Ulster

WHEREAS, the effects of climate change will significantly impact infrastructure, economy and livelihoods, disrupt ecological communities, spread invasive species and exotic diseases, negatively impact drinking water supplies and stormwater and sewer treatment infrastructure, and pose health threats to our citizens, and

WHEREAS, the “green economy” of clean and efficient energy systems, high performance buildings, clean and efficient transportation, and healthy materials and products, is an arena of emerging interest in New York State with job growth and training opportunities already emerging through the area’s solar, wind, geothermal and energy services companies, as well as other dynamic sectors, and

WHEREAS, Ulster County can lead by making a commitment to climate change which will contribute substantially to other community objectives and competitively position the County for funding through New York State Energy Research Development Authority (hereinafter referred to as NYSERDA), Energy-Efficiency Block Grants, and other applicable future federal grant opportunities, such as the pending American Clean Energy and Security Act of 2009, reducing energy cost and improving operational efficiency of aging infrastructure will lower Ulster County’s government operating cost and save taxpayer dollars, and in addition to lowering infrastructure and service costs, community-wide climate protection will also help to maintain property values by making communities desirable and attractive to new residents, now, therefore, be it

RESOLVED, that Ulster County shall strive to reduce GHG emissions and adapt to a changing climate, and be it further

RESOLVED, that the Global Warming Advisory Committee established by Resolution No. 139, dated April 11, 2007, be reformed as the Climate Smart Committee and designated to review and make recommendations on climate change and green jobs initiatives, publicly present an annual report on its findings and work cooperatively with similar task forces and organizations within Ulster County and in neighboring communities to ensure that efforts complement and reinforce one another.

The Climate Smart Committee shall be charged with investigating the following and making recommendations to the Ulster County Legislature regarding same:

Resolution No. 184 August 16, 2011

Climate Smart Community Pledge For The County Of Ulster

1. Pledge to combat climate change by becoming a Climate Smart Community

Set goals, both short term and long term, to reduce GHG emissions and adapt to predicted climatic changes. Work cooperatively with similar municipal task forces in Ulster County to ensure that efforts complement and reinforce one another.

2. Set Goals, Inventory Emissions, Move to Action

Gather data, inventory GHG emissions, and establish baselines for County government operations. Encourage stakeholder and public input and develop an action plan.

3. Decrease Energy Demand for County Government Operations

Work with County agencies, who will educate the public, in order to adopt and meet a goal of reducing electricity use by 10 percent from projected levels by or before 2014.

A. Existing Public Facilities. Use the comprehensive investment grade energy audit of County buildings (completed in 2010) to identify opportunities for conservation and efficiency retrofits. Purchase energy efficient equipment and appliances to meet current ENERGY STAR standards, improve lighting, heating, and cooling efficiency, set thermostats for maximum energy conservation, decrease plug load from office equipment, and increase pump efficiency in water and wastewater systems.

B. New Public Buildings. Ensure that Resolution No. 383 dated November 8, 2006, "Establishing High Performance Green Building Standards For County Of Ulster New Construction Projects," is followed.

C. Infrastructure. Incorporate energy efficient technologies and operations and maintenance practices as per the Ulster County Government Energy Policy Implementation Guidebook. Suggest new technologies and practices for future inclusion into the Implementation Guidebook.

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D. Vehicle Fleet and Commuting. Improve the average fuel efficiency of County government fleet vehicles. Discourage vehicle idling and encourage bicycling, car-pooling, and public transit for employees. Ensure that Resolution No. 229, dated July 8, 2009, "Establishing A Pedestrian And Bicycle Policy," is followed. Consider non-motorized transportation routes on County roads such as bike lanes. Consider reducing the number of vehicles, converting fleet vehicles to sustainable alternative fuels, and using electric vehicles where possible. Establish a tele-commuting policy for County employees, where appropriate.

4. Encourage Renewable Energy for County Government Operations

Supply as many of the local government's power, heat, and hot water needs as possible from solar, wind, and small hydro through purchase or direct generation as outlined in the new State goal of reducing energy use by 80% by 2050. The County currently purchases ten (10) percent of its total energy from renewable wind resources. Support the increase of renewable purchases and look for ways to support local renewable energy sources.

5. Realize Benefits of Recycling and Other Climate Smart Solid Waste Management Practices

Expand the "reduce, reuse, recycle" approach to waste management in local government operations and in the whole community. Reduce the amount of solid waste generated—promote backyard composting, implement volume-based pricing and educate residents on how to prevent waste. Promote reuse and provide a space for drop-off or trade of reusable goods. Expand the availability of recycling receptacles in local government buildings and outdoor spaces, require duplex printing in government offices, compost food scraps and green waste, and adopt a comprehensive green purchasing program incorporating green clean supplies (Resolution No. 262, adopted October 19, 2010) and recycled paper (Resolution No. 159, adopted June 21, 2011).

6. Promote Climate Protection Through Community Land Use Planning

Combat climate change by encouraging low-emissions development that is resilient to climatic changes. When updating land use policies, building codes or community plans, include provisions to combat climate change; reduce sprawl, preserve and protect open space, biodiversity, and water supplies; promote compact, transit-

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oriented, bikeable and walkable communities; promote infill development, minimize new development in floodplains; maintain or establish healthy community forests; and promote best forest management practices and encourage tree planting, especially along waterways and streets, to increase shading and to absorb carbon dioxide. Use the authority of the County's Planning Board to assure that new development projects reflect the community's desires for viable ecosystems and low carbon footprints.

7. Plan for Adaptation to Unavoidable Climate Change

Evaluate risks from unavoidable climate change, set adaptation goals and plan for adaptation. Identify climate change impacts (such as flooding, drought, and extreme temperatures) that could affect County government operations and the broader community. Identify areas such as County supported water supply and sewer infrastructures that may be at risk due to increased intensity of rainfall, turbidity and sedimentation, increased flash floods and increased droughts in late summer, sea-level rise, and other future changes in climate. Factor risks into long-term investments and decision-making. Execute climate change adaptation and preparedness measures through County government planning, development, and operation, giving priority to the highest risk areas.

8. Green Innovation Strategy

Identify opportunities to incorporate climate protection, sustainability and environmental goods and service industries into economic development plans. Encourage workforce development training and school curricula that support the emerging green collar job sector, including renewable energy and energy efficiency, as well as climate smart solid waste management practices. Procure climate smart goods and services for local government operations and support modernizing of local and national electricity grids.

9. Inform and Inspire the Public

Lead by example. Highlight local government commitment to reducing energy use, saving tax dollars, and adapting to changing conditions. Demonstrate the benefits of energy savings, energy efficiency, and renewable energy projects by communicating community climate goals and progress to constituents through various means including "open house," public forums, workshops//charrettes and use of the County website on energy savings: www.SustainableUlster.org.

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10. Commit to an Evolving Process

Acknowledge that research and policy on climate protection are constantly improving and evolving. Be willing to consider new ideas and commit to update plans and policies as needed. Compare successes, cooperate and collaborate with neighboring communities to redirect less effective actions and amplify positive results.

11. Renewable Return on Investment

Continue to actively support and implement the financing framework for continuous energy performance improvements established in the adopted Ulster County Government Energy Policy. New energy efficiency measures should be funded in part with funds derived from utility savings. The Climate Smart Communities Committee will further promote and implement energy efficiency improvements by seeking to establish consideration of renewable energy across County government, including both procurement and operations, and to explore additional ways to implement energy reduction and renewable energy technologies,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 24

NOES: 6

(NOES: Legislators Bernardo, Hansut, Harris,
Hayes, Roberts and Ronk)

(Absent: Legislators Felicello, Frey and Richard
Parete)

FINANCIAL IMPACT:

NONE

0808

Resolution No. 184 August 16, 2011

Climate Smart Community Pledge For The County Of Ulster

STATE OF NEW YORK

ss:

COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 16th day of August, 2011, and that the same is a true and correct transcript of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 19th Day of August in the year Two Thousand and Eleven.

[s] Karen L. Binder
Karen L. Binder, Clerk
Ulster County Legislature

Submitted to the County Executive this
19th Day of August, 2011.

[s] Karen L. Binder
Karen L. Binder, Clerk
Ulster County Legislature

Approved by the County Executive this
25th Day of August, 2011.

[s] Michael P. Hein
Michael P. Hein, County Executive

Section Three: Eliminating or Reducing Potential Toxins and Pollutants

This section contains an Executive Order, resolutions and local laws adopted by the Ulster County Legislature and approved by the County Executive that provide for reducing the exposure of residents, visitors, employees, and the environment to potential toxins and pollutants.

Local Law No. 4 Of 2009

County Of Ulster

A Local Law Requiring Non-Toxic Landscape Maintenance On Land Owned Or Leased By The County Of Ulster, With Exceptions And Waivers In Appropriate Circumstances

BE IT ENACTED, by the Legislature of the County of Ulster, as follows:

SECTION 1. NAME OF LOCAL LAW.

This law shall be known as “The Ulster County Non-Toxic Landscape Maintenance Act.”

SECTION 2. DEFINITIONS.

For the purpose of this local law the following are defined as follows:

“Natural, Non-Toxic, Least Toxic or Biological Pesticide” shall mean a pesticide that is a naturally occurring substance or microorganism that controls pests in a non-toxic manner, or, if approved by the Department of the Environment or the Advisory Committee, the least toxic method possible.

“Integrated Pest Management” shall mean technique for agricultural disease and pest control in which as many pest control methods as possible are used in an ecologically harmonious manner to keep infestation within manageable limits.

“Non-toxic Pest Management (“NPM”)” shall mean a problem-solving strategy that prioritizes a natural, non-toxic approach to turf grass and landscape management without the use of toxic and synthetic pesticides. It mandates the use of natural, non-toxic, or, as a last resort with the Advisory Committee approval, least toxic cultural practices that promote healthy soil and plant life as a preventative measure against the onset of turf and landscape pest problems.

Essential NPM practices include, but are not limited to:

- regular soil testing;
- addition of approved soil amendments as necessitated by soil test results, following, but not limited to, the recommendations of the Northeast Organic Farmers’ Association Massachusetts and Connecticut Chapters Organic Land Care Program and/or the Organic Material Review Institute of Eugene, or;
- selection of plantings using criteria of hardiness; suitability to native conditions; drought, disease and pest-resistance; and ease of maintenance;

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- using, with the Advisory Committee approval, the least toxic organic, or non-toxic non-organic, products as some organic products are toxic;
- modification of outdoor management practices to comply with organic horticultural science, including scouting, monitoring, watering, mowing, pruning, proper spacing, and mulching;
- the use of physical controls, including hand-weeding and over-seeding;
- the use of biological controls, including the introduction of natural predators, and enhancement of the environment of a pest's natural enemies;
- through observation, determining the most effective treatment time, based on pest biology and other variables, such as weather and local conditions; and
- eliminating pest habitats and conditions supportive of pest population increases.

“Pest” shall mean (1) any insect, rodent, fungus, weed or (2) any other form of terrestrial or aquatic or animal life or virus, bacteria, or other micro-organism (except viruses, bacteria or other micro-organisms ordinarily present on or in humans or living animals) which the commissioner of the New York State Department of Environmental Conservation declares to be a pest.

“Pesticide” shall mean any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; and any substance or mixture of substances intended for use as a plant regulator, defoliator or desiccant. It shall include all pesticide products registered as such by the United States Environmental Protection Agency and the New York State Department of Environmental Conservation, and all products for which experimental use permits and provisional registrations have been granted by the United States Environmental Protection Agency and the New York State Department of Environmental Conservation.

“Toxic” shall mean any substance that is harmful to humans. It is recognized that, by their very nature, pesticides and herbicides are toxic to those pests they are designed to eliminate. Obviously, the concern of this local law is to limit pesticides' toxicity to humans while preventing pests from multiplying and thereby endangering humans. A pesticides' relative toxicity to humans is the

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standard that should govern the determination as to which pesticides should be utilized. Measures of relative toxicity have been determined by measuring their effect upon adult humans, who have greater mass and weights than children. Thus, children are at greater risk from exposures to even low levels of pesticides.

SECTION 3. LEGISLATIVE INTENT.

The County of Ulster agrees with the U.S. Environmental Protection Agency (EPA) that “all pesticides are toxic to some degree..., and the commonplace, widespread use of pesticides is both a major environmental problem and a public health issue.”

The County of Ulster recognizes that all residents, (particularly children), as well as other inhabitants of our natural environment, have a right to protection from exposure to hazardous chemicals and pesticides in particular.

The County of Ulster recognizes that a balanced and healthy ecosystem is vital to the health of the town and its citizens; and as such is also in need of protection from exposure to hazardous chemicals and pesticides, in particular.

Furthermore, the County of Ulster recognizes that it is in the best interest of public health to eliminate the use of toxic pesticides on County-owned land; to encourage the reduction and elimination of the use of toxic pesticides on private property; and to introduce and promote natural, non-toxic, or as a last resort and with the Advisory Committee approval, least toxic management practices to prevent and, when necessary, control pest problems on County-owned and leased land.

Therefore, the County of Ulster seeks to implement non-toxic pest management (NPM) on County-owned and leased lands.

SECTION 4. DECLARATION OF PHILOSOPHY AND PRINCIPLES.

The County of Ulster hereby adopts the precautionary principle (as defined by the Wingspread statement) as the basis for its non-toxic pest management (NPM) policy. The precautionary principle states:

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A Local Law Requiring Non-Toxic Landscape Maintenance On Land Owned Or Leased By The County Of Ulster, With Exceptions And Waivers In Appropriate Circumstances

“When an activity raises threats of harm to the environment or human health, precautionary measures should be taken, even if some cause and effect relationships are not yet fully established.”

SECTION 5. ENACTMENTS.

The County of Ulster hereby adopts an NPM policy that mandates the following on all properties where the County is responsible to maintain the outside areas, including lawns and grassy areas:

1. that the use and application of toxic chemical pesticides, either by County of Ulster employees or by private contractors, for the purpose of turf and landscape maintenance, is prohibited on all lands maintained by the County of Ulster;
2. that, if toxic products must be used, based upon a waiver or exemption, then natural, least toxic turf and landscape cultural practices and maintenance shall be the method of choice to understand, prevent, and control potential pest problems;
3. that all control products used under the terms of this policy shall be in keeping with, but not limited to, those products on the approved list of the Northeast Organic Farming Association Connecticut and Massachusetts Chapters’ Organic Land Care Program or approved by the Advisory Committee;
4. that County of Ulster employees who work with turf grass and the landscape receive education and training in natural, least toxic turf and landscape management to be coordinated by the Advisory Committee, if, in its opinion and discretion, such training is necessary;
5. that a listing of all County-maintained lands affected by this policy be made available to the public by posting a list on the County website.

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SECTION 6. ADVISORY COMMITTEE ON NON-TOXIC PEST MANAGEMENT.

1. An Advisory Committee on Non-toxic Pest Management will be formed with the following members: Commissioner of Public Works or designee, Coordinator of the Department of the Environment or designee, Executive Director of the Soil and Water Conservation District or designee, Director of Cornell Cooperative Extension or designee, and the Chairman of the Environmental Management Council or designee.

The Advisory Committee will oversee and assist in the implementation of the NPM policy, to develop an NPM program consistent with this local law, and to advise the Chairperson of the Ulster County Legislature's Committee responsible for environmental issues of any problems encountered or amendments required to achieve the full and successful implementation of this policy.

2. The Advisory Committee shall seek the participation, advice, and counsel of experts in the fields of non-toxic turf and landscape management and NPM protocol. Broad community participation, including parents, schools, advocates, and local landscaping businesses shall be encouraged on a non-voting basis.

3. Any decision by the Advisory Committee, pursuant to this local law shall be by majority vote of the entire committee membership, and not merely a majority or those present and voting.

SECTION 7. EXEMPTIONS.

All turf and landscape pest management activities taking place on land maintained by the County of Ulster land shall be subject to this local law, except as follows:

1. Pesticides or classes of pesticides classified by the United States environmental protection agency as not requiring regulation under the federal insecticide, fungicide and rodenticide act under 40 CFR § 152.25, and therefore exempt from such regulation when intended for use, and used only in the manner specified.

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A Local Law Requiring Non-Toxic Landscape Maintenance On Land Owned Or Leased By The County Of Ulster, With Exceptions And Waivers In Appropriate Circumstances

2. Biological pesticides, such as bacillus thuringiensis or milky spore, that are not genetically modified.
3. Pesticides in contained baits for the purpose of rodent control.
4. Poison ivy and poison oak that constitutes a health hazard.
5. Tick control.
6. Any property, or categories of properties, as recommended from time to time by the Ulster County coordinator of environmental resources and approved by the Ulster County Legislature by mere resolution.

SECTION 8. WAIVERS.

1. Any County agency or contractor may apply to the Advisory Committee for a single-use waiver of the restrictions established pursuant to this local law. Such application shall be in a form and manner prescribed by the Advisory Committee and shall contain such information as the committee deems reasonable and necessary to determine whether such waiver should be granted. The Advisory Committee may grant such waivers by a majority vote of the voting membership, not merely a majority of those present and voting. In determining whether to grant or deny a request for a waiver, the Advisory Committee shall consider (i) the magnitude of the infestation, (ii) whether the pest situation poses an immediate threat to public health, property, or the environment (iii) the availability of effective alternatives consistent with this local law, and (iv) the likelihood of exposure of humans to the pesticide.

No waiver shall be approved unless the following conditions have been met: (i) Any pesticide used of all available choices must have the least acute and chronic toxic effect on human health or safety; and, (ii) The applicant must submit a plan demonstrating how underlying causes of the pest outbreak will be addressed in a manner consistent with this local law to prevent future outbreaks.

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2. If a pest situation poses an immediate threat to human health and warrants the use of pesticides that would otherwise not be permitted under this local law, the Ulster County Commissioner of Health or Public Health Director shall have the authority to grant a temporary emergency waiver for a period of thirty days. Notice of the waiver request shall be given to the Advisory Committee for advice on resolving the problem without the use of pesticides. The Commissioner or Public Health Director may extend the waiver for one additional period not to exceed six months. Nothing in this waiver provision prohibits the County of Ulster from adopting additional waivers via resolution for as long as the condition exists.

Any County Department using a pesticide under such a waiver must comply with all applicable federal and state laws regarding pesticide use and the Ulster County pesticide neighbor notification law.

SECTION 9. SEVERABILITY.

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

SECTION 10. EFFECTIVE DATE.

This local law shall take effect immediately upon filing with the New York State Secretary of State.

Adopted by the County Legislature: June 10, 2009

Prohibiting The Leasing Of Any County-Owned Lands, Including But Not Limited To County Parks For High-Volume Chemical Slick-Water Hydraulic-Fracturing To Extract Natural Gas

Legislators Zimet, Petit, Aiello, Bernardo, Gregorious and Madsen and Co-Sponsors: Legislators Briggs, Donaldson, Hochberg, Lomita, Loughran, Richard Parete, Robert Parete, Provenzano, Rodriguez, Shapiro, Sheeley and Stoeckeler offer the following:

WHEREAS, it is increasingly clear that drilling for natural gas using slick-water hydraulic-fracturing (hydrofracking) may have severe adverse impacts on communities and the environment, and

WHEREAS, the process of pumping chemicals under intense pressure into an underground shale formation to release gas for extraction may contaminate drinking water supplies, including the New York City system in the Catskills, and

WHEREAS, such activity would undoubtedly place added stress on species that may increasingly come under stress from the impacts of climate change, and

WHEREAS, past Governor David A. Paterson had issued Executive Order 41 - Requiring Further Environmental Review of High Volume Hydraulic Fracturing in the Marcellus Shale directing the Department of Environmental Conservation (DEC) to conduct further comprehensive review and analysis of high-volume horizontal hydraulic fracturing in the Marcellus Shale thereby requiring that high-volume, horizontal hydraulic fracturing would not be permitted until July 1, 2011, at the earliest, and

WHEREAS, Executive Order No. 41 does not include low volume vertical hydraulic fracturing which allows 16 wells for every single horizontal well, and utilizes similar toxic compounds to extract gases, and

WHEREAS, similar extraction practices in a township in Susquehanna County, Pennsylvania, contaminated the drinking water supply and subsequent litigation and a settlement of 4.1 million dollars was awarded to the residents, and

WHEREAS any economic boost to the state's economy from development and sale of natural gas from Marcellus Shale is short term at best, and will foreclose the long-term economic benefit to the county of tourism and agriculture, and

WHEREAS, the Ulster County Legislature adopted Resolution 378 - County of Ulster Energy Policy on December 10, 2008, which included minimizing greenhouse gas emissions, that would be impossible to meet if natural gas drilling occurred on County-owned land, and

Resolution No. 74 March 15, 2011

Prohibiting The Leasing Of Any County-Owned Lands, Including But Not Limited To County Parks For High-Volume Chemical Slick-Water Hydraulic-Fracturing To Extract Natural Gas

WHEREAS, improving and protecting the quality of life, Open Space and Waterways concluded that increased energy conservation and use of renewable energy are important ways to avert the most catastrophic impacts of climate change, now, therefore, be it

RESOLVED, that Ulster County will not lease any county-owned lands, including but not limited to County park lands, for high-volume, **chemical** slick-water hydraulic-fracturing to extract natural gas, and be it further

RESOLVED, that the Clerk of the Ulster County Legislature shall forward copies of this resolution to Governor Andrew M. Cuomo, Senate Majority Leader Dean G. Skelos, Senate Minority Leader John L. Sampson, Assembly Speaker Sheldon Silver, Assembly Majority Leader Ron Canestrari, Assembly Minority Leader Brian M. Kolb, New York State Senators John J. Bonacic and William J. Larkin, Jr., New York State Assemblymen Kevin A. Cahill, Clifford W. Crouch, Peter Lopez and Thomas Kirwan, New York State Department of Environmental Conservation Acting Commissioner Joseph Martens, and the New York State Association of Counties,

and move its adoption.

ADOPTED AS AMENDED BY THE FOLLOWING VOTE:

AYES: 31 NOES: 0
(Absent: Legislators Felicello and Shapiro)

Legislator Zimet motioned, seconded by Legislator Madsen to amend the resolution adding the word “chemical” to the title and the first “RESOLVED” and adding New York State Assemblyman Cahill to the second “RESOLVED”.

MOTION ADOPTED BY THE FOLLOWING VOTE:

AYES: 31 NOES: 0
(Absent: Legislators Felicello and Shapiro)

Resolution No. 74 March 15, 2011

Prohibiting The Leasing Of Any County-Owned Lands, Including But Not Limited To County Parks For High-Volume Chemical Slick-Water Hydraulic-Fracturing To Extract Natural Gas

FINANCIAL IMPACT:
NONE

0301

STATE OF NEW YORK
ss:
COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 15th day of March, 2011, and that the same is a true and correct transcript of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 18th Day of March in the year Two Thousand and Eleven.

|s| Karen L. Binder
Karen L. Binder, Clerk
Ulster County Legislature

Submitted to the County Executive this
18th Day of March, 2011.

|s| Karen L. Binder
Karen L. Binder, Clerk
Ulster County Legislature

Approved by the County Executive this
22nd Day of March, 2011.

|s| Michael P. Hein
Michael P. Hein, County Executive



**MICHAEL P. HEIN
COUNTY EXECUTIVE
COUNTY OF ULSTER**

EXECUTIVE ORDER NO. 1-2012

**Banning The Purchase And/Or Use Of Liquid Waste Product
From Hydraulic Fracturing Operations**

WHEREAS, as Ulster County Executive, I, Michael P. Hein, acknowledge the inherent dangers and potentially adverse environmental impacts present in the natural gas mining process known as hydraulic fracturing; and

WHEREAS, as Ulster County Executive, I, Michael P. Hein, am committed to protecting the health, safety and welfare of the citizens of Ulster County by preventing all residents from having contact with hydrofracking waste fluid/brine; and

WHEREAS, the fluid used in the hydraulic fracturing process is an insidious mixture of chemicals, including known carcinogens; and

WHEREAS, the hydraulic fracturing process creates a liquid waste product known as hydrofracking waste fluid/brine which may contain the same dangerous mixture of chemicals as the production brine; and

WHEREAS, the County of Ulster does not use hydrofracking waste fluid/brine, including but not limited to, the byproduct of the process known as hydraulic fracturing in any matter whatsoever;

NOW, THEREFORE, I, MICHAEL P. HEIN, as County Executive of the County of Ulster, do hereby direct and order as follows:

1. No County department, agency or unit, including the Department of Public Works, shall solicit, procure or use, or cause to be solicited, procured or used on its behalf, any amount of hydrofracking waste fluid/brine.

2. No County-owned property, including highways and roads, shall be subject to the application of hydrofracking waste fluid/brine. This includes properties leased by the County to any municipality or entity, or any highways or roads that are maintained by any municipality under the County's shared services program.

3. For the purposes of this Executive Order, hydrofracking waste fluid/brine shall include, but not be limited to, the byproduct of the process known as hydraulic fracturing.

This Executive Order shall take effect immediately and shall remain in full force and effect until otherwise superseded or revoked.

The County of Ulster
By:

Michael P. Hein
County Executive

Dated: April 12, 2012
Kingston, New York

Local Law Number 6 Of 2012

County Of Ulster

A Local Law Of The County Of Ulster, New York Known As The “Hydraulic Fracturing Brine Prohibition Act”

BE IT ENACTED, by the County Legislature of the County of Ulster, New York, as follows:

A new Chapter, Chapter 306 is added to the Code of the County of Ulster to read as follows.

§306-1

Title. This Local Law shall be known by and may be cited as the “Hydraulic Fracturing Brine Prohibition Act”.

§306-2

Definitions. As used in this Chapter, the following terms shall have the following meanings:

“Application” shall mean the physical act of placing Brine on one or more County roads or one or more pieces of County property. Each physical act shall be deemed separate when the person committing the act stopping for any reason the placement of the Brine for any purpose, including but not limited to stopping a vehicle used in the placement of the Brine, stopping work for any reason, re-loading or replacing any material or equipment necessary to apply the brine.

“Brine” shall mean: (a) production brine; or (b) produced waters; or (c) flowback; or (d) flowback fluids; or (e), hydraulic fracturing fluid, any or all, which are generated as a result of drilling for, or seeking gas in wells including but not limited to High Volume Hydraulic Fracturing, as defined herein.

“Commissioner” shall mean: The Commissioner of the Department of Public Works except for the use of the word “commissioner” in Section 306-5 may mean any other commissioner designated by the County Executive or may mean the Commissioner of Public Works as determined by the County Executive.

“Flowback” shall mean liquids and solids produced during initial completion and clean-up of the well or clean-up of a well following a re-fracture or workover.

Local Law Number 6 Of 2012

County Of Ulster

**A Local Law Of The County Of Ulster, New York Known As The
“Hydraulic Fracturing Brine Prohibition Act”**

“Flowback fluids” shall mean liquids produced following drilling and initial completion and clean-up of the well or clean-up of a well following a re-fracture of workover.

“High Volume Hydraulic Fracturing” shall mean a natural gas well stimulation technique consisting of the injection into the earth of a water and chemical mix with the intent of increasing the ability to extract natural gas from very tight rock.”

“Hydraulic fracturing fluid” shall mean fluid used to perform hydraulic fracturing and includes the primary carrier fluid and all applicable additives.

“Municipality” shall mean the County of Ulster

“Production brine or produced waters” shall mean liquids co-produced during oil and gas production.

“Property” shall mean real property, improved or otherwise, which the County of Ulster owns or controls.

“Roads” shall mean public roads, streets, or bridges owned or controlled by the municipality.

§306-3

Use of Brine prohibited. No Brine shall be applied to or placed upon property or roads of the municipality. In any bid for materials, services, or equipment which relate to property maintenance or road improvements or road construction, the municipality in a bid specification or bid document describing the nature of the services or equipment sought, and any agency or division of the municipality, shall expressly state in capitalized, bold font, “THE PLACEMENT OF BRINE ON ANY ROAD OR PROPERTY OF THE COUNTY OF ULSTER IS UNLAWFUL. ANY BIDDER SHALL FILE A SWORN STATEMENT WITH THEIR BID THAT NO BRINE AS DEFINED BY LOCAL LAW OF THE MUNICIPALITY WILL BE SOLD TO THE MUNICIPALITY AS PART OF THE BID, OR UTILIZED ON OR PLACED ON ANY

PROPERTY OR ROAD OF THE COUNTY OF ULSTER. BIDDERS ARE DIRECTED TO CHAPTER 306 OF THE LAWS OF THE COUNTY OF ULSTER FOR THE DEFINITION OF BRINE.”

Local Law Number 6 Of 2012

County Of Ulster

**A Local Law Of The County Of Ulster, New York Known As The
“Hydraulic Fracturing Brine Prohibition Act”**

§306-4

Statement to be included in Bid. The Statement provided for in §306-3, which shall be a sworn statement under penalty of perjury, shall read substantially as follows:

“We, _____ hereby submit a bid for materials, equipment, or labor for the _____ of _____. The bid is for bid documents titled _____. We hereby certify under penalty of perjury that no Brine will be used by the undersigned bidder or any contractor, sub-contractor, agent, or vendor thereof in connection with the bid; nor will the undersigned Bidder or any sub-contractor, agent, or vendor thereof and/or therefor apply or supply any Brine to any property or road(s) of the County of Ulster as a result of the submittal of this bid if selected.” The Statement shall otherwise be sworn to under penalty of perjury in a form satisfactory to the County Attorney.

§306-5

Duty of Employees to be Familiar with this Chapter. The County Executive or, at the County Executive’s option, a department head or a commissioner of any Department appointed by the County Executive is authorized to develop policies to ensure county employees are familiar with this Chapter and take such steps as are directed by the County Executive or such department head or commissioner to ensure a diligent effort by the County that materials supplied to the County or used on County roads or property comply with this Law. This shall not excuse non-compliance by a contractor or vendor of the County.

§306-6

Penalties for Violations.

- A. Breach of Contract. A violation of the provisions of this Chapter shall be deemed a breach of contract and shall authorize the Director of Purchasing in cooperation with the County Attorney and any other officer or employee of the County deemed necessary by the County Attorney, commence a civil Breach of Contract action against the violator of the provisions of this Chapter. Damages sought shall be determined by the County Attorney but may include, but shall not be

Local Law Number 6 Of 2012

County Of Ulster

**A Local Law Of The County Of Ulster, New York Known As The
“Hydraulic Fracturing Brine Prohibition Act”**

limited to the cost of any consequential damages of the breach of contract. In addition, a determination by the Director of Purchasing that the contract was awarded through shall make a finding that the Contractor was not a responsible bidder and shall cause notice of such irresponsibility to be circulated in a form approved by the County Attorney to each other County in New York State. The County Attorney is further authorized to commence any necessary action to enjoin any violation of this Chapter he or she believes to be occurring.

- B. Criminal Penalties. In addition to prosecution for Perjury as determined by the District Attorney, any person who violates this article shall be guilty of an unclassified misdemeanor and subject to a fine not to exceed \$25,000.00 per violation and/or up to fifteen days' imprisonment. Each application of brine shall constitute a separate and distinct violation.

§306-7. Separability. If any sentence, clause, paragraph, subdivision, subparagraph, part or provision of this article or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this article or the application thereof to other persons or circumstances and the Legislature hereby declares that it would have enacted this article or the remainder thereof had the invalidity of such provision or application thereof been apparent.

§306-8

Effective Date. This act shall take effect 30 days after it shall have been filed with the Secretary of State.

Final Revision(8)
5.3.12

Establishing A County Policy Requiring The Posting of Information On the County Website to Assist Ulster County Municipalities To Enact Local Ordinances Prohibiting Hydraulic Fracturing

Referred to: The Environmental, Energy and Technology Committee (Chairman Belfiglio and Legislators Lopez, Ronk, Wawro, Bartels, John Parete and Wishnick) offer the following:

Legislator Robert Aiello offers the following:

WHEREAS, there are a number of companies that are interested in drilling and hydraulic fracturing, commonly known as “fracking,” for natural gas in the Marcellus Shale formation in New York State; and

WHEREAS, fracking could endanger private wells and municipal aquifers by contaminating these water supplies; and

WHEREAS, this danger has given municipalities a reason to ban fracking within their borders through zoning laws; and

WHEREAS, the ban on fracking is a matter of Home Rule and can only be done by a village, town, or city; and

WHEREAS, there were two recent New York Supreme Court decisions that upheld local laws that banned fracking; and

WHEREAS, the Ulster County Legislature desires to assist municipalities in their pursuit to ban fracking; and

WHEREAS, the Ulster County Legislature does not support the practice of hydraulic fracturing; now, therefore, be it

RESOLVED, that the policy of Ulster County shall be that links to resources on the regulations or prohibition of hydraulic fracturing be posted prominently on the County website; and

RESOLVED, upon posting of the links, the Clerk of the Legislature will provide appropriate municipal notification;

and moves its adoption.

Resources with links to complete documents available at:

<http://www.co.ulster.ny.us/environment/hydraulic-fracturing/>

Hydraulic Fracturing Resources for Municipalities

Natural gas drilling is regulated in New York State by the NYS Department of Environmental Conservation under Article 23, Title 3 of the Environmental Conservation Law (ECL). However, the ECL specifies that local governments retain jurisdiction over local roads and rights under the Real Property Tax Law. The following resources are a collection of existing statutes, case law, and pertinent regulations that municipalities may want to consult in order to address the potential impacts of hydraulic fracturing in their communities.

1. Local Existing Statutes

Ulster County Legislation and Executive Order

[Ban on Hydraulic Fracturing on County Property](#) - Resolution No. 74, March 15, 2011: Prohibiting the Leasing of any County-Owned Lands, Including but Not Limited to County Parks for High-Volume Chemical Slick-Water Hydraulic-Fracturing to Extract Natural Gas

[Ban of Hydraulic Fracturing Brine Procurement](#) - Executive Order No. 1-2012: Banning the Purchase and/or Use of Liquid Waste Product from Hydraulic Fracturing Operations

[Ban on Hydraulic Fracturing Brine Application on County Roads](#) - Local Law No. 6 of 2012: Known as the "Hydraulic Fracturing Brine Prohibition Act"

Ulster County Municipalities with Statutes Related to Hydraulic Fracturing:

- [New Paltz \(town\)](#)
- Rochester
- [Rosendale](#)
- Wawarsing
- [Woodstock](#)

Ulster County Municipalities with Draft Laws Under Consideration:

- Marletown
- New Paltz (village)
- Olive
- Saugerties (town)

2. Select Recent Case Law

Recent New York Supreme Court rulings upheld municipal bans on the exploration and extraction of gas and petroleum. However, the case law remains unsettled, and is potentially subject to change.

[Town of Dryden Ruling](#)

[The Amended Town of Dryden Zoning Ordinance](#)

[Town of Middlefield Ruling](#)

[A Local Law Repealing the Town of Middlefield Zoning Ordinance and Adopting the Town of Middlefield Zoning Law \(Scroll to page 17 for text pertaining to oil, gas or solution mining and drilling.\)](#)

3. Roads & Infrastructure

Towns looking to exert jurisdiction over local roads in an attempt to mitigate potential impacts from high volumes of truck traffic have several options under Section 1660 of New York State Vehicle and Traffic Law (NYS VTL). NYS VTL §1660 enables municipalities to designate truck routes and set weight restrictions.

[NYS VTL §1660](#)

Ulster County municipalities have a number of options for mitigating the impact from truck traffic on roads they maintain:

Local Weight Limit Laws

NYS VTL §1660 gives municipalities the ability to exclude "any vehicle with a gross weight of over four or more tons or any vehicle with a gross weight in excess of any designated weight on any wheel, axle, any number of axles, or per inch width of tire when in its opinion such highway would be materially injured by the operation of any such vehicle thereon."

[Examples of Local Weight Limit Laws \(Towns of Goshen, Batavia and Wheatland\)](#)

Road Preservation Laws

Municipalities can pass road preservation laws. These laws treat locally maintained roads differently from roads maintained by New York State and county governments. The examples provided on this website are of road preservation laws that establish permitting systems on locally maintained roads.

The two road preservation laws provided on this website can each be divided into their own categories: route-based permitting and fleet-based permitting. The example from the Town of Sharon, NY is of route-based permitting. Route-based permitting requires businesses to obtain a permit for each locally maintained road used. Examples from the Towns of Dansville, NY and Dickinson, NY are of fleet-based permitting. In fleet-based permitting, permits are issued to particular vehicles or groups of vehicles. A business may apply for a permit for a particular truck or a blanket permit for multiple

trucks. More complex operations, such as those with various contractors and sub-contractors, may apply for a road use agreement along with a blanket permit. Both permitting systems require businesses periodically document and report road conditions to municipal governments.

[Example of Road Preservation Law with Route-Based Permitting \(Town of Sharon, NY\)](#)

[Example of Road Preservation Law with Fleet-Based Permitting \(Town of Dansville, NY\)](#)

[Example of Road Preservation Law with Fleet-Based Permitting \(Town of Dickinson, NY – has additional language for reasoning behind road preservation law\)](#)

Designated Truck Routes

NYS VTL §1660 gives municipalities the ability to establish truck routes. Ulster County municipalities can:

[e]xclude trucks, commercial vehicles, tractors, tractor-trailer combinations, tractor-semitrailer combinations, or tractor-trailer-semitrailer combinations in excess of any designated weight, designated length, designated height, or eight feet in width, from highways or set limits on hours of operation of such vehicles on particular town highways or segments of such highways. Such exclusion shall not be construed to prevent the delivery or pickup of merchandise or other property along the highways from which such vehicles or combinations are otherwise excluded.

Truck route designations can be found imbedded in road preservation laws or as sections in chapters for Vehicle and Traffic laws in municipal codes.

Many municipalities designate state and county maintained roads as truck routes, excluding truck traffic of a specified weight and heavier from local roads. The road preservation laws for the towns of Danville and Dickinson each designate "State and County owned/maintained roadways" for a truck route. The Town of Dickinson does not designate a truck route in its road preservation law, but in effect, creates one by requiring permits for trucks with 3 axles or more engaged in "high frequency truck traffic". (The definition for high frequency truck differs among municipalities and can target trucks by the number of axles and/or weight.)

[Example of Designated Truck Route written into road preservation law \(Town of New Lisbon, NY\)](#)

Sometimes municipalities include some local roads that they maintain in truck routes. In this case, municipalities should list which roads and which of their segments are part of a truck route in the municipal code. When truck routes include locally maintained roads, a map is also helpful.

[Example of Designated Truck Route written into vehicle and traffic chapter of municipal code \(City of Auburn, NY\)](#)

[Map of Designated Truck Route \(City of Auburn, NY\)](#)

Driveway Permits

Municipalities may want to consider creating an industrial classification for driveway permits. Compared to residential and many commercial driveway permits, the requirements for an industrial driveway permit would differ in several respects. At the very least, municipalities should look to increase the minimum distance between driveways on the same premises or adjacent lots. Driveway permits with an industrial classification would have larger required minimum site distances and driveway widths. After determining whether an industrial classification for driveway permits is necessary, a municipality can work with an engineer to determine the specific standards an applicant would have to meet in order to obtain one.

4. Research & Other Selected Information

[Selected research papers from Cornell University Natural Gas Resource Center](#)

["Observations Concerning the Role of Local Government in Relation to Natural Gas Exploration and Production in the Marcellus Shale in the Southern Tier East Region on New York State"](#)

For Municipal Officials:

[Cornell University Natural Gas Resource Center](#)

["Zoning and the Marcellus Shale - Levels of Government in New York and Pennsylvania"](#)

[New York Municipal Insurance Reciprocal Guide to Protecting Local Roads](#)

[Regulating Natural Gas Development through Local Planning and Land Use Controls](#)

[Preserving Municipal Roads: What are Your Options?](#)

[A Legal and Practical Guide to Protecting Your Citizens and the Environment in the Face of Marcellus Shale Natural Gas Drilling](#)

[Model Town Ordinances for Road Preservation and Traffic Control](#)