AGENDA

CONSERVATION, SUSTAINABILITY AND GREEN INITIATIVES COMMITTEE

JANUARY 29, 2019

PREVIOUS BUSINESS:

APPROVING PREVIOUS MEETING MINUTES

1. **RESOLUTION NO. 180: PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “J” FOR 2018** TABLED AT REQUEST OF SPONSOR

2. **LOCAL LAW NO. “J” FOR 2018: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK ESTABLISHING COLOR REQUIREMENTS FOR PETROLEUM BULK STORAGE TANKS** TABLED AT REQUEST OF SPONSOR

3. **RESOLUTION NO. 337: UPDATE AND CREATE AN ALBANY COUNTY MASTER WATERFRONT PLAN TO PROMOTE TRAVEL, TOURISM, RECREATION AND WATERFRONT DEVELOPMENT ON THE HUDSON AND MOHAWK RIVERS IN ALBANY COUNTY** TABLED AT REQUEST OF SPONSOR

CURRENT BUSINESS:

4. **AUTHORIZING AN AGREEMENT WITH NYS PARKS, RECREATION AND HISTORIC PRESERVATION REGARDING A SNOWMOBILE TRAIL DEVELOPMENT GRANT AND AMENDING THE 2019 DEPARTMENT OF ECONOMIC DEVELOPMENT, CONSERVATION AND PLANNING BUDGET**
Honorable Andrew Joyce and Members of the Albany County Legislature:

LADIES AND GENTLEMEN:

The Conservation and Improvement Committee of the Albany County Legislature met on November 27, 2018. Chairman Reinhardt, Messrs. Domalewicz, Fein, Stevens Ms. Lekakis, Ms. Plotsky and Mr. Mendick were present. Messrs. Comisso, Ethier and Stevens were excused. The following items were discussed and/or acted upon:

Approving Previous Meeting Minutes: Unanimously approved.


3. Resolution No. 337: Update And Create An Albany County Master Waterfront Plan To Promote Travel, Tourism, Recreation And Waterfront Development On The Hudson And Mohawk Rivers In Albany County: Tabled at the Request of Sponsor.

4. Approving the Albany County Agricultural and Farmland Protection Plan: The Department of Economic Development, Conservation and Planning requested approval of the Albany County Agricultural and Farmland Protection Plan prior to submission to the New York State Department of Agriculture and Markets. After a brief discussion, the Committee voted unanimously to move the proposal forward for legislative action with a favorable recommendation.

5. Public Hearing on Proposed Modifications to Agricultural District No. 3: After a brief discussion, the Committee voted unanimously to move the proposal forward for legislative action with a favorable recommendation.

6. Resolution No. 525: Public Hearing on Proposed Local No. “N” for 2018: After a brief discussion, the Committee voted unanimously to move the proposal forward for legislative action with a favorable recommendation.

Respectfully submitted,
THE CONSERVATION AND IMPROVEMENT COMMITTEE

WILLIAM W. REINHARDT, Chairperson
RICHARD W. MENDICK
FRANK COMISSO
GARY DOMALEWICZ
SAMUEL I. FEIN

GILBERT F. ETHIER
LYNNE LEKAKIS
VICTORIA PLOTSKY
TRAVIS STEVENS
RESOLUTION NO. 180

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “J” FOR 2018

Introduced: 4/9/18
By Mr. Fein:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. “J” for 2018, “A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK ESTABLISHING COLOR REQUIREMENTS FOR PETROLEUM BULK STORAGE TANKS” be held by the County Legislature in the William J. Conboy II Legislative Chambers, Albany County Courthouse, Albany, New York at 7:15 p.m. on Tuesday, April 24, 2018, and the Clerk of the County Legislature is directed to cause notice of such hearing to be published containing the necessary information in accordance with the applicable provisions of law.

Referred to Law and Conservation and Improvement Committees – 4/9/18
LOCAL LAW NO. "J" FOR 2018

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK ESTABLISHING COLOR REQUIREMENTS FOR PETROLEUM BULK STORAGE TANKS

Introduced: 4/9/2018
By Messrs. Fein and Higgins:

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

Section 1. Legislative Intent

The Legislature finds that the external color of a petroleum bulk storage tank affects the amount of pollutants emitted from the tank into the air.

The Legislature further finds that dark-colored tanks absorb more heat, resulting in greater emissions of air pollutants, and that tanks painted white absorb less heat and therefore have lower emissions of air pollutants than dark-colored tanks.

The Legislature further finds that emissions from oil and petroleum-based products emit pollutants into the air including volatile organic compounds such as benzene, a known human carcinogen.

The Legislature further finds that all residents of the County of Albany deserve the ability to breathe clean air.

The Legislature further finds that safeguarding the health of the residents of Albany County is an important role of the government of the County of Albany.

The Legislature further finds that many residents of the County of Albany residing in the Southern end of the City of Albany do not have the ability to breathe clean air where they live due to emissions of air pollutants from a variety of industrial sources including but not limited to petroleum bulk storage tanks.

The Legislature further finds that air quality monitoring by the New York State Department of Environmental Conservation in the Southern end of the City of Albany has detected high levels of benzene and other air pollutants.

Therefore, the purpose of this Local Law is to reduce the harmful air pollutants emitted by petroleum bulk storage tanks that residents of the County of Albany are forced to breath.

Section 2. Definitions

As used in this Local Law, the following terms shall have the meanings indicated:
A. "Petroleum Bulk Storage Tank" means any tank with a capacity of 500,000 gallons or greater designed to store or being used to store oil or petroleum-based products.

B. "Existing Tank" means a Petroleum Bulk Storage Tank in existence on the effective date of this law.

C. "New Tank" means a Petroleum Bulk Storage Tank constructed after the effective date of this law.

D. "Operator" an entity, corporation, or individual that owns or operates a Petroleum Bulk Storage Tank.

Section 3. Color Requirements For New and Existing Petroleum Bulk Storage Tanks

A. As set forth below, all Existing and New Petroleum Bulk Storage Tanks located in Albany County must meet the following Color Requirement: (1) The entirety of the exterior of the tank must be painted white in a manner that completely covers any dark-colored surfaces on the tank, except for a logo or written text provided that such logo or written text does not exceed five percent (5%) of the exterior surface area of the tank; and (2) The white tank coloring shall be maintained as necessary to prevent underlying dark-colored surfaces from being exposed.

B. All New Tanks must meet the Color Requirement prior to being used or placed in operation.

C. All Existing Tanks must meet the Color Requirement within ninety (90) days of the effective date of this law.

D. The Operator is responsible for ensuring that the Color Requirement is complied with for all Petroleum Bulk Storage Tanks owned by the Operator.

Section 4. Health Commissioner's Enforcement Authority

The Health Commissioner is authorized to take any and all reasonable actions necessary to enforce this Local Law.

Section 5. Penalties

Any violation of Section 3 of this Local Law shall be punishable as follows:
A. First Offense. Any Operator guilty of a first offense shall be guilty of a violation and shall be given a written warning allowing thirty (30) days to correct the violation.

B. Second Offense. Any Operator guilty of a second offense, meaning not correcting the first offense violation within the allowed thirty (30) days, shall be guilty of a violation and shall be fined an amount not to exceed one thousand dollars ($1,000) for each day the violation continues.

Section 5. Reverse Preemption.

This local law shall be null and void on the day that federal or statewide legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Albany. The County Legislature may determine via mere resolution whether or not identical or substantially similar federal or statewide legislation, or pertinent preempting state or federal regulations have been enacted for the purposes of triggering the provisions of this section.

Section 6. Severability

If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be inconsistent with any federal or state statute, law, regulation or rule then the federal or state statute, law, regulation, or rule shall prevail. If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder of the local law which shall remain in full force and effect except as limited by such order or judgment.

Section 7. Effective Date and Applicability

This local law shall be effective immediately upon filing in the Office of the Secretary of State.

Referred to Law and Conservation and Improvement Committees – 4/9/18
RESOLUTION NO. 337

UPDATE AND CREATE AN ALBANY COUNTY MASTER WATERFRONT PLAN TO PROMOTE TRAVEL, TOURISM, RECREATION AND WATERFRONT DEVELOPMENT ON THE HUDSON AND MOHAWK RIVERS IN ALBANY COUNTY

Date: 7/9/18
By: Messrs. Frainier, Beston, Ms. Chapman, Messrs. Clenahan, Commissio, R. Joyce, Ms. McKnight, Messrs. Miller, O'Brien, Touchette, Ward, Ms. Willingham and Mr. Higgins:

WHEREAS, This honorable body recognizes that Albany County has many waterfront assets including trails, waterfalls, waterfronts, places of historical significance, industrial, commercial, residential and entertainment districts located on or in close proximity to waterfronts in Albany County. A thriving waterfront can be a catalyst for economic development and growth, and

WHEREAS, A coordinated strategy addressing this all important driver of economic and neighborhood development needs to be born and have the staying power to see and implement a transformation, and

WHEREAS, It is with this vision that this honorable body proposes the following, that the Albany County Industrial Development Agency and/or Albany County Capital Resource Corporation update a previous 2001 economic development study focusing on the waterfront in Albany County, this updated study will incorporate any and all local masterplans for one comprehensive plan, and

WHEREAS, The purpose of this study would be to examine our waterfront and create a master waterfront plan, including, but not limited to, remediation, recreation and development, as well as the promotion of the entire length of the waterfront as a destination. Coupling the study with the marketing of Albany County and its assets to help promote and encourage development in Albany County, and

WHEREAS, County waterfronts are defined as the Hudson and Mohawk River shoreline and are currently represented by 11 County Legislators District 1, Lucille McKnight, District 3 Wanda Willingham, District 6, Samuel Fein, District 14, Alison McLean Lane, District 15, Robert Beston, District 16, Sean Ward, District 17, Ralph Signoracci, District 18, Gilbert Ethier, District 19, Todd Drake, District 36, Richard Mendick, District 37 Richard Touchette, and

WHEREAS, The study area includes, the towns of Bethlehem, Colonie, Coeymans, the cities of Albany, Cohoes, and Watervliet and the villages of Green Island and Menands, and
WHEREAS, It is also the desire of this honorable body to allow transfer of any county foreclosed property to the Albany County Industrial Development Agency and/or the Albany County Capital Resource Corporation for waterfront development and encourage cooperation between the Albany County IDA and/or Albany County Capital Resource Corporation with local Economic Development Agencies, now, therefore, be it

RESOLVED, By the Albany County Legislature hereby requests the Albany County IDA and/or Albany County Capital Resource Corporation to accept this resolution and appropriate funds to complete a comprehensive study as stated above and invest $1,500,000 million dollars for development purposes including, but not limited to, land purchase and acquisition, remediation, conservation, public assess and any other soft costs that maybe needed for development, and, be it further

RESOLVED, This study area crosses many geographic boundaries and when complete would be a great tool for the Albany County IDA and/or Albany County Capital Resource Corporation in the spirit of shared services to share with local IDA’s, the County Executive and other appropriate local development agencies in the study area to help promote development, business, entertainment and recreation throughout Albany County, and, be it further

RESOLVED, That the goal of this study is to compile a development strategy that the County Executive can promote and implement through the powers of the Executive branch of county government, and, be it further

RESOLVED, The Albany County Legislature respectfully requests the Albany County IDA and/or Albany County Capital Resource Corporation to report back to the Legislature within 60 days of adoption of this resolution regarding the status of this study, and be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

*Referred to Audit and Finance and Conservation and Improvement Committees – 7/9/18*
January 10, 2019

Hon. Andrew Joyce
Albany County Legislature
112 State St. Room 710
Albany, NY 12207

Dear Chairman Joyce:

The County sponsored an application for a snowmobile trail maintenance grant and was awarded funding through NYS Office of Parks, Recreation, and Historic Preservation to assist local snowmobile clubs with development and maintenance of snowmobile trails in the County. The total amount of the award is $12,432. The funds will be passed through to Frontier Sno Riders and Middleburgh Ridgerunners, the organizations responsible for trail maintenance. There is no cost to the County.

If you have any questions, please feel free to contact me. I will also be available to answer questions at the next committee meeting.

Sincerely,

Laura DeGaetano
Sr. Natural Resource Planner

cc: Dennis Feeney, Majority Leader
    Frank Mauriello, Minority Leader
    Kevin Cannizzaro, Majority Counsel
    Arnis Zilgme, Minority Counsel
REQUEST FOR LEGISLATIVE ACTION

Description (e.g., Contract Authorization for Information Services):
Acceptance of pass though grant for snowmobile trail maintenance

Date: 01/10/2019
Submitted By: Laura DeGaetano
Department: Economic Development, Conservation and Planning
Title: Sr. Natural Resource Planner
Phone: 518-447-5670
Department Rep.
Attending Meeting: Laura DeGaetano

Purpose of Request:

☐ Adopting of Local Law
☐ Amendment of Prior Legislation
☐ Approval/Adoption of Plan/Procedure
☐ Bond Approval
☒ Budget Amendment
☒ Contract Authorization
☐ Countywide Services
☐ Environmental Impact/SEQR
☐ Home Rule Request
☐ Property Conveyance
☐ Other: (state if not listed) Click or tap here to enter text.

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):
☒ Contractual
☐ Equipment
☐ Fringe
☐ Personnel
☐ Personnel Non-Individual
CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:
☐ Change Order/Contract Amendment
☐ Purchase (Equipment/Supplies)
☐ Lease (Equipment/Supplies)
☐ Requirements
☐ Professional Services
☐ Education/Training
☒ Grant

Acceptance
Submission Date Deadline 9/1/2018
☐ Settlement of a Claim
☐ Release of Liability
☐ Other: (state if not listed) Click or tap here to enter text.

Contract Terms/Conditions:

Party (Name/address):
NYS Office of Parks Recreation and Historic Preservation

Additional Parties (Names/addresses):
Snowmobile Unit Albany 12238

Amount/Raise Schedule/Fee: $12,432
Scope of Services: Pass through grant for maintenance of snowmobile trails

Bond Res. No.: Click or tap here to enter text.
Date of Adoption: Click or tap here to enter text.

CONCERNING ALL REQUESTS

Mandated Program/Service: Yes ☐ No ☒
If Mandated Cite Authority: Click or tap here to enter text.

Is there a Fiscal Impact: Yes ☒ No ☐
Anticipated in Current Budget: Yes ☒ No ☐

County Budget Accounts:
Revenue Account and Line: AA8020 03072
Revenue Amount: $12,432

Appropriation Account and Line: AA8020 4 4046
Appropriation Amount: $12,432

Source of Funding - (Percentages)
Federal: Click or tap here to enter text.
State: 100%
County: Click or tap here to enter text.
Local: Click or tap here to enter text.

Term
Term: (Start and end date) 04/01/2018 - 08/31/2019
Length of Contract: 17 months

Impact on Pending Litigation
Yes ☐ No ☒
If yes, explain:
Click or tap here to enter text.

Previous requests for Identical or Similar Action:
Resolution/Law Number: Resolution 52 of 2016
Date of Adoption: 02/09/2016

Justification: (state briefly why legislative action is requested)
The county sponsored an application for a snowmobile trail maintenance grant and was awarded funding through NYS Department of Parks, Recreation and Historic Preservation to assist local snowmobile clubs with development and maintenance of snowmobile trails in the County. The total amount of the award is $12,432. The funds will be passed through to Frontier Sno Riders and Middleburgh Ridgerunners, the organizations responsible for maintenance.
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