AGENDA

CONSERVATION, SUSTAINABILITY AND GREEN INITIATIVES COMMITTEE

JUNE 20, 2019

PREVIOUS BUSINESS:

APPROVING PREVIOUS MEETING MINUTES

1. RESOLUTION NO. 180 FOR 2018: PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “J” FOR 2018

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

3. RESOLUTION NO. 120: PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “D” FOR 2019

4. LOCAL LAW “D” FOR 2019: A LOCAL LAW TO INCENTIVIZE THE USE OF REUSABLE SHOPPING BAGS AND TO ELIMINATE THE USE OF SINGLE-USE PLASTIC BAGS IN ALBANY COUNTY SHOPPING ESTABLISHMENTS

5. RESOLUTION NO. 220: PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “F” FOR 2019
6. **LOCAL LAW NO. “F” FOR 2019:** A LOCAL LAW TO REQUIRE ALBANY COUNTY RESTAURANTS AND EATING ESTABLISHMENTS TO PROVIDE STRAWS AND PLASTIC CUTLERY ONLY UPON REQUEST

**CURRENT BUSINESS:**

7. **ADOPTING THE PROPOSED MODIFICATIONS TO ALBANY COUNTY AGRICULTURAL DISTRICT NOS. 1, 2 AND 3**
Honorable Andrew Joyce and Members of the Albany County Legislature:

LADIES AND GENTLEMEN:

The Conservation, Sustainability and Green Initiatives Committee of the Albany County Legislature met on May 28, 2019. Chairperson Reinhardt, Messrs. Mendick, Comrisso, Ethier, Ms. Plotsky, and Mr. Frainier were present. Messrs. Domalewicz, Fein, and Stevens were excused. The following items were discussed and/or acted upon:

Approving Previous Meeting Minutes: Unanimously approved.


3. **Resolution No. 120**: Public Hearing on Proposed Local Law No. “D” for 2019: Following a motion, duly seconded, the Committee voted 4-2 to table the proposal with Ms. Plotsky and Mr. Reinhardt opposed.

4. **Local Law No. “D” for 2019**: A Local Law to Incentivize the Use of Reusable Shopping Bags and to Eliminate the Use of Single-Use Plastic Bags in Albany County Shopping Establishments: Tabled at the Request of the Sponsor.

5. **Resolution No. 220**: Public Hearing on Proposed Local Law No. “F” for 2019: Following a motion, duly seconded, the Committee voted 4-2 to table the proposal with Ms. Plotsky and Mr. Reinhardt opposed.

6. **Local Law No. “N” for 2018**: A Local Law of the County of Albany, New York Amending Section 1101 of the Albany County Charter and Local Law No. 8 for 1993 as Subsequently Amended to Promote the Hiring of an Economic Development Director: Mr. Reinhardt expressed concerns that the wording of the proposal would not require the Director of the proposed Albany County Department of Economic Development, Conservation and Planning to have professional training or demonstrated experience in planning and would therefore create a patronage position instead of a technical position. Mr. Drake suggested the wording opens the position up to a wider range of qualifications. Ms. Plotsky agreed with Mr. Reinhardt’s interpretation of the language. After further discussion, the Committee voted 3-3, with Plotsky, Reinhardt, and Comrisso opposed, to move the proposal forward with a favorable recommendation, which was defeated. After a brief discussion, the Committee
voted 5-1, to move the proposal forward for legislative action without recommendation, with Ms. Plotsky opposed.

7. **Local Law No. "F" for 2019**: A Local Law to Require Albany County Restaurants and Eating Establishments to Provide Straws and Plastic Cutlery Only Upon Request: Tabled at the Request of the Sponsor.

Respectfully submitted,
THE CONSERVATION AND IMPROVEMENT COMMITTEE

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

GILBERT F. ETHIER
JOHN FRAINIER
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. "F" 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 breathe.

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. 120

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “D” FOR 2019

Introduced: 3/11/19
By Ms. Cunningham and Mr. Reinhardt:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. “D” for 2019, “A LOCAL LAW TO INCENTIVIZE THE USE OF REUSABLE SHOPPING BAGS AND TO ELIMINATE THE USE OF SINGLE-USE PLASTIC BAGS IN ALBANY COUNTY SHOPPING ESTABLISHMENTS” 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, March 26, 2019, 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, Sustainability and Green Initiatives Committees - 3/11/19
LOCAL LAW D— FOR 2019

A LOCAL LAW TO INCENTIVIZE THE USE OF REUSABLE SHOPPING
BAGS AND TO INSTITUTE A FEE ON THE USE OF PAPER BAGS IN
ELIMINATE THE USE OF SINGLE-USE PLASTIC BAGS IN ALBANY
COUNTY SHOPPING ESTABLISHMENTS

Introduced: 02/28/2019
By Ms. Cunningham, Messrs. Reinhardt, Mss. Lekakis and Potsky, Messrs.
Dawson and Fein, Ms. McLean Lane, Messrs. Joyce, Higgins, O’Brien, Bullock
and Mayo:

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
ALBANY, as follows:

Section 1. Title.

This Local Law shall be known as the “The Albany County Reusable Shopping Bag
Incentive Act—Eliminate Single-Use Plastic Bag Use in Albany County Act.”

Section 2. Legislative Purpose and Findings.

The Albany County Legislature hereby finds and determines that it is imperative
that the use and reliance on single-use plastic shopping bags must be reduced, and
ultimately, eliminated. Further, the data and evidence supporting the massive
proliferation of single-use plastic bags in Albany County, the State of New York and
in our nation is troubling and the future of our planet depends on legislative bodies
such as the Albany County Legislature taking proactive steps to mitigate and
eliminate the unnecessary usage of single-use plastic bags in Albany County.

Environmental Impact: The Environmental Protection Agency’s data indicates that
between 500 billion and 1 trillion plastic bags are consumed worldwide each year.
The United States is purportedly responsible for using approximately 100-260 million
plastic bags annually. To manufacture 100 billion plastic bags, 12 million barrels of
oil is required. The production and disposal of single-use plastic bags has significant
environmental consequences and impacts including the contamination of the
environment, the depletion of natural resources, the use of non-renewable polluting
fossil fuels and increased clean up and disposal costs and challenges.

It is now believed that there are 5.25 trillion pieces of plastic debris in the ocean. Of
that mass, 269,000 tons float on the surface, while some four billion plastic
microfibers per square kilometer litter the deep sea. Ocean debris, which
predominantly consists of plastic pollution, has dire consequences for ocean mammals
and birds, which commonly mistake plastic bags for food. Plastic bags have been
found in the intestines and stomachs of marine life, and one in three leatherback sea
turtles have been found with plastic in their stomachs. Plastic ocean debris is
responsible for killing an estimated 1,000,000 seabirds and 100,000 ocean mammals
each year. At least 267 different species have been negatively affected by plastic
pollution, including plastic bags.

Over-reliance on plastic: The average American family takes home almost 1,500
single-use plastic bags each year, and a single-use plastic bag is used for an average
of 12 minutes. Other data suggests that an average family accumulates 60 plastic
bags in only four trips to the grocery store. The average American recycles one plastic
bag out of every 200 used.

The Albany County Legislature applauds Governor Cuomo and the New York State
for their inclusion in the 2019 New York State Budget, the "New York State Bag
Waste Reduction Act" and further intends to take steps to institute a paper bag fee
to ensure that bag waste is further reduced.

Managing the disposal of single-use plastic bags is also costly to the taxpayer. In
communities that have examined policies to discourage the use of single-use plastic
bags, there have been data collected indicating that the disposal costs of managing
the trash impact of plastic bag garbage is significant. From the New York State
Plastic Bag Task Force, created by Governor Cuomo in 2017, this analysis of the cost
to taxpayers in particular communities:

"Prior to California's statewide single-use plastic bag ban, the City of San
Diego consumed 600 million single-use plastic bags each year. Approximately 95% of these ended up in landfills and cost the people of
California $25 million per year to manage. A 2012 study reported that of
the 100 billion single-use plastic bags that Americans use each year,
early 50 million end up as litter nationwide. The study also
indicated that residents in coastal areas pay almost $15 per resident in overall
litter cleanup costs. According to a draft proposal in 2017 for a single-use plastic bag ban in Madison County, NY, it was noted that the county
"expends a significant sum of money to control and pick up litter." In NYC
alone, single-use, carry-out bags account for 1.7 billion tons of residential
garbage each year, which equates to 91,000 tons of plastic and paper
carry-out bags each year and presently costs the City $12.6 million
annually to dispose of this material outside the city."

The Albany County Legislature further finds that policies aimed at banning single-
use plastic bags or charging a fee for recyclable bag usage are effective.

Solutions that result in a fee for single-use bags, or that institute a ban on single-
use plastic bags altogether work effectively, with resounding results. Data
supporting this is abundant—when the City of Los Angeles, CA adopted a ban/fee hybrid policy model in 2012, there was a 94% reduction in carryout bag consumption.

Further, policy proposals to combat the consumption of single-use plastic bags is prolific across the world. According to the Governor’s report:

Municipalities within New York State, across the United States, and around the world have implemented single-use plastic bag reduction measures in a variety of forms. On a worldwide scale, more than 75 countries have taken steps to reduce the consumption of single-use plastic bags. About one-third of these have instituted bans, approximately one-third have instituted fees, and the remaining one-third have taken the approaches listed below that differ from an outright ban or fee. As of March 2017, bans on the distribution of single-use plastic bags existed in nearly 100 cities, towns, and municipalities across the country, and fees existed in almost 30. Of the existing single-use bag fees, at least half are used in combination with a bag ban. In these instances, plastic bags are banned and the fees exist on other types of single-use carry-out bags such as paper and compostable plastic. Most programs across the United States, for either a ban or a fee, include an exemption for certain bags such as produce and meat bags, prescription bags, dry-cleaning bags, and newspaper bags.

In New York State, ten cities, towns, or villages have enacted plastic bag bans and one municipality has a plastic bag ban with a fee on single-use paper bags and bags that qualify as reusable, including 2,265 flexible plastic bags. The City of Long Beach has a single-use plastic bag fee in place and Suffolk County’s single-use plastic bag fee took effect January 1, 2013.

Municipalities that have taken these steps find successful outcomes, with significant reductions in the carryout bag consumption, including that of single-use plastic bags. In addition, municipalities are also finding taxpayer/direct environmental benefits from instituting bag bans or fees. The City of San Jose saw an 89% reduction in plastic bags in their storm drain system, a 60% reduction of plastic bag litter in their creeks and rivers, and a 50% reduction in plastic bag litter in neighborhoods after instituting its plastic bag ban and fee on the allowable alternatives.

Section 3. Definitions

For purposes of this local law, the following terms shall have the meanings indicated below:
(a) "Covered Store" shall mean an establishment engaged in the retail sale of personal, consumer, household items including but not limited to: drug stores, pharmacies, grocery stores, supermarkets, convenience stores, foodmarts, gas stations, hardware and home improvement stores, stationary and office supply stores and food service establishments that provide carryout bags to consumers. Covered stores also include all apparel, clothing and shoe stores, including those in malls.

(b) "Customer" shall mean any person obtaining goods from a covered store.

(c) "Food Service Establishment" shall mean a place where prepared food is provided for individual portion service directly to a customer whether consumption occurs on or off the premises.

(d) "Person" shall mean any natural person, firm, corporation, partnership or other organization or group, however organized.

(e) "Single-use Plastic Carryout Bag" shall mean a single-use plastic bag less than 4 mils (1 mil equals 1/1000th thickness) thick that is provided by a covered store to a customer at the point of sale and is used to carry goods from such store. A typical plastic supermarket bag is .5 mil, a thicker "mall-store" plastic bag is 2.3 mil or greater. "Single-use Plastic Carryout Bag" does not include: (1) a bag without handles used to carry produce, meat, dry goods or other non-prepackaged food items to the point of sale within a store or market or to prevent such food items from coming into direct contact with other purchased items; (2) a garment bag or large plastic bag with two openings that is used to transport clothing from a clothing retailer or garment cleaner such as a dry cleaner.

(f) "Recyclable Paper Bag" shall mean a paper bag that (1) contains no old growth fiber; (2) is one hundred percent (100%) recyclable overall and contains a minimum of forty percent (40%) post-consumer recycled content.

(g) "Retail Sales" shall mean the transfer to a customer of goods in exchange for payment occurring in retail stores, sidewalk sale, farmers' markets, flea markets and restaurants. The term "retail sales" does not include sales of goods at yard sales, tag sales, or other sales by residents at their homes.

(h) "Reusable Bag" shall mean a bag with handles that is specifically designed and manufactured for multiple reuse and meets all the following requirements: (1) has a minimum lifetime of one hundred twenty-five (125) uses, which for purposes of this subsection, means the capability of carrying a minimum of twenty-two (22) pounds one hundred twenty-five (125) times over a distance of at least one hundred seventy-five (175) feet; (2) is machine washable and capable of being cleaned and disinfected; (3) does not contain lead, cadmium, or any other heavy metal in toxic amounts as defined by applicable State and Federal standards and regulations for packaging or reusable bags; and (4) if made of plastic, a minimum of 4 mils thick.

Section 1 Prohibition:
No covered store shall provide a single-use plastic carry-out bag to any customer at the check-out stand, cash register, point of sale or other point of departure, for the purpose of transporting food or merchandise out of the establishment. This prohibition shall also apply to any "order online and pickup in store" or food delivery service.

Section 48 Imposition of Fees for Use of Paper Bags Permitted-Bags

(a) Covered stores may not provide or make available to customers at the check-out stand, cash register, point of sale or other point of departure, any single-use plastic carry-out bag for the purpose of transporting food or merchandise out of the establishment.

(b) All covered stores shall make available to customers, only recyclable paper bags or boxes, or reusuable bags for the purpose of carrying away goods or other materials from the point of sale. Nothing in this local law prohibits customers from using bags of any type that they bring to the store themselves or from carrying away goods that are not placed in a bag, in lieu of using bags provided by the store.

(c) On or immediately after the effective date of this local law, Albany County covered stores shall charge customers at least $.05 for each recyclable paper bag that is provided to customers. On or immediately after the effective date, all covered stores shall indicate on the customer's receipt the number of recyclable paper bags that are provided to customers and the fee at which they were charged for the use of the recyclable paper bag. All monies collected by a covered store shall be retained by the covered store.

(d) Per Title 28, Section 2 of the NYS 2019 Budget Bill, the $.05 fee shall be reflected on the sales slip, invoice, receipt provided to the customer. The use of single-use plastic bags shall be prohibited, while the use of recyclable paper bags shall be available. On or immediately after the effective date, recyclable paper bags shall be available for at least $.05 and single-use plastic bags shall not be available in Albany County Covered Stores.

(e) Exempt individuals that shall not pay the $.05 fee include any customers using the supplemental nutritional assistance program, special supplemental nutrition program for women, infants and children, or any successor programs used as full or partial payment for any items purchased.

(f) The $.05 fee shall be reported and paid to the New York State Commissioner of Taxation and Finance on a quarterly basis, before the twentieth day of the month following each quarterly period.

Section 5 Distribution of Fees

(a) Per New York State Law, $.03 of the $.05 fee shall be paid to the State of New York Environmental Protection Fund. The remaining $.02 will be paid to the Comptroller of Albany County, for purposes of establishing programs to purchase reusable bags provided to customers for their direct use.
Section 66. Responsibilities and Obligations of Covered Stores.

(a) All covered stores shall post signs at or near the point of sale located in such Covered Stores to notify customers of the provisions of this law, as well as the per bag charge for recyclable paper bags and reusable bags that the store may offer. Covered stores shall also indicate in signage that recyclable paper bags will be available for a charge of at least $.05 each recyclable paper bag.

(b) Covered stores must make available, on the customer receipt, the itemized number of recyclable or reusable bags used, on the sales receipt, including online receipts.

(c) Covered stores may retain the mandatory bag fee of at least $.05 per recyclable paper bag.

(d) No Covered Store shall provide a credit to any person specifically for the purpose of offsetting or avoiding the carryout bag charge required by this Local Law.

(e) Covered stores shall be encouraged to work with organizations seeking to donate reusable bags for customer use that would allow for wide, free distribution of free reusable bags.

(f) Covered stores shall also be encouraged to adopt "leave-a-bag" "take-a-bag" initiatives that encourage consumer engagement on the use of reusable bags and that aim to enable wide adoption in communities with a high proportion of customers with limited incomes.

(g) Covered stores shall waive the fee for any customers using Supplemental Nutrition Assistance Program (SNAP) and the federal Women, Infants and Children (WIC) Program cards. Covered stores shall have discretion in waiving the recyclable bag fee for any low-income constituency it deems appropriate.

(h) Covered stores shall be discouraged from "stock-piling" plastic bag inventory and shall make every effort to be ready for the implementation of this local law.

Section 7. Deduction from Employee Wages Prohibition.

Covered stores are prohibited from making a charge against, or deduction from, the wages of an employee to offset any penalty levied against the covered store pursuant to this local law.

Section 8. Albany County Responsibilities, Enforcement and Penalties.

(a) Department that will oversee this Local Law: The Albany County Executive shall deem the appropriate department within Albany County Government to oversee the enforcement, implementation of regulations and other guidance to
secure the successful implementation of this Local Law. Further, the County Executive shall inform the Legislature of his or her recommendation to ensure enforcement of this Local Law. In addition, on an annual basis, the Department selected by the Albany County Executive to oversee and implement this local law shall prepare an annual recycling report that includes information detailing the success of the effort to eliminate the commercial use of plastic bags and include information such as:

i. the effectiveness of this local law in reducing the use of paper bags single-use carryout bags;

ii. the waste and litter reduction benefits of this local law;

iii. the number of notices of violation issued pursuant to this local law; and

iv. any cost savings to the County attributable to single-use carryout bag reduction such as reduced contamination of local waterways or reduction in flooding or combined sewer overflows. This report shall also be shared with state and local legislators, as well as provided to the New York State Department of Environmental Conservation.

(b) Compliance Assistance to Business and Retail Community: The County Executive shall ensure that information regarding this local law, its effective date, penalties and other relevant compliance information shall be distributed via website and other electronic means in order to ensure that Albany County's Covered Stores shall be well informed about all aspects of compliance and adherence. The Albany County Department that will oversee and implement this law shall provide electronic templates that include the important information regarding this local law referenced in Section 6: Subsection 4 regarding the imposition of the bag fee that covered stores shall be able to print out and display at points of sale. This template shall be easily downloadable from the County website and hard copies shall be made available at the Albany County Office Building for retail operators who need signage. In addition, the Albany County Department that will oversee this local law shall engage the business and retail community affected by this local law prior to the implementation date to provide technical and other assistance and information, and shared approaches regarding compliance. These outreaches to the business community shall include county-wide business round tables.

(c) Penalties: Any Covered Store found to be in violation of the provisions of this law shall be liable for a civil penalty payable to the County of Albany pursuant to the following penalty structure:

i. Any Covered Store found to be in violation of the provisions of this law a first time shall be issued a written warning.

ii. Any Covered Store found to be in violation of the provisions of this law a second time shall be liable for a civil penalty not to exceed $100.00.

iii. Any Covered Store found to be in violation of the provisions of this law a third time shall be liable for a civil penalty not to exceed $250.00.
iv. Any Covered Store found to be in violation of the provisions of this law a fourth time shall be liable for a civil penalty not to exceed $500.00.

v. For each subsequent violation, daily fines of $100.00 shall be instituted and applied for violations of this Local Law until compliance is achieved.

vi. The Albany County Executive's designee department shall have the discretion to temporarily suspend the business practices of Covered Stores that persistently violate this Local Law.

vii. All fines collected for violations of the Local Law shall be used to offset any costs of compliance and oversight of adherence to this Local Law.

Section 8. Severability.

If any clause, sentence, paragraph, section or any 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 judgement shall not affect, impair, 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 judgement shall be rendered.

Section 9. Reverse Preemption.

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

Section 10. Effective Date.

The effective date of this local law will be 6 (six) months from the date of its filing with the Secretary of State—simultaneous to the effective date of the single-use statewide bag ban, March 1, 2020.
RESOLUTION NO. 220

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “F” FOR 2019

Introduced: 5/13/19
By Ms. Cunningham, Messrs. Reinhardt and A. Joyce:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. “F” for 2019, “A Local Law to Require Albany County Restaurants and Eating Establishments to Provide Straws and Plastic Cutlery Only Upon Request” 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, June 25, 2019, 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, Sustainability and Green Initiatives Committees - 5/13/19
LOCAL LAW NO. "F" FOR 2019

A LOCAL LAW TO REQUIRE ALBANY COUNTY RESTAURANTS AND EATING ESTABLISHMENTS TO PROVIDE STRAWS AND PLASTIC CUTLERY ONLY UPON REQUEST

Introduced: 5/13/19
By: Ms. Cunningham and Ms. Lekakis

Section 1. Findings and Purpose
The Albany County Legislature finds and determines that:

Littered plastic products, including straws and plastic cutlery have caused and continue to cause significant environmental harm and have burdened local governments with significant environmental cleanup costs. Plastics synthesized from petroleum and natural gas do not biodegrade. Even with the emergence of bioplastics, which are derived from renewable biomass sources, such as plants and microorganisms, there is no certified type of bioplastic that biodegrades in a marine environment.

The Albany County Legislature prioritizes the protection of the environment and through public policymaking and adoption of local laws, intends to take initiative to minimize the unnecessary use of plastic in our environment. A reduction in the use of plastic straws and cutlery will further serve Albany County’s goal of reducing plastic litter.

Section 2. Definitions
For the purposes of this ordinance, the following shall have the following meanings:

"Beverage Provider" means any business, organization, entity, group, or individual located in the [name of jurisdiction] that offers liquid, slurry, frozen, semi-frozen, or other forms of beverages to the public for consumption.

"Plastic Cutlery" means any utensil, such as a fork, spoon, spork, or knife, made predominantly of plastic derived from either petroleum or a biologically based polymer intended for only one-time use. "Plastic cutlery" includes compostable and biodegradable petroleum or biologically based polymer forms of cutlery, but does not include forms of cutlery that are made from non-plastic materials, such as wood, bamboo, etc.

"Plastic Beverage Straw" means a tube made predominantly of plastic derived from either petroleum or a biologically based polymer for transferring a beverage from its container to the mouth of the drinker. "Plastic Beverage Straw" includes compostable and biodegradable petroleum or biologically based polymer straws, but does not include straws that are made from non-plastic materials, such as paper, grain stalks, bamboo, etc.

"Food service ware" means all containers, bowls, plates, trays, cups, lids, napkins, and other like items that are designed for one-time use for prepared foods, including, without limitation, service ware for takeout foods and/or leftovers from partially consumed meals prepared by food vendors. The term "food service ware" does not include items composed of aluminum.
Section 3. Plastic Straws and Cutlery Upon Request

(a) All Albany County restaurants, including fast food restaurants, beverage providers, or vendors shall only offer plastic cutlery and straws, upon request.

(b) Nothing in this section precludes restaurants, including fast food restaurants, beverage providers, vendors, or persons from using or making non-plastic alternatives, such as those made from paper, grain stalks, sugar cane, or bamboo, available to beverage consumers.

Section 4. Designated County Department for Compliance and Enforcement

The County Executive shall designate the appropriate County department that shall oversee implementation, compliance and adherence to this local law. This designated department shall have the authority to enforce this ordinance. Each day of violation, after written notice, is a separate violation. Violations will be subject to the following penalties:

First Offense: written warning
Second Offense: $100 penalty
Third and subsequent offense: $250 penalty

Section 5. Severability

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions of this ordinance. Such decision shall not affect the validity of the remaining portions of this ordinance, which shall remain in full force and effect.

Section 5. Effective Date

This ordinance shall take effect six months after the date of enactment.

Referred to Law and Conservation, Sustainability and Green Initiatives Committees - 5/13/19
June 5, 2019

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

Dear Chairman Joyce:

Please find enclosed a Request for Legislative Action to be considered at the June Conservation, Sustainability and Green Initiatives Committee meeting.

In accordance with NYS Agriculture and Markets Law, following the public hearing held on May 28, 2019, the proposed additions to Albany County Agricultural Districts must be approved by the County Legislature. If you have any questions, please feel free to contact me at 447-5670.

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):
Approval of modifications to Agricultural Districts - annual review

Date: 06/05/19
Submitted By: DeGaetano, Laura
Department: Economic Development, Conservation and Planning
Title: Sr. Natural Resource Planner
Phone: 518-447-5670
Department Rep.: DeGaetano, Laura
Attending Meeting:

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

Choose an item.
Submission Date Deadline Click or tap to enter a date.

☐ Settlement of a Claim
☐ Release of Liability
☐ Other: (state if not listed)

Contract Terms/Conditions:

Party (Name/address):
Click or tap here to enter text.

Additional Parties (Names addresses):
Click or tap here to enter text.

Amount.Raise Schedule/Fee:
Click or tap here to enter text.

Scope of Services:
Click or tap here to enter text.

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:
NYS Agriculture and Markets 25AA

Is there a Fiscal Impact:
Yes ☐ No ☒

Anticipated in Current Budget:
Yes ☐ No ☒

County Budget Accounts:
Revenue Account and Line: Click or tap here to enter text.
Revenue Amount: Click or tap here to enter text.

Appropriation Account and Line: Click or tap here to enter text.
Appropriation Amount: Click or tap here to enter text.

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

Term
Term: (Start and end date) Click or tap here to enter text.
Length of Contract: Click or tap here to enter text.

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: 410
Date of Adoption: 09/12/18

Justification: (state briefly why legislative action is requested)
In accordance with NYS Agriculture and Markets Law, following the public hearing held on May 28, 2019, the proposed additions to Albany County Agricultural Districts must be approved by the County Legislature.
PART I – PROJECT INFORMATION

1. The proposed action is located in the County of _______ Albany _______ and the Town(s) of Bethlehem, Guilderland, Knox, Rensselaerville.

2. The agency responsible for preparing this Short Environmental Assessment Form and determining environmental significance is the County Legislative Body of _______ Albany _______ County.

3. The name and address for the Clerk of the above named County is Hon. Bruce A. Hidley – Albany County Court House Room 128, 16 Eagle Street, Albany NY 12207-1077.

4. Is this an application to modify an existing agricultural district? xYes □No
   • If yes, what is the total number of acres comprising the district as it exists prior to modification? ______ N/A ______ acres

5. If this application involves a modification, will such modification result in a change in the size of the district? xYes □No
   • If yes, how many acres are involved in the change? 238.5 acres
   • Does this represent an increase or □ decrease?

6. Zoning and Planning Information
   • Does the agricultural district correspond with a town(s) zoning district(s)?
     xYes No
     If Yes, please cite the applicable zoning district(s):
     Bethlehem – Residential/Agriculture (RA)
     Guilderland – Residential/Agriculture (RA 3)
     Knox – Residential
     Rensselaerville – Agriculture/Rural Residential (A/RR)
   • Is/are the zoned district(s) within the modified agricultural district compatible with the goals and objectives of the Agricultural Districts Law, as set forth in Article 25-AA of the Agriculture and Markets Law? xYes No
   • If Yes, please cite the applicable language: Agriculture allowed by right.

7. What is present land use in the vicinity of the proposed modification?
   x Residential Industrial Commercial x Agriculture x Park/Forest/Open Space □Other

Describe: ___________________________________________
8. Is there a public controversy related to this district proposal? □ Yes x No If yes, describe below:

(Attach additional sheets if necessary.)

9. Attach any additional information as may be needed to clarify the proposed action.

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

Authorized signature: [Signature]

Date: 6/10/10

PART II- ENVIRONMENTAL ASSESSMENT

General Information

In providing responses to each of the questions, the reviewer should keep in mind that the action proposed is the modification or termination of an agricultural district or districts. The action is not the land use or activity which will, or may, take place in the district(s). For example, it is not appropriate to consider the effects of management action that may be taken by individual operators in conducting farming. Agricultural farm management practices, including construction, maintenance and repair of farm buildings, and land use changes consistent with generally accepted principles of farming are listed as Type II actions in 6 NYCRR §617.5(c)(3), and these actions have been determined not to have a significant impact on the environment.

A. Does action exceed any Type I threshold in 6 NYCRR, Part 617.4? □ Yes x No

If Yes, coordinate the review process and use the FULL EAF.

B. Will action receive coordinated review as provided for Unlisted actions in 6 NYCRR, Part 617.5? □ Yes x No

If No, a negative declaration may be superseded by another involved agency.

C. Could action result in any adverse effects associated with the following:

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

NO
C2. Aesthetic, agricultural, archaeological, historic or other natural or cultural resources, or community or neighborhood character? Explain briefly:  
NO__________________________________________________________

__________________________________________________________

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:  
NO__________________________________________________________

__________________________________________________________

C4. A community’s existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:  
NO__________________________________________________________

__________________________________________________________

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:  
NO__________________________________________________________

__________________________________________________________

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:  
NO__________________________________________________________

__________________________________________________________

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:  
NO__________________________________________________________

__________________________________________________________

D. Will the project have an impact on the environmental characteristics that caused the establishment of a CEA?  
☐ Yes ☑ No

E. Is there, or is there likely to be, controversy related to potential adverse environmental impacts?  
☐ Yes ☐ No  If Yes, explain briefly:

__________________________________________________________

__________________________________________________________
**PART III - DESIGNATION OF LEAD AGENCY**

Please indicate desire for lead agency status by checking the appropriate box below:

- x Since the proposed action will be undertaken by this County Legislative Body and since any adverse environmental impacts will be primarily of local significance, it is hereby recommended that this County Legislative Body serve as lead agency to ensure compliance with the requirements of the State Environmental Quality Review Act. It has been determined that the only other agency required to undertake an action in this case is the Department of Agriculture and Markets.

- □ The County Legislative Body does not choose to nominate itself to serve as lead agency.

**PART IV - DETERMINATION OF SIGNIFICANCE**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e., urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination and significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

- □ Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

- x Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:

<table>
<thead>
<tr>
<th>Albany County Legislature</th>
<th>Name of Lead Agency</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Hon. Andrew Joyce</th>
<th>Chairman</th>
</tr>
</thead>
<tbody>
<tr>
<td>Print or Type Name of Responsible Officer in Lead Agency</td>
<td>Title of Responsible Officer</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Signature of Responsible Officer in Lead Agency</th>
<th>Signature of Preparer (if different from Responsible Officer)</th>
</tr>
</thead>
</table>

**August 5, 2018**

**Date**
Recommendations of the Albany County Agricultural and Farmland Protection Board  
Annual Agricultural District Review 2019

Prepared by Laura DeGaetano – Albany County Department of Economic Development, Conservation and Planning March 2019

Pursuant to Article 25-AA section 303-b of NYS Agricultural and Markets Law, the Albany County Legislature established an annual review period beginning on February 1 during which property owners may apply to add land to any of the County's three Agricultural Districts. On behalf of the County Legislature, the County Office of Natural Resource Conservation conducted a review of all landowner applications for inclusion in a District. The findings of this review, which relied on information provided by the landowner, analysis of aerial photos, and in some cases, a field assessment of the subject parcels, have been reviewed by the Agricultural and Farmland Protection Board. Based on this review, the following report and recommendations are submitted for consideration by the County Legislature.

A total of thirteen (13) parcels were submitted for consideration to be included in Albany County Agricultural Districts during the 30-day annual review period beginning February 1, 2019. Of the parcels submitted, seven (7) were found to be consistent with the intent of agricultural districting and are recommended for inclusion in the appropriate Agricultural District. Parcels 95.-4-31.42, 131.00-1-2.1, 131.00-1-2.2 were found to already be included in the Districts. Parcel 95.-3-33.3 was partially included and was corrected to include the entire parcel through a parcel line adjustment during the 2018 Agricultural District #3 review. Parcels 116.-3-37, and 106.-2-17.4 were found not to have predominantly viable agricultural land or production as defined in Agricultural District Law 25AA at this time and so were not recommended for inclusion in the District. A summary of parcel information and Board recommendations are in included in the table below.

<table>
<thead>
<tr>
<th>TOWN</th>
<th>PARCEL</th>
<th># OF ACRES</th>
<th>AG DISTRICT</th>
<th>Recommendation Of AFPB</th>
<th>Principal Enterprise</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bethlehem</td>
<td>96.-2-11</td>
<td>78.5</td>
<td>3</td>
<td>Add</td>
<td>Hay</td>
</tr>
<tr>
<td>Bethlehem</td>
<td>95.-4-31.42</td>
<td>4</td>
<td>3</td>
<td>Already In</td>
<td></td>
</tr>
<tr>
<td>Guilderland</td>
<td>38.-5-4</td>
<td>87.2</td>
<td>3</td>
<td>Add</td>
<td>Hay</td>
</tr>
<tr>
<td>Guilderland</td>
<td>38.-3-25</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Guilderland</td>
<td>38.-3-26</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Knox</td>
<td>36.-3-42.21</td>
<td>60</td>
<td>1</td>
<td>Add</td>
<td>Veg/hay/orchard</td>
</tr>
<tr>
<td>Knox</td>
<td>36.-3-28</td>
<td>5</td>
<td>3</td>
<td>Do Not Add</td>
<td>Hay/Horticulture</td>
</tr>
<tr>
<td>New Scotland</td>
<td>106.-2-17.4</td>
<td>23</td>
<td>3</td>
<td>Do Not Add</td>
<td></td>
</tr>
<tr>
<td>New Scotland</td>
<td>95.-3-33.3</td>
<td>7</td>
<td>3</td>
<td>Already In</td>
<td></td>
</tr>
<tr>
<td>New Scotland</td>
<td>131.00-1-2.1</td>
<td>40</td>
<td>3</td>
<td>Already In</td>
<td></td>
</tr>
<tr>
<td>New Scotland</td>
<td>131.00-1-2.2</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rensselaerville</td>
<td>160.00-1-58</td>
<td>7.8</td>
<td>2</td>
<td>Add</td>
<td>Apiary</td>
</tr>
<tr>
<td>Westerlo</td>
<td>116.-3-37</td>
<td>67</td>
<td>2</td>
<td>Do Not Add</td>
<td></td>
</tr>
<tr>
<td><strong>Total Acres Added</strong></td>
<td><strong>238.5</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Howard Zimmer – Chairman / Tom DellaRocca / Laura DeGaetano / Tom Gallagher / Paul Miller / Harold E. Hahn / John Santacroce / Maggie Alfi / John O’Pezio / Mark Stanton / Ed Kleinke