

**Kent Conservation Advisory Committee, Town of Kent,
Meeting Minutes, May 21, 2014**

Attendees

Committee members: Bill Buck, Dave Ehnebuske, Beth Herr, Marty Collins, Phil Tolmach, Bill Volckmann. Visitors: George Baum, Jean Ehnebuske, Lou Tartaro.

The meeting was called to order at 7:06 PM.

1. Chairperson's report

Training opportunities

Free Giant Hogweed Training

Chairperson Beth Herr talked about the free [Giant Hogweed Training](#) that will be hosted at the Putnam County Training and Operations Building (Bureau of Emergency Services) on Tuesday, June 17, from 10 AM to noon.

Training offered by ELLA (Environmental Leaders Learning Alliance)

The Chair reported that ELLA is offering its members upcoming workshops on wetlands identification, habitat identification, and invasive species identification. The workshops are part of a Conservation Accreditation Program. The training dates are May 31, June 21 and July 27.

Reports from Putnam County Legislator Lou Tartaro

Prospects for Putnam County ban on polystyrene foam

Beth thanked Legislator Tartaro for attending the CAC meeting to inform us about Putnam County's position on banning polystyrene foam containers for food and beverage preparation and service materials and replacing them with compostable and recyclable materials.

Lou reported that when a bill supporting such a ban was introduced in Albany, it passed in the Assembly but failed in the Senate. (For more information, please see the attachment.) Lou stated that Albany County created a resolution banning polystyrene foam, and added that if Putnam County legislators decide to pursue this, the County may model their resolution after Albany County's. Lou said the issue may be on the agenda next month, and suggested that it might be helpful to have a letter from the Kent CAC supporting such a resolution. Beth committed to write one, and George Baum suggested she cc the editor/s of local papers.

Information about restarting the Environmental Management Council (EMC)

Bill Buck pointed out that it is a NYS mandate that counties establish EMCs. Beth said that very few Putnam County towns even have CACs—only the Town of Kent, Philipstown, and Carmel. Lou stated that he believed his colleagues on the legislature would be amenable to restarting the EMC if there is sufficient interest in the towns. He suggested that one way to garner legislative support might be to take the initiative to find one representative from each town—whether or not the town has a CAC—who would be willing to serve on the EMC. Those who committed to serve would take the responsibility for organization and leadership of the EMC. Please see attachment for more information.

2. Kentcac.info

Dave Ehnebuske reported that in the past month, there were 102 sessions, and among them, 85 unique visitors to the website.

3. Kent Nature Almanac

Dave stated that the Kent Nature Almanac picked up two new subscribers recently. He also reported that he has received some very positive feedback about it.

4. Natural Resource Inventory

Beth reported that she and Bill B. spent time at Clearpool recently looking for wildflowers. She concluded they were there too early since there were hardly any. Bill was able to collect some very nice mosses, however, and Beth said she will look forward to learning from Bill what they are.

5. Hikes and trails

Annual Hike to Hawk Rock

The Chair reported that participants enjoyed the annual Hike to Hawk Rock on Sunday, May 11. Although the turnout was not as great as past years, the hike drew two new people attending their first CAC-sponsored hike.

Mountain Laurel Hike

This hike is scheduled for Sunday, June 8, at 1 PM. Because of a conflict with a previously-slated activity at Clearpool, the hike will take place at White Pond Multiple Use Area instead.

6. Fire Tower Committee

501(c)(3)

Beth reported that she wrote to Interim Director Ed Durkee at Arts on the Lake (AotL) about the possibility that AotL might accept an additional organization along the lines of the Friends of Classical Music. As yet, he has not replied. She said she felt the options had been explored, and asked for comments. Both Dave and Bill V. stated they felt that going with a new 501(c)(3) was the best solution. Dave said he thought finding a pro bono lawyer to help would be the first step. He offered to begin working on that. A brief discussion ensued about costs that might be entailed with setting up a new non-profit. It was suggested that Dave might approach our two state representatives for grant money.

Anti-graffiti plexiglass

It has not yet been installed.

Braces

Bill V. reported that since he now has the braces and all the necessary hardware, he would like to assemble a work party to install the braces. He suggested Wednesday, June 4, at 10 AM. Both Dave and George said they are free to help, and Beth said she would be there, too. She asked Bill if he would please send out an e-mail confirming the date and time. Dave complimented Tom Hard on his design.

Floor

Bill V. stated that he had talked with the contractor John Hamel, and that it seems unlikely that John will be installing the floor in the fire tower cabin after all. He has no contractor license in Putnam County, but the real issue is that he does not have contractor's liability insurance (although he does carry it for home inspections). Bill reported that he wrote to the DEC's Barbara Lucas-Wilson about this. Bill said John also expressed hesitancy about working at the fire tower because of interruptions by the public. He wants to meet Bill at the fire tower this coming Friday to look at the site and discuss the job further, although rain may cancel those plans.

Since there's a good chance John may not be the one who is going to install the floor, CAC members decided to try to find another contractor who qualifies for the job. Bill said he would contact Bob McCarthy, the other contractor who originally bid on the job, to see if he is still interested. Beth will contact Sue Kotzur at the Kent Recycling Center to find out who did the carpentry work there and follow up with that person. Dave pointed out that the DEC requires two things before issuing a TWP—documentation of the contractor's liability insurance and (a) date(s) the work is scheduled to be done on. Since the fire tower is badly in need of new flooring, there is real urgency that the job is completed during the fair-weather months. CAC members informally agreed that each of them would help in the search for a qualified flooring installer.

New KCAC sign

Dave reported that he had contacted Drew at Sundog signs, and sent him a pdf of the text and design he created for the new sign. Drew suggested constructing the sign out of material that is used for signs in New York City parks—strong, graffiti-resistant, scrubbable. The sign will be 2 feet by 4 feet, with a forest green background and with lettering routed out in white. Drew told Dave he will check the price and get back to him within a few days. He estimates the materials would probably run about \$100.

Business/calling cards

The Chair mentioned Bill V.'s idea that sometime in the future, CAC members and other volunteers working at the fire tower be provided business/calling cards. That way, if asked, they can show the cards to validate their presence there.

Kiosk/s

Bill V. mentioned once again that Barbara Lucas-Wilson had offered (a) kiosk(s) to the CAC, and asked how the CAC wanted him to respond. There was really no substantial discussion.

Gate and road to top

Bill V. stated that the gate at the base of the road to the fire tower is still not fixed. Lou commented that it may well be that there are plans for that road to be paved so that emergency vehicles could have fast, easy access to the top and so that the County's emergency equipment can be serviced and maintained more easily. Lou said he would find out what is planned and let the CAC know.

7. Clearpool Model Forest

George reported on the most recent meeting of the Clearpool Model Forest (CMF) Steering Committee on May 12. He stated that Beth Rhines is the new coordinator for the CMF, and that all the work is being done by staff now, not volunteers—e.g., the construction of a deer enclosure, a boardwalk/bridge across the wetlands, etc. The next meeting of the Steering Committee will be in September.

The meeting was adjourned at 8:30 PM.

The next meeting of the Kent CAC will be at 7 PM on Wednesday, June 18, at the Kent Town Hall.

Respectfully submitted,

Jean Ehnebuske,
ex-officio recording secretary

Attachments: Documents regarding banning polystyrene foam

Putnam County Code: Environmental Management Council, adopted 7-17-1979

PUTNAM COUNTY LEGISLATURE

Resolution #60

Introduced by Legislator: Sam Oliverio, Jr. on behalf of the Health, Social, Educational & Environmental Committee at a Regular Meeting held on March 4, 2014.

page 1

APPROVAL/RESOLUTION IN SUPPORT OF ASSEMBLY BILL A04973A AND SENATE BILL S3419A/ PROPOSING BANNING USE OF POLYSTYRENE

WHEREAS, Bill No. A04973A has been introduced in the New York State Assembly and Bill No. S03419A has been introduced in the New York State Senate, both bills seek to reduce food service waste and prohibit the use of polystyrene foam (Styrofoam) containers by contractors who deal with the State through State and Municipal Contracts; and

WHEREAS, Styrofoam is a notorious pollutant that is very difficult to recycle due to its light weight and low scrap value; and

WHEREAS, the material takes up considerable space in landfills and takes a very long time to fully decompose; and

WHEREAS, this material can have a serious impact on human health, wildlife and the aquatic environment; and

WHEREAS, the Health, Social, Educational & Environmental Committee of the Putnam County Legislature has considered and approved the memorialization of this State Legislation, now therefore be it

RESOLVED, that the Putnam County Legislature fully supports Assembly Bill A04973A and Senate Bill S03419A and encourages its adoption by the State of New York; and be it further

RESOLVED, that copies of this Resolution be forwarded to Governor Andrew M. Cuomo, Senator Greg Ball, Senator Terry Gipson, Assemblyman Steve Katz, Assemblywoman Sandra Galef, Senate Majority Leader Dean Skelos, Assembly Speaker Sheldon Silver and the New York State Association of Counties (NYSAC).

BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.

Vote:
State Of New York

ss:

County of Putnam



I hereby certify that the above is a true and exact copy of a resolution passed by the Putnam County Legislature while in session on March 4, 2014.

Dated: March 6, 2014

Signed: Diane Schonfeld

Diane Schonfeld
Clerk Of The Legislature Of Putnam County



Watch Live

Bill No.:

Summary Actions Votes Memo Text (Printer friendly text)

A04973 Summary:

BILL NO A04973A
 SAME AS SAME AS S03419-A
 SPONSOR Kavanagh (MS)
 COSPNSR Millman, Paulin, Schimel, Titone, Lupardo, Colton, Englebright, Galef, Rosenthal, Otis
 MLTSPNSR Cook, Dinowitz, Farrell, Hooper, Sweeney, Thiele
 Add Art 27 Title 28 SS27-2801 - 27-2805, En Con L

Relates to food service waste reduction; prohibits the use of polystyrene foam by contractors and lessees who deal with the state through state and municipal contracts.

[Go to top](#)

A04973 Actions:

BILL NO A04973A
 02/13/2013 referred to environmental conservation
 03/07/2013 amend and recommit to environmental conservation
 03/07/2013 print number 4973a
 04/16/2013 reported referred to ways and means
 04/16/2013 reported
 04/18/2013 advanced to third reading cal.153
 04/23/2013 passed assembly
 04/23/2013 delivered to senate
 04/23/2013 REFERRED TO ENVIRONMENTAL CONSERVATION
 01/08/2014 DIED IN SENATE
 01/08/2014 RETURNED TO ASSEMBLY
 01/08/2014 ordered to third reading cal.220

[Go to top](#)

A04973 Votes:

BILL: A04973A DATE: 04/23/2013 MOTION: YEA/NAY: 99/42

Abbate Y	Colton Y	Garbari NO	Kearns Y	Miller Y	Reilich NO	Steck Y
Abinant Y	Cook Y	Gibson Y	Kellner Y	Millman Y	Rivera Y	Stevens AB
Arroyo Y	Corwin NO	Giglio NO	Kim Y	Montesa NO	Roberts Y	Stirpe Y
Aubry Y	Crespo Y	Gjonaj Y	Kolb NO	Morelle Y	Robinso Y	Sweeney Y
Barclay NO	Crouch NO	Glick Y	Lalor NO	Mosley Y	Rodrigu Y	Tedisco NO
Barrett Y	Curran NO	Goldfed Y	Lavine Y	Moya Y	Rosa Y	Tenney NO
Barron Y	Cusick Y	Goodell NO	Lentol Y	Nojay NO	Rosenth Y	Thiele Y
Benedet Y	Cymbrow Y	Gottfri Y	Lifton Y	Nolan Y	Rozic Y	Titone ER
Blanken ER	DenDekk Y	Graf NO	Lope PD Y	Oaks NO	Russell Y	Titus Y
Borelli NO	Dinowit Y	Gunther NO	Lope VJ ER	O'Donne Y	Ryan Y	Walter NO
Boyland Y	DiPietr NO	Hawley NO	Lupardo Y	Ortiz Y	Saladin NO	Weinste Y
Braunst Y	Duprey NO	Heastie Y	Lupinac NO	Otis Y	Santaba Y	Weisenb Y
Brennan Y	Englebr Y	Henness Y	Magee Y	Palmesa NO	Scarbor Y	Weprin Y
Brindis Y	Espinal Y	Hevesi Y	Magnare Y	Paulin Y	Schimel Y	Wright Y
Bronson Y	Fahy Y	Hikind Y	Maisel Y	Peoples Y	Schimmi NO	Zebrows Y
Brook-K Y	Farrell Y	Hooper ER	Malliot ER	Perry Y	Sepulve Y	Mr Spkr Y
Buchwal Y	Finch NO	Jacobs Y	Markey Y	Pretlow Y	Simanow Y	

[Back](#)

[Bill Search & Legislative Information Home](#)

[Assembly Home](#)

[Bill / Floor Vote Search](#)

[New York State Laws](#)

[Legislative Calendar](#)

[Public Hearing Schedules](#)

[Assembly Calendars](#)

[Assembly Committee Agenda](#)

Butler	NO	Fitzpat	NO	Jaffee	Y	Mayer	Y	Quart	Y	Simotas	Y
Cahill	Y	Friend	NO	Johns	NO	McDonal	Y	Ra	NO	Skartad	Y
Camara	Y	Gabrysz	NO	Jordan	NO	McDonou	NO	Rabbitt	NO	Skoufis	Y
Ceretto	NO	Galef	Y	Katz	NO	McKevit	NO	Raia	NO	Solages	Y
Clark	ER	Gantt	Y	Kavanag	Y	McLaugh	NO	Ramos	Y	Stec	NO

[Go to top](#)

A04973 Memo:

BILL NUMBER:A4973A

TITLE OF BILL: An act to amend the environmental conservation law, in relation to food service waste reduction

PURPOSE: The purpose of the bill is to discourage the use of disposable polystyrene foam food service ware by any person or entity that has a contract with an agency or municipality, and to study the feasibility of a Styrofoam ban in New York State

SUMMARY OF PROVISIONS:

Section 1 of the bill establishes the short title of the legislation as the "food service waste reduction act."

Section 2 of the bill amends article 27 of the environmental conservation law by adding a new title 28 which would require that any state department, agency, board, public benefit corporation, public authority, commission, municipality, and their contractors and lessees use food service ware made from material other than polystyrene foam, unless there is no compostable or recyclable alternative available at a price not more than 15 percent higher.

Section 3 of the bill requires the Department of Environmental Conservation to conduct a study on the desirability, feasibility and environmental impact of a statewide ban on the use of disposable Styrofoam food service ware.

Section 4 of the bill establishes the effective date.

JUSTIFICATION: Styrofoam is a liquid hydrocarbon that is commercially manufactured from petroleum, a quickly disappearing commodity. Each year Americans throw away 25,000,000 polystyrene foam (commonly known as Styrofoam) cups, or 1,369 tons of foam products every day. A single Styrofoam cup can take up to 500 years to fully disintegrate.

Polystyrene foam is a notorious pollutant that is very difficult to recycle due to its light weight and low scrap value. It is generally not accepted in curbside programs, is seldom able to be reused, takes up a considerable amount of space in landfills, and takes a very long time to fully decompose. Due to the physical properties of foam, the United States Environmental Protection Agency states "that such materials can have serious impact on human health, wildlife, and the aquatic environment," because the product breaks down and can clog waterways, or to be mistaken for food by wildlife.

One of the components of foam, styrene is a known hazardous substance which is a suspected carcinogen and neurotoxin. Many people do not realize that when they re-heat food in a Styrofoam product using a microwave, toxins may be released into their food.

This bill would address the environmental impacts of foam while allowing for exceptions in cases where there is no viable alternative product of comparable cost.

LEGISLATIVE HISTORY: 2012: A02097 (Kavanagh) Passed Assembly 2011: A02097 (Kavanagh) - Passed Assembly 2010: A00428A (Kavanagh) - Passed Assembly 2009: A00428 (Kavanagh) - Passed Assembly 2008: A11466A (Kavanagh) - Rules

FISCAL IMPACT ON THE STATE: Minimal.

EFFECTIVE DATE: This act shall take effect immediately; provided, however, that sections one and two of this act shall take effect on the one hundred twentieth day after it shall have become a law.

Go to top

A04973 Text:

STATE OF NEW YORK

4973--A

2013-2014 Regular Sessions

IN ASSEMBLY

February 13, 2013

Introduced by M. of A. KAVANAGH, MILLMAN, PAULIN, SCHIMEL, TITONE, LUPARDO, COLTON, ENGLEBRIGHT, GALEF, ROSENTHAL -- Multi-Sponsored by -- M. of A. COOK, DINOWITZ, FARRELL, HOOPER, McDONOUGH, THIELE -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to food service waste reduction

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. Short title. This act shall be known and may be cited as
2 the "food service waste reduction act".
3 S 2. Article 27 of the environmental conservation law is amended by
4 adding a new title 28 to read as follows:

5 TITLE 28

6 FOOD SERVICE WASTE REDUCTION

7 SECTION 27-2801. DEFINITIONS.

8 27-2803. REQUIRED COMPOSTABLE OR RECYCLABLE DISPOSABLE FOOD
9 SERVICE WARE.

10 27-2805. POWERS OF MUNICIPALITIES.

11 S 27-2801. DEFINITIONS.

12 FOR THE PURPOSES OF THIS TITLE, THE FOLLOWING TERMS SHALL HAVE THE
13 FOLLOWING MEANINGS:

14 1. "AFFORDABLE" MEANS PURCHASABLE FOR NOT MORE THAN FIFTEEN PERCENT
15 MORE THAN THE PURCHASE COST OF THE NON-COMPOSTABLE OR NON-RECYCLABLE
16 ALTERNATIVE.

17 2. "AGENCY" MEANS ANY STATE DEPARTMENT, AGENCY, BOARD, PUBLIC BENEFIT
18 CORPORATION, PUBLIC AUTHORITY, OR COMMISSION.

19 3. "COMPOSTABLE" MEANS ALL THE MATERIALS IN THE PRODUCT OR PACKAGE
20 WILL (A) UNDERGO DEGRADATION BY BIOLOGICAL PROCESSES DURING COMPOSTING
21 TO YIELD CARBON DIOXIDE, WATER, INORGANIC COMPOUNDS, AND BIOMASS AT A

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD01237-03-3

A. 4973--A

2

1 RATE CONSISTENT WITH OTHER KNOWN COMPOSTABLE MATERIALS AND (B) LEAVE NO
2 VISIBLE, DISTINGUISHABLE OR TOXIC RESIDUE, INCLUDING NO ADVERSE IMPACT
3 ON THE ABILITY OF COMPOSTS TO SUPPORT PLANT GROWTH ONCE THE FINISHED
4 COMPOST IS PLACED IN SOIL.

5 4. "CONTRACTORS AND LESSERS" MEAN ANY PERSON OR ENTITY THAT HAS A
6 CONTRACT WITH AN AGENCY OR A MUNICIPALITY FOR PUBLIC WORKS OR IMPROVE-
7 MENTS TO BE PERFORMED, FOR A FRANCHISE, CONCESSION OR LEASE OF PROPERTY,

8 FOR GRANT MONIES OR GOODS AND SERVICES OR SUPPLIES TO BE PURCHASED AT
9 THE EXPENSE OF THE AGENCY OR MUNICIPALITY OR TO BE PAID OUT OF MONIES
10 DEPOSITED IN THE TREASURY OR OUT OF TRUST MONIES UNDER THE CONTROL OR
11 COLLECTED BY THE AGENCY OR MUNICIPALITY.

12 5. "DISPOSABLE FOOD SERVICE WARE" MEANS ALL CONTAINERS, BOWLS, PLATES,
13 TRAYS, CARTONS, CUPS, LIDS, STRAWS, FORKS, SPOONS, KNIVES, NAPKINS AND
14 OTHER ITEMS THAT ARE DESIGNED FOR ONE-TIME USE FOR PREPARED FOODS,
15 INCLUDING WITHOUT LIMITATION, SERVICE WARE FOR TAKEOUT FOODS AND/OR
16 LEFTOVERS FROM PARTIALLY CONSUMED MEALS PREPARED BY FOOD VENDORS. THE
17 TERM "DISPOSABLE FOOD SERVICE WARE" DOES NOT INCLUDE ITEMS COMPOSED
18 ENTIRELY OF ALUMINUM OR POLYSTYRENE FOAM COOLERS AND ICE CHESTS THAT ARE
19 INTENDED FOR REUSE NOR DOES THIS TERM INCLUDE RECYCLABLE FOOD SERVICE
20 WARE.

21 6. "MUNICIPALITY" MEANS A VILLAGE, TOWN, CITY, OR COUNTY, OR ANY
22 DESIGNATED AGENCY THEREOF.

23 7. "POLYSTYRENE FOAM" MEANS BLOWN POLYSTYRENE AND EXPANDED FOAMS
24 UTILIZING A STYRENE MONOMER AND PROCESSED BY ANY NUMBER OF TECHNIQUES.
25 POLYSTYRENE FOAM IS GENERALLY USED TO MAKE CUPS, BOWLS, PLATES, TRAYS,
26 CLAMSHELL CONTAINERS, MEAT TRAYS AND EGG CARTONS.

27 8. "RECYCLABLE" MEANS MATERIAL THAT CAN BE SORTED, CLEANSED AND RECON-
28 STITUTED USING AVAILABLE RECYCLING COLLECTION PROGRAMS FOR THE PURPOSE
29 OF USING THE ALTERED FORM IN THE MANUFACTURE OF A NEW PRODUCT. RECYCLING
30 DOES NOT INCLUDE BURNING, INCINERATING, CONVERTING, OR OTHERWISE THER-
31 MALLY DESTROYING SOLID WASTE.

32 S 27-2803. REQUIRED COMPOSTABLE OR RECYCLABLE DISPOSABLE FOOD SERVICE
33 WARE.

34 AGENCIES, MUNICIPALITIES, AND THEIR CONTRACTORS AND LESSEES SHALL USE
35 DISPOSABLE FOOD SERVICE WARE MADE FROM MATERIAL, OTHER THAN POLYSTYRENE
36 FOAM, THAT IS COMPOSTABLE OR RECYCLABLE UNLESS THERE IS NO AFFORDABLE
37 COMPOSTABLE OR RECYCLABLE PRODUCT AVAILABLE. NOTHING IN THIS SECTION
38 SHALL BE CONSTRUED TO GOVERN THE ACTIVITIES OF CONTRACTORS AND LESSEES
39 THAT OCCUR OUTSIDE OF THE STATE OR ACTIVITIES OF CONTRACTORS OF LESSEES
40 THAT OCCUR WITH ENTITIES OTHER THAN AGENCIES OR MUNICIPALITIES.

41 S 27-2805. POWERS OF MUNICIPALITIES.

42 ANY AGENCY OR MUNICIPALITY MAY PROMULGATE REGULATIONS, ORDINANCES, OR
43 LAWS TO TAKE ANY AND ALL REASONABLE ACTIONS NECESSARY TO IMPLEMENT AND
44 ENFORCE THIS TITLE.

45 S 3. The department of environmental conservation shall conduct a
46 study on the desirability, feasibility and environmental impact of a
47 statewide prohibition on the use of disposable food service ware that
48 contains polystyrene foam. The department shall issue a report contain-
49 ing the results of the study to the legislature no later than the thir-
50 ty-first of January next succeeding the date on which this act shall
51 have become a law.

52 S 4. This act shall take effect immediately; provided, however, that
53 sections one and two of this act shall take effect on the one hundred
54 twentieth day after it shall have become a law.

[Go to top](#)

Page display time = 0.1708 sec


[Watch Live](#)

 Bill No.:
 Summary Actions Votes Memo Text (*Printer friendly text*)

[Back](#)
[Bill Search & Legislative Information Home](#)
[Assembly Home](#)
[Bill / Floor Vote Search](#)
[New York State Laws](#)
[Legislative Calendar](#)
[Public Hearing Schedules](#)
[Assembly Calendars](#)
[Assembly Committee Agenda](#)
S03419 Summary:

BILL NO S03419A
 SAME AS SAME AS [A04973-A](#)
 SPONSOR KRUEGER
 COSPNSR SQUADRON
 MLTSPNSR

Add Art 27 Title 28 SS27-2801 - 27-2805, En Con L

Relates to food service waste reduction; prohibits the use of polystyrene foam by contractors and lessees who deal with the state through state and municipal contracts.

[Go to top](#)
S03419 Actions:

BILL NO S03419A
 02/01/2013 REFERRED TO ENVIRONMENTAL CONSERVATION
 03/05/2013 AMEND AND RECOMMIT TO ENVIRONMENTAL CONSERVATION
 03/05/2013 PRINT NUMBER 3419A
 01/08/2014 REFERRED TO ENVIRONMENTAL CONSERVATION

[Go to top](#)
S03419 Votes:

There are no votes for this bill in this legislative session.

[Go to top](#)
S03419 Memo:

Memo not available

[Go to top](#)
S03419 Text:

STATE OF NEW YORK

3419--A

2013-2014 Regular Sessions

I N S E N A T E

February 1, 2013

Introduced by Sens. KRUEGER, SQUADRON -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to food service waste reduction

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "food service waste reduction act".

3 S 2. Article 27 of the environmental conservation law is amended by
4 adding a new title 28 to read as follows:

5 TITLE 28
6 FOOD SERVICE WASTE REDUCTION

7 SECTION 27-2801. DEFINITIONS.

8 27-2803. REQUIRED COMPOSTABLE OR RECYCLABLE DISPOSABLE FOOD
9 SERVICE WARE.

10 27-2805. POWERS OF MUNICIPALITIES.

11 S 27-2801. DEFINITIONS.

12 FOR THE PURPOSES OF THIS TITLE, THE FOLLOWING TERMS SHALL HAVE THE
13 FOLLOWING MEANINGS:

14 1. "AFFORDABLE" MEANS PURCHASABLE FOR NOT MORE THAN FIFTEEN PERCENT
15 MORE THAN THE PURCHASE COST OF THE NON-COMPOSTABLE OR NON-RECYCLABLE
16 ALTERNATIVE.

17 2. "AGENCY" MEANS ANY STATE DEPARTMENT, AGENCY, BOARD, PUBLIC BENEFIT
18 CORPORATION, PUBLIC AUTHORITY, OR COMMISSION.

19 3. "COMPOSTABLE" MEANS ALL THE MATERIALS IN THE PRODUCT OR PACKAGE
20 WILL (A) UNDERGO DEGRADATION BY BIOLOGICAL PROCESSES DURING COMPOSTING

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD01237-02-3

S. 3419--A

2

1 TO YIELD CARBON DIOXIDE, WATER, INORGANIC COMPOUNDS, AND BIOMASS AT A
2 RATE CONSISTENT WITH OTHER KNOWN COMPOSTABLE MATERIALS AND (B) LEAVE NO
3 VISIBLE, DISTINGUISHABLE OR TOXIC RESIDUE, INCLUDING NO ADVERSE IMPACT
4 ON THE ABILITY OF COMPOSTS TO SUPPORT PLANT GROWTH ONCE THE FINISHED
5 COMPOST IS PLACED IN SOIL.

6 4. "CONTRACTORS AND LESSEES" MEAN ANY PERSON OR ENTITY THAT HAS A
7 CONTRACT WITH AN AGENCY OR A MUNICIPALITY FOR PUBLIC WORKS OR IMPROVE-
8 MENTS TO BE PERFORMED, FOR A FRANCHISE, CONCESSION OR LEASE OF PROPERTY,
9 FOR GRANT MONIES OR GOODS AND SERVICES OR SUPPLIES TO BE PURCHASED AT
10 THE EXPENSE OF THE AGENCY OR MUNICIPALITY OR TO BE PAID OUT OF MONIES
11 DEPOSITED IN THE TREASURY OR OUT OF TRUST MONIES UNDER THE CONTROL OR
12 COLLECTED BY THE AGENCY OR MUNICIPALITY.

13 5. "DISPOSABLE FOOD SERVICE WARE" MEANS ALL CONTAINERS, BOWLS, PLATES,
14 TRAYS, CARTONS, CUPS, LIDS, STRAWS, FORKS, SPOONS, KNIVES, NAPKINS AND
15 OTHER ITEMS THAT ARE DESIGNED FOR ONE-TIME USE FOR PREPARED FOODS,
16 INCLUDING WITHOUT LIMITATION, SERVICE WARE FOR TAKEOUT FOODS AND/OR
17 LEFTOVERS FROM PARTIALLY CONSUMED MEALS PREPARED BY FOOD VENDORS. THE
18 TERM "DISPOSABLE FOOD SERVICE WARE" DOES NOT INCLUDE ITEMS COMPOSED
19 ENTIRELY OF ALUMINUM OR POLYSTYRENE FOAM COOLERS AND ICE CHESTS THAT ARE
20 INTENDED FOR REUSE NOR DOES THIS TERM INCLUDE RECYCLABLE FOOD SERVICE
21 WARE.

22 6. "MUNICIPALITY" MEANS A VILLAGE, TOWN, CITY, OR COUNTY, OR ANY
23 DESIGNATED AGENCY THEREOF.

24 7. "POLYSTYRENE FOAM" MEANS BLOWN POLYSTYRENE AND EXPANDED FOAMS
25 UTILIZING A STYRENE MONOMER AND PROCESSED BY ANY NUMBER OF TECHNIQUES.
26 POLYSTYRENE FOAM IS GENERALLY USED TO MAKE CUPS, BOWLS, PLATES, TRAYS,
27 CLAMSHELL CONTAINERS, MEAT TRAYS AND EGG CARTONS.

28 8. "RECYCLABLE" MEANS MATERIAL THAT CAN BE SORTED, CLEANSED AND RECON-
29 STITUTED USING AVAILABLE RECYCLING COLLECTION PROGRAMS FOR THE PURPOSE
30 OF USING THE ALTERED FORM IN THE MANUFACTURE OF A NEW PRODUCT. RECYCLING
31 DOES NOT INCLUDE BURNING, INCINERATING, CONVERTING, OR OTHERWISE THER-
32 MALLY DESTROYING SOLID WASTE.

33 S 27-2803. REQUIRED COMPOSTABLE OR RECYCLABLE DISPOSABLE FOOD SERVICE
34 WARE.

35 AGENCIES, MUNICIPALITIES, AND THEIR CONTRACTORS AND LESSEES SHALL USE
36 DISPOSABLE FOOD SERVICE WARE MADE FROM MATERIAL, OTHER THAN POLYSTYRENE

37 FOAM, THAT IS COMPOSTABLE OR RECYCLABLE UNLESS THERE IS NO AFFORDABLE
38 COMPOSTABLE OR RECYCLABLE PRODUCT AVAILABLE. NOTHING IN THIS SECTION
39 SHALL BE CONSTRUED TO GOVERN THE ACTIVITIES OF CONTRACTORS AND LESSEES
40 THAT OCCUR OUTSIDE OF THE STATE OR ACTIVITIES OF CONTRACTORS OF LESSEES
41 THAT OCCUR WITH ENTITIES OTHER THAN AGENCIES OR MUNICIPALITIES.

42 S 27-2805. POWERS OF MUNICIPALITIES.

43 ANY AGENCY OR MUNICIPALITY MAY PROMULGATE REGULATIONS, ORDINANCES, OR
44 LAWS TO TAKE ANY AND ALL REASONABLE ACTIONS NECESSARY TO IMPLEMENT AND
45 ENFORCE THIS TITLE.

46 S 3. The department of environmental conservation shall conduct a
47 study on the desirability, feasibility and environmental impact of a
48 statewide prohibition on the use of disposable food service ware that
49 contains polystyrene foam. The department shall issue a report contain-
50 ing the results of the study to the legislature no later than the thir-
51 ty-first of January next succeeding the date on which this act shall
52 have become a law.

53 S 4. This act shall take effect immediately; provided, however, that
54 sections one and two of this act shall take effect on the one hundred
55 twentieth day after it shall have become a law.

[Go to top](#)

Page display time = 0.3069 sec

LOCAL LAW NO. "A" FOR 2012

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK REGULATING THE USE OF POLYSTYRENE FOAM DISPOSABLE FOOD SERVICE WARE AND REQUIRING THE USE OF BIODEGRADABLE OR COMPOSTABLE FOOD SERVICE WARE BY CHAIN FOOD SERVICE ESTABLISHMENTS IN ALBANY COUNTY

Introduced: 2/13/12

By Messrs. Bullock, Clenahan, Higgins, Joyce, Mss. Kinsch and McLean Lane:

BE IT ENACTED by the Albany County Legislature as follows:

Section 1. Title

This local law shall be known as "Food Service Waste Reduction Act."

Section 2. Legislative Intent

The Legislature hereby finds and determines that the prohibition of the use of polystyrene foam disposable food service ware in Albany County and requiring that all disposable food service ware be biodegradable or compostable is in the best interests of the citizens of Albany County.

The Legislature further finds and determines that the Environmental Protection Agency has found that the polystyrene manufacturing process is the fifth largest creator of hazardous waste in the United States.

The Legislature further finds and determines that polystyrene foam is a common environmental pollutant and non-biodegradable substance commonly used as food service ware and that there is no meaningful recycling of polystyrene foam food service ware.

The Legislature further finds and determines that alternative biodegradable and/or compostable food service ware is readily available for numerous food service applications and that these products are biodegradable and/or compostable.

The Legislature further finds and determines that the use of biodegradable and/or compostable food service ware will reduce the waste stream and reduce waste costs. Therefore, the purpose of this local law is to eliminate the use of polystyrene foam food service ware by Chain Food Service Establishments within Albany County.

Section 3. Definitions

As used in this local law, the following terms shall have the meanings indicated:

“Compostable” – All materials in the product or package will breakdown into, or otherwise become part of, usable compost (e.g., soil-conditioning material, mulch) in a safe and timely manner.

“Biodegradable” – A product or package that will completely breakdown and decompose into elements found in nature within a reasonably short time after proper disposal.

“Customer(s)” – Any person(s) obtaining Prepared Food from a Chain Food Service Establishment.

“Disposable Food Service Ware” – All bowls, plates, cartons, cups, other containers, trays, or other items designed for one time use on or in which any Chain Food Service Establishment directly places and/or packages food or provides same to Customer(s) to place and/or package food or which are used by Customer(s) to consume food. This includes, but is not limited to, service ware for takeout Prepared Food and/or leftovers from partially consumed meals prepared at or by Chain Food Service Establishments for consumption at a specific location.

“Chain Food Service Establishment” – means a food service establishment or food service establishments operating in Albany County that is or are part of a group of fifteen or more food service establishment locations nationally, doing business under the same trade name, offering predominantly the same types of meals, foods or menus regardless of the type of ownership of the individual food service establishment locations.

“Health Commissioner” – The Commissioner of Health for Albany County.

“Polystyrene Foam” – Any blown polystyrene, expanded, and extruded foams (commonly referred to as Styrofoam, a Dow Chemical Company trademarked form of polystyrene foam insulation) which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques, including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion blow molding (extruded from polystyrene). Polystyrene foam is generally used to make cups, bowls, plates, trays, meat trays and egg cartons.

“Prepared Food” – Except for raw meats, poultry and seafood sold for the purpose of cooking off premises, any food or beverage which is (1) served in Albany County or (2) which is packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed, or otherwise prepared on the premises of a Chain Food Service Establishment within Albany County.

“Restaurant” – Any Chain Food Service Establishment that sells Prepared Food for Customer consumption on or off the premises.

Section 4. Disposable Food Service Ware

- A. No Chain Food Service Establishment shall sell prepared food in any disposable food service ware that contains polystyrene foam.
- B. All Chain Food Service Establishments using any disposable food service ware shall use a suitable, alternative product that is a compostable or biodegradable product.
- C. Chain Food Service Establishments shall be responsible to provide proof to the Commissioner of Health or his designee that the disposable food service ware used is a suitable, alternative product that is a compostable or biodegradable product.

Section 5. Health Commissioner’s Authority

The Health Commissioner is authorized to promulgate rules and regulations and take any and all other reasonable actions necessary to implement and enforce this local law. Any rules and regulations so promulgated shall be made available on the County of Albany website in a manner approved by the Health Commissioner.

Section 6. Penalties

- Any violation of Section 4 or 5 of this local law shall be punishable as follows:
- A. First Offense. Any Chain Food Service Establishment guilty of a first offense shall be guilty of a violation and shall be fined an amount not to exceed two hundred and fifty (\$250) dollars.
 - B. Second Offense. Any Chain Food Service Establishment guilty of a second offense shall be guilty of a violation and shall be fined an amount not to exceed five hundred (\$500) dollars.
 - C. Third and Subsequent Offense. Any Chain Food Service Establishment guilty of a third or subsequent offense shall be guilty of a misdemeanor and shall be fined an amount not to exceed one thousand (\$1,000) dollars.

Section. 7. 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 8. 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 9. Effective Date and Applicability

This local law shall be effective six (6) months subsequent to filing in the Office of the Secretary of State and shall apply to all transactions occurring on or after the effective date of this local law.

Referred to Health and Audit and Finance Committees. 2/13/12

Favorable Recommendation - Health Committee. 8/28/13

Without Recommendation - Audit and Finance Committee. 10/25/13

On roll call vote the following voted in favor: Messrs. Beston, Bullock, Clay, Clenahan, Commisso, Corcoran, Cotrofeld, Dawson, Domalewicz, Feeney, Jacobson, Joyce, Ms. Kinsch, Mr. Mackey, Ms. Maffia-Tobler, Mr. Mayo, Mss. McKnight, McLean Lane, Messrs. Morse, Nichols, O'Brien, Rahm, Simpson and Ward - 24.

Those opposed: Mss. Benedict, Busch, Mr. Carman, Ms. Connolly, Messrs. Crouse, Ethier, Hogan, Ms. Lockart, Messrs. Mendick, Reilly, Stevens and Tunny - 12.

Local Law was adopted. 11/12/13

[HISTORY: Adopted by the Legislature of the County of Putnam as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Traffic Safety Board — See Ch. 105.

**ARTICLE I
Environmental Management Council
[Adopted 7-17-1979]**

§ 25-1. Legislative intent.

Preservation and improvement of the quality of the natural and man-made environment within the County of Putnam in the face of population growth, urbanization and technologic change with their accompanying demands on natural resources are of increasing and vital importance to the health, welfare and economic well-being of the present and future inhabitants of the county. It is recognized that the biologic integrity of the natural environment on which man is dependent for survival and the natural and functional beauty of our surroundings which condition the quality of our life experience cannot be protected without the full cooperation and participation of all local governments in the state working in concert with each other and with other public and private institutions, agencies and organizations. Therefore, establishment by the County of Putnam of a council for environmental problem solving among local governments and among public and private organizations located within the county, is created.

§ 25-2. Establishment of Council.

The County Legislature of the County of Putnam hereby creates and establishes a council which shall be called the "Putnam County Environmental Management Council," hereinafter called the "EMC."

§ 25-3. Membership and term. [Amended 12-2-1997 by L.L. No. 15-1997; 4-5-2005 by L.L. No. 8-2005]

Membership of the Environmental Management Council shall consist of the following:

A. Members appointed by Legislature.

- (1) Six members to be appointed by the Legislature, one from each town's Conservation Advisory Council. In the event a town does not have any Conservation Advisory Council or if no member of the Conservation Advisory Council is willing to serve, the County Legislature may appoint any resident of such town to the Environmental Management Council.
- (2) One member appointed by the Legislature who shall be a person other than a member of a town Conservation Advisory Council residing within the County of

Putnam who is interested in the improvement and preservation of environmental quality.

- B. Ex-officio members shall be the County Executive, County Planner, Commissioner of Highways and Facilities, County Attorney, Chairman of the Soil and Water Conservation District and the Cooperative Extension Agent of the County.
- C. All appointees shall serve two years, at the pleasure of the County Legislature. Notwithstanding the foregoing, in the event a member appointed to the Environmental Management Council by virtue of their membership on a town Conservation Advisory

Council whose term on said town Conservation Advisory Council shall expire before two years, that member shall have his or her term on the Environmental Management Council expire concurrently with such member's term on his or her respective town Conservation Advisory Council.

- D. Vacancies on the Environmental Management Council shall be filled in the same manner as the original appointment, except that a vacancy occurring through circumstances other than by an expiration of a term of office shall be filled only for the remainder of said term.

§ 25-4. Officers, meetings and committees.

The County Legislature shall designate a member of the EMC to act as Chairman thereof. At the first meeting of the EMC, its members shall elect from among themselves a recording secretary. The EMC shall adopt rules and procedures for its meetings. It shall keep accurate records of its meetings and activities and shall file an annual report, as provided in § 25-6 of this article.

§ 25-5. Powers and duties.

The powers and duties of the EMC shall be to:

- A. Advise the County Executive on matters affecting the preservation, development and use of the natural and man-made features and conditions of the county insofar as they have a bearing on environmental quality and, in the case of man's activities and developments, with regard to any major threats posed to environmental quality, so as to enhance the long-range value of the environment to the people of the county.
- B. Develop and, after receiving general approval by resolution of the County Legislature, conduct a program of public information in the county which shall be designed to foster increased understanding of the nature of environmental problems and issues and support for their solutions.
- C. Develop and recommend a program to improve the coordination and effectiveness of public and private projects and activities in the county in accord with the purposes of this article, working in cooperation with town conservation commissions, insofar as such agencies have been established in towns within the county, and with other public and private agencies, focusing particularly on those matters relating to environmental quality which require intergovernmental action. [Amended 12-2-1997 by L.L. No. 15-1997]
- D. Encourage the establishment of local conservation commissions in those towns that have not yet formally created the same within the county, advise and assist them in developing their own programs and foster an effective interchange between the County EMC and such town agencies.
- E. Maintain liaison with regional planning agencies, regional water resources planning and development boards and other such public and private regional bodies affecting the conservation of environmental quality, with a view toward improvement of coordination.

- F. Conduct and maintain an official inventory of the natural resources of the county. This shall be known as the "Putnam County Natural Resources Inventory," hereinafter called the "County NRI." Coordination shall be maintained with any town commissions performing the same work.
- G. Conduct surveys and studies for identification of those open spaces, natural areas, swamps and other wetlands and other natural and scenic features which are of a county or regional significance and for which an index shall be maintained, and make recommendations to the County Executive for the appropriate preservation and use of such areas and features.
- H. Recommend from time to time to the County Executive plans and programs for environmental improvement for inclusion in the Putnam County Master Plan, including, but not limited to, the recommendations in the report and plan required in § 25-6 of this article.
- I. Prepare, print and distribute books, maps, charts and pamphlets in accord with the purposes of this article concerning the County NRI. Copies of the official NRI shall be available to the public.
- J. When authorized by resolution of the County Executive, the EMC may accept by gift, grant, devise, bequest or otherwise, property both real and personal in the name of the county as may be necessary to conserve and otherwise properly utilize open spaces and other land and water resources within the boundaries of the county. Such real property maybe accepted in fee for land and water rights or as any lesser interest, development right, easement, covenant or other contractual right, including conveyance with limitations or reversions.

§ 25-6. Reports.

- A. The EMC shall review the state of the county environment as a whole, and shall prepare and submit an annual report of its findings to the County Executive and the County Legislature no later than February 1st of each year covering the preceding calendar year. This report also shall include an account of the EMC activities and accomplishments which shall be based on accurate records of its meetings, financial transactions and other works.
- B. The EMC, in cooperation with the County Planner and other appropriate agencies, shall prepare a plan for the protection of the county's environment and the management of its natural resources. To the extent practicable, the preparation, content and subsequent revisions to the County Environmental Plan shall be coordinated with the State Environmental Plan. The County Environmental Plan shall be submitted by the EMC to the County Executive and County Legislature as soon as practical, but not later than three years after the effective date of this article. Thereafter, this report and plan shall be revised by the EMC and resubmitted to the County Executive and the County Legislature at regular intervals, not exceeding three years (preferably annually). The County Environmental Plan shall be based on the County NRI.

- C. From time to time, the EMC shall submit such other reports and recommendations as are necessary to fulfill the purposes of this article.

§ 25-7. Compensation and expenses.

- A. The seven members of the EMC and the six ex-officio members shall receive no compensation for their services as members thereof, but may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties within appropriations made available therefor.
- B. The County Legislature may appropriate funds for the expenses incurred by the EMC including, but not limited to, expenses for professional staff, consultants, clerical assistance and printing and distribution of publications. The EMC should prepare and submit an annual budget in the manner prescribed by the County Executive. The County Executive, upon request by the EMC, also may, from time to time and for designated purposes, assign or detail county employees from various agencies to perform work for the EMC. The primary publications to be established and updated by the EMC are the County Environmental Plan and the County NRI.

§ 25-8. Construal.

This article shall be deemed an exercise of the powers of the county to preserve and improve the quality of the natural and man-made environment on behalf of the present and future citizens thereof. This article is not intended and shall not be deemed to impair the powers of any town or village within the County of Putnam.

ARTICLE II

**Coordinating Council for People With Disabilities
[Adopted 11-9-1993 by L.L. No. 14-1993]**

§ 25-9. Establishment; purpose. [Amended 6-7-1994 by L.L. No. 4-1994]

There is hereby created the Putnam County Coordinating Council For People With Disabilities which shall direct its efforts towards the following:

- A. Develop and implement community programs for the disabled.
- B. Conduct researches into the accessibility to the disabled of public places in the community.
- C. Advise and assist the Putnam County Legislature and local governmental boards and agencies, including agencies dealing with planning, zoning and the planning of public buildings.
- D. Recruit, train and use volunteers from the community to serve without charge in its programs.
- E. Create a climate in which disabled persons seeking assistance can meet with responsible individuals or agencies in a position to render assistance.