

A regular meeting of the Town Board of the Town of Livingston, County of Columbia, and the State of New York was held at the town hall, 119 County Route 19, Livingston, NY on the 12th day of February, 2015.

Present: Supervisor James Guzzi
Deputy Supervisor Will Yandik
Councilperson Kelly McDonald
Councilperson William Bender
Councilperson Phil Massaro

Supervisor Guzzi opened the meeting with a moment of silence, and the pledge to the flag at 7:00 p.m.

Resolution # 38

Motion to approve monthly minutes

A motion was made by Councilperson McDonald, seconded by Deputy Supervisor Yandik to approve the minutes of the January 8th meeting.

Votes 5 Ayes

Communications: None

Monthly Town Reports

The following reports were read:

Town Supervisor- 4th quarter sales tax revenue was down.

Town Clerk

Dog Control

Building Inspector

Highway- they have been putting in overtime due to all the snow, and did some repair work to highway vehicles. The board commended the dept. on the good work they have been doing keeping the roads clear during all the storms.

Resolution # 39

Motion to approve the monthly reports as read

A motion was made by Deputy Supervisor Yandik, seconded by Councilperson Bender, to approve the monthly reports as read.

Votes 5 Ayes

Old Business

Some leftover election signs were removed by board members as they came upon them.

New Business

Councilperson McDonald will be working on the bus bids for the 2015 rec park program.

The board discussed the exterior signage at the town hall. It would cost approx. \$4500-6500 to put new ones in. The board may look at refurbishing the existing ones instead.

Deputy Supervisor Yandik gave an overview on a resolution on the Hudson River PCB cleanup that the board is looking at, in order to give support to make GE continue the clean up process.

Resolution # 40

Motion to give Municipal support for the continued clean up of PCB's in the Hudson River by GE

A motion was made by Deputy Supervisor Yandik, seconded by Councilperson Massaro to approve a resolution in support of the continued clean up by GE of PCB's in the Hudson River (Resolution attached to these minutes)

Votes 4 Ayes

Abstain-Councilperson McDonald (till she can read and study it further)

Judge Moore gave a presentation on the State of the Court Report for Livingston Town Court for the year 2014. Penal Law, Criminal and DWI cases were down for the year and Vehicle and Traffic, Speeding, and DWI (drugs) were all up. Small claims and civil were the same. Judge Moore and Judge Weaver are entering their 38th year of continuous service to the town. The audit for the court came back and everything was fine.

The board discussed a block community grant program from the Bank of Greene County that could be used for a town newsletter. Deputy Supervisor Yandik and town bookkeeper Donna Campion worked on the grant. It would be for \$1000 if received, and will be awarded to recipients in the spring. The Postmistress, Nancy Merritt, said to see her about getting a better postal rate for the newsletters, when the time comes to do them.

Committee Reports

Buildings- no report

Citizens Advisory- no report

Senior Council- no report

Planning and zoning- There is a possibility of an indoor soccer field being done in the Blue Stores area. It is only in the exploratory stage at this point.

Ethics- no report

Highway- no report

Communications- no report

Office Support- no report

Historian- no report

Special Projects- It is looking better for the residents. Nothing will be resolved for another 2-3 years. The opposition from the towns has had an impact on the decisions by the power companies on how to proceed.

Emergency Management- no report

County Environmental Management Council: no report

Audit Committee:

Resolution # 41

Motion to pay bills

A motion was made by Councilperson Bender, seconded by Councilperson Massaro, to pay the bills as presented.

6-16 Highway

15-51 General

Vote 5 Ayes

Public Comment

There was public comment on recyclables all being put together and if there was anything new on the subject from the county. There wasn't anything new on the subject to report.

Resolution # 42

Motion to Adjourn

A motion was made by Councilperson Massaro, seconded by Councilperson Bender, to adjourn the meeting.

Votes 5 Ayes

The meeting was adjourned at 7:45 pm.

Respectfully Submitted,

Tammy Molinski

Town Clerk

DRAFT MINUTES

RESOLUTION REGARDING THE REMOVAL OF PCBs FROM THE HUDSON RIVER

WHEREAS, the Hudson River is an American Heritage River, and the Valley a National Heritage Area, and the health and beauty of the Hudson River is critical to the economic vitality of the communities surrounding it, as well as the state and the country at large; and

WHEREAS, nearly 200 miles of the Hudson River — from Hudson Falls to New York City — are a federal Superfund site because the General Electric Corporation (GE) discharged large quantities of polychlorinated biphenyls (PCBs) from two of its manufacturing plants for thirty years, between 1947 and 1977; and

WHEREAS, PCBs are manmade, bioaccumulative, persistent organic pollutants that have been linked to a wide variety of adverse health effects, including, among others: cancer, liver, and kidney disorders; reduced birth weight, conception rates, and live birth rates; persistent and significant deficits in neurological development, including visual recognition, short-term memory and learning; and developmental problems due to interference with thyroid hormone levels; and

WHEREAS, PCBs discharged by GE are present throughout the Hudson River ecosystem: in soils and sediments within the river and the surrounding floodplains; in the living tissues of wildlife, from low-level organisms to larger animals such as birds and fish; and, periodically, suspended in the river itself or in the air; and

WHEREAS, human beings may be exposed to PCBs by a variety of means, including eating PCB-contaminated fish or other contaminated foods, breathing in airborne PCBs, drinking PCB-contaminated water, or skin contact with PCB-laden soils; and

WHEREAS, in addition to posing ongoing health concerns, the continued presence of PCBs in the Hudson River has terminated or significantly damaged a number of formerly robust economic industries, including: the multi-million-dollar- a-year commercial fishing industry, closed below Hudson Falls since 1976; deep draft commercial shipping through the Champlain Canal, effectively closed

for the past thirty years by the accumulation of PCB-contaminated sediments in the canal; and tourism, long-impaired by public perception that PCB contamination prevents the Hudson from being a safe or desirable place to visit or recreate; and

WHEREAS, the continued presence of PCBs in the Hudson River has also diminished the use and enjoyment of those who currently use the river, as exemplified by the longstanding NY State Department of Health (DOH) fish advisories against the consumption of recreationally caught fish and the numerous government-posted signs along the river warning of the presence of PCB-contaminated soils and sediments; and

WHEREAS, EPA determined in 2000 as part of its Reassessment Remedial Investigation/Feasibility Study (RI/FS) for the Hudson River Superfund Site that PCBs in the upper Hudson were a “dominant source” of “the PCB load to the water column of the Upper Hudson River,” and that microbial breakdown (natural attenuation) will not rid the River of PCBs; and

WHEREAS, the EPA’s 2002 Record of Decision for the Hudson River Site selected environmental dredging and off-site disposal of PCB-contaminated sediment from the Upper Hudson River as the best river sediment remedy to reestablish the ecological and economic health of the Hudson River; and

WHEREAS, since July of 2002, GE has agreed to a series of administrative orders of consent and has entered into a consent decree with EPA, all in which it has agreed to perform activities needed for implementation of the selected remedial action for river sediments; and

WHEREAS, this remedy segmented the Upper Hudson River into three sections by latitude, with a more stringent cleanup standard applied to River Section 1 than to River Sections 2 or 3; and

WHEREAS, GE commenced the first phase of remedial dredging in 2009, and the second and final phase in 2011; and

WHEREAS, in 2011, the U.S. National Oceanic and Atmospheric Administration and the U.S. Fish and Wildlife Service—the two federal

agencies, along with the State of New York, entrusted with assessing the cost of GE's "natural resource damage" liability for public losses incurred as a result of GE's pollution of the Hudson River (the "Trustees")— published reports identifying a number of problems with the 2002 river sediment remedy as implemented; and

WHEREAS, these problems included, among others: that failure to apply the more stringent criteria in River Sections 2 and 3, in practice, would leave behind the "equivalent to a series of Superfund-caliber sites" in those sections with average surface concentrations at "five times higher after remediation than predicted by the 2002 remedy;" that "the majority of

the elevated post-construction sediment concentrations are adjacent to planned dredge areas" resulting in "the high likelihood of remediated areas becoming recontaminated;" that the rate of decline of PCBs in fish "was significantly overestimated" by earlier EPA models; and that unremediated sediments "will eliminate significant opportunities for restoration of natural resources in precisely those locations where it would be most valuable;" and

WHEREAS, despite these significant concerns, no modification to the scope or implementation of the 2002 river sediment remedy has been made either by EPA or GE; and

WHEREAS, significant amounts of PCBs also remain in the Hudson River floodplains, and portions of the Old Champlain Canal in Schuylerville; and

WHEREAS, GE anticipates it will complete its limited dredging operations in 2015, and presumably will begin dismantling its multi-million dollar infrastructure constructed for the dredging and dewatering of contaminated sediments shortly thereafter; and

WHEREAS, in September of 2014, GE agreed to an administrative order on consent regarding study of the Upper Hudson River floodplains to assist in the creation of an RI/FS for remediating those floodplains; and

WHEREAS, remaining PCB contamination within the river and the floodplains inhibits private and public growth, development, and recreational and business opportunities along the shores of the Hudson River and presents the risk of recontaminating the previously-cleaned areas planned for business or recreational use; and

WHEREAS, the current scope of planned dredging will not restore the Hudson River to its former ecological health, and the continued presence of highly contaminated sediments in the Upper Hudson River will prevent the revival of long-dormant economic opportunities for both the Upper and Lower Hudson communities; and

WHEREAS, these significant economic opportunities can only be unlocked by a robust cleanup of the Hudson that addresses contaminated sediments overlooked by the 2002 Record of Decision as well as other contaminated areas within and around the Hudson River;

NOW THEREFORE BE IT RESOLVED, that the Town of Livingston hereby urges a more thorough removal of PCBs from the Hudson River and calls upon GE to: (1) dredge all areas of PCB-contaminated sediments in River Sections 2 and 3 that would require cleanup under the applicable-standards in River Section 1, including, at minimum, the 136 acres identified by the federal Trustees; (2) conduct any additional necessary removal of soils and sediments in PCB-contaminated "hot spots" in and around the Upper Hudson River, including cleanup of the Champlain Canal to ensure full use of the canal by deep draft shipping vessels; and (3) complete a thorough analysis and robust cleanup of the Hudson River, including the floodplains and the Old Champlain Canal, in order to restore the River to its full health and value as a natural and economic resource.

And further, BE IT RESOLVED, that a copy of this resolution will be sent to:

Jeffrey Immelt, Chairman and CEO, General Electric
Corporation

New York State Governor Andrew Cuomo

NYS Office of the Attorney General

NYS Department of Environmental Conservation

NYS Canal Corporation

National Oceanic and Atmospheric Agency (NOAA)

US Department of Interior Fish and Wildlife Service

US Environmental Protection Agency – Region 2 and Hudson
River Field Office

Hudson River Congressional Delegation Motion made at a
regular meeting of the _____, on

_____ by
_____ and seconded

by _____

VOTING MEMBERS: