

Save the Pine Bush

May/June Newsletter

May/Jun 12 No. 111 • 33 Central Ave., Albany, NY 12210 • email pinebush@mac.com • phone 434-1954 • fax 434-6659 • web <http://www.savethepinebush.org> • Circ. 1000

Vegetarian/Vegan Lasagna Dinner

Wednesday, May 16, 6:00 p.m.

Katherine Nadeau

Water and Natural Resources Director,
Environmental Advocates

will speak about

Fracking: An Urgent Call to Action

Katherine Nadeau will speak about fracking, its impact on the environment, and the call to action.

New Location: At the Westminster Presbyterian Church, 85 Chestnut Street (people with cars can park in the lot near the door). All-the-vegetarian-and-vegan-lasagna-you-can-eat, garden salad, garlic bread and homemade pies. Only \$12 for adults, \$5 for students, and \$2 for children. People who make reservations are served first. For reservations, please leave a message for Rezsine Adams at 462-0891 or Lynne Jackson at 434-1954 or email pinebush@mac.com.

Interested people are welcomed to attend the program beginning at 7:00 for which there is no charge.

Save the Pine Bush May Hike—New Vistas Saturday, May 19, 2012 9:00 AM

Meet at: Pine Bush Discovery Center Parking Lot, East side of New Karner Rd. (Route 155) opposite "T" with Old State Rd., Albany, NY

Destination: Western Pine Bush at and near the expanded "Study Area" boundaries.

Co-Leaders: Any Arthur and John Wolcott • For more info: call John Wolcott at 465-8930

Hike with us on a, hopefully, fine sunny mid May morning. We will walk to see less seen, and interesting areas within and near the wisely expanded study area. If time permits, we may also hike some newly opened but yet unmapped trails elsewhere in the Pine Bush. The complete maps that Andy has secured for us show preserve and divers private but undeveloped holdings in the Pine Bush extended all the way west to the new N.E. Study bounds.

Those in this area are wonderful, magnificent, relatively new acquisitions but by unavoidable circumstances are in a badly checker boarded pattern. We need to encourage, support smart and opportune next fill in moves by the Nature Conservancy, the County, and other possible and potential participants. This area is in the Town of Colonie where there is an effort to replace some of the Conservation Zoning here with "Industrial/Commercial Zoning" primarily because of the R.R. tracks that run through here. There was a Town Planning meeting in March on this issue, but nothing has been definitely decided yet, though it seems to be headed toward the Industrial Zoning but with retaining the "Conservation Overlay" A sort of compromise, but SPB should hold for the status quo on both accounts here. We will keep all posted on this issue and urge all interested to attend the next Town Planning Board meeting on this subject. Tom and Helen Romano will fill us in on latest about this at the hike.

Jerry Jennings Blinked

by Tom Ellis

First-term Albany Common Council member Frank Commisso, Jr., has figured out how Albany Mayor Jerry Jennings operates and is determined to make substantive changes. A member of the common council's finance committee, he led a revolt over two proposed bonding ordinances - one for \$7 million to expand the city's Rapp Road landfill yet again, the other for \$2.35 million to "restore" the landfill. Both ordinances were enacted on April 2 but Jennings made concessions.

About one-half the 15-member common council attended the March 28 finance committee meeting. After discussing the resolutions, the committee voted 3-2 recommending their colleagues not enact the resolutions. Mr. Commisso asserted the mayor had no long-range landfill financing plan - no plan for how to pay landfill related costs after the dump eventually closes. He also insisted the council should not approve bonds with a payback period longer than the time the landfill is expected to remain open

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Neil Gifford of the Albany Pine Bush Preserve Commission Speaks

by Tom Ellis

ALBANY: Albany Pine Bush Preserve Commission Conservation Director Neil A. Gifford was the featured speaker at the March 22 SPB dinner. Reszine Adams introduced him. Mr. Gifford said he is a conservation scientist by training. He said the Pine Bush Commission now has 27 staff, is an authority, the preserve contains 3200 acres, including at least fifteen invasive species. He said there are hundreds of acres of Blue Lupine planted, the Karner Blues Butterfly population doubled from 2010 to 2011, the preserve is in much better condition than twenty years ago, and bred Karner Blues have been successfully released in the preserve in recent years and will likely be again this year.

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Ward Stone is a Hero

by Tom Ellist

ALBANY, NY: In late February, the NYS Inspector General released a 40+ page report trashing Ward Stone, accusing him of bullying his subordinates, intimidating his supervisors, misusing state funds, and being some sort of a monster. The report drew considerable news coverage including a February 28 article in the New York Times. Some of the allegations are undoubtedly true, at least in part, but the report is overkill and hopefully the public views it as such.

The report asserted Ward "Stone almost always acted alone, often zealously pursuing matters without the knowledge of his supervisors, and even at times contrary to the directions of his supervisors." Ward Stone did not act alone. He collaborated with hundreds of community groups and several Native American nations in New York.

The report could be part of an Andrew Cuomo campaign to remind NYS government workers of what awaits them if they step out of line. Maybe the second Governor Cuomo is one-upping his dad: finishing the job of incapacitating Ward Stone's effectiveness his dad tried and failed to accomplish. Maybe the Inspector General, Ellen Biben, wanted to impress Cuomo; she has now been appointed to head up the state's new "Ethics" commission.

The new Joint Commission on Public Ethics operates in secrecy. See an April 4 Albany Times Union editorial commenting on the commission's refusal to comply with a request from the Associated Press for records of the vote it took to hire Biben, a longtime aide to Cuomo. The commission is made up of appointees of the governor and state legislature. The editorial concluded with, "It comes down to this: If the body that's empowered to ensure integrity in state government is beyond public scrutiny, it's rather hard to have faith in its integrity."

My sense is the report has much more to do with Andrew Cuomo and Ellen Biben than Ward Stone. He became an easy target who carelessly allowed himself to get caught. Ward Stone not only broke the rules but bragged about it often. Some of what he did was plain foolish such as not turning in time sheets for several years.

Nevertheless Ward Stone is a great scientist and in some ways a strong role model for public sector workers. He was NYS Department of Environmental Conservation (DEC) Wildlife Pathologist from 1969 to 2010. I remember when the first Governor Cuomo was trying to reign him in twenty-five years

ago. Either Mario Cuomo or one of his staff insisted the state must speak with one voice. Ward Stone's view was and still is: not if you're lying and the environment and public health are endangered or damaged.

Consider the absurd working conditions tens of thousands of professionals employed by the state of New York endure. Before they can speak in public about the issues they have expertise on, they must obtain permission, which is rarely granted. At present, we have hundreds of DEC professionals who believe widespread horizontal hydro-fracking, if allowed in NYS, will be a disaster and that Governor Cuomo is rushing the review process. Yet nearly all are muzzled. Why does the state not allow DEC employees to speak in public? The state could reasonably require them to acknowledge they are not speaking for the department or the state, but presenting their own professional opinions.

Not only are they not allowed to speak in public but their views are being quashed within the department. A year and a half ago, departing Governor Paterson fired DEC Commissioner Pete Grannis after an internal DEC memo was leaked. The memo warned of devastating impact additional DEC staff cuts would have on the agency's ability to perform its duties. The memo read in part: "Many of our programs are hanging by a thread. The public would be shocked to learn how thin we are in many areas. DEC is at its weakest position that it has been since it was created 40 years ago."

Who benefits? Imagine working in an environment where you have to shut up about matters of great importance? What does that do to your self respect or sense of professionalism? It is easy to see why so many state employees are demoralized. Must citizens surrender their freedom of speech to work for the State of New York? At present, NYS desperately needs a wide-open discussion on the benefits and drawbacks of hydro-fracking but we are denied it within state government. Why is the state Health Department so quiet on fracking? Having a free exchange of ideas - what Ward Stone has always insisted on - is how science is advanced and the public health and environment protected.

Neil Gifford of the Albany Pine Bush Preserve Commission Speaks - Continued from Page 1

Dozens of species thrive in the Pine Bush, he said. Scrub Oaks continue to be thinned, opening land to sunlight and Blue Lupine. Deer cause damage to the Pitch Pines and the Blue Lupines. Commission staff monitor bird populations. Prairie Warblers are being banded and monitored as they return from the Caribbean and mate.

Climate change "is the wild card" for the Pine Bush in coming decades. He said climate change "is happening; the science is unequivocal." We do not know what the impacts will be on many species and said Blue Lupine could be planted on north-facing slopes in hope of maintaining Karner Blue populations as the climate warms.

The Pine Bush may be too dry to burn this year but ground water levels are high due to the heavy rainfall through most of 2011. He said we need better knowledge of hydrology to plan well and the commission is now doing this research.

Mr. Gifford, conservation director since 1997, said the commission is now closing some trails as it opens new ones. One new trail goes near the Rapp Road Landfill. He said the mobile home park adjacent to the landfill will be returned to pine barrens and Albany's consultant, Applied Ecological Services, is "doing good work" for the Pine Bush. He said landfill slopes can be replanted with native shrubs.

During the Q&A, he said the commission is housed legally within DEC, tic populations are closely related to mice populations more so than weather, wildlife lives on and visits closed sections of the landfill, George Robinson and his staff are monitoring hydrology and possibly leachate near the landfill. He said testing Six-Mile Waterworks fish for toxins might be a good idea. He also said "DEC has a very skeletal staff all across the state."

New Address for Ward Stone — May, 2012

Ward Stone is a big friend of the Pine Bush and has spoken at many SPB dinners. Cards and letters are welcome and can be sent to: Ward Stone -Room 116, Great Barrington Rehabilitation and Nursing Center, 148 Maple Avenue, Great Barrington, Mass 01230-1960. All of us at Save the Pine Bush wish Ward a quick recovery. The environment needs him!

Mark Your Calendars!

SPB Dinners will be on the following dates at our new location: Westminster Presbyterian Church, 85 Chestnut Street, Albany.

May 16, Wednesday

June 20, Wednesday

How and why did the City of Albany destroy so much of the Albany Pine Bush?

by Tim Truscott, empirestate@worldnet.att.net

ALBANY, NY: It was necessary, or so they said at the time. We needed to put our garbage somewhere, and so did other local municipalities. They said they'd only take a little bit of the Pine Bush. But they've said that several times, and it's ended up being a lot of the Pine Bush. And, besides, the City of Albany needed the revenue from taking in other people's garbage because the State had continually short-changed Albany on state aid, and Albany has so much tax-exempt property. Not only that, we were making Big Money on this garbage, \$11 million a year, \$13 million a year. We were Rich! And it sure feels good to be Rich.

Every time the Jennings Administration was challenged on the wisdom of destroying more of the Pine Bush, the Jennings folks came back with one of these arguments. And most people, not knowing any better (since Jennings and his cronies are very secretive), believed it.

But some of us didn't believe it. Jennings kept information secret, but we figured out some of the things. And his close ally, City Treasurer Betty Barnett, did not make the landfill financial information public and she did not contradict his claims of making Big Money on the landfill. Quite frankly, perhaps Betty Barnett didn't really bother to add up the numbers.

Her problem came to be that she was also not making public the information on some illicit parking ticket activities, and that was her undoing. She found herself at the center of a scandal which cost her to lose re-election in a landslide to political newcomer Kathy Sheehan.

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because there might not be sufficient revenues to pay them off.

Mr. Commisso insisted the council had a unique opportunity to compel Jennings to provide both a long-term financing plan that is not 100 percent bonded and to obtain accurate landfill financial data from Jennings that fellow council members (particularly Dominick Calsolaro) have been requesting, without success, for years. He pleaded with fellow council members saying that if they approve the bonds without a fight, the mayor will never speak to the council again about the landfill because he will have obtained the bonds he needs to expand it one final time.

Tensions rose over the next few days as it appeared the council might actually block the bonds. Passage of bonds requires a super-majority

Sheehan followed some of the advice we gave her and started looking into the landfill's financial situation. The problem was that there is no record-keeping system which tracks the expenses of the landfill (You say, "That simply can't be in 2012, what with modern computers and all."). But it is true. Part of the problem is that the City doesn't own a modern computer. The other problem is that the Jennings Administration doesn't own a modern computer because it doesn't want to hear any bad news.

Each time Treasurer Sheehan looked at the landfill finances, the profitability of the landfill venture looked worse and worse.

The \$11 million or \$13 million was just the gross income. They had never taken into account any operating expenses such as equipment purchases, fuel costs, employees wages, etc., etc. And you might ask, "How in 2012 could the management of a city be so dumb as to not take expenses into account?" Well, yes, how could they? But they did.

Treasurer Sheehan's financial investigation of the landfill has progressed to the point that, it appears, the landfill is not making any profit whatsoever, and in fact it may be losing money.

So, we're taking in other people's garbage and destroying the Pine Bush, all the while losing money. Sounds rather knuckleheaded, doesn't it.

This sad story should become national news. It might prevent some other municipality from making the same mistakes.

Part Two of this sad story is about what feeling rich (at the expense of the Pine Bush) has done to the taxpayers in Albany.

One of the results of feeling rich is often that one is inclined to spend money. And that's what happened: Between 1998 and 2011, Jerry Jennings's budget grew from \$97 million to \$165

million, an increase of 170 percent. million, an increase of 170 percent.

ty - ten affirmative votes. On Jennings March 30 weekly radio show, Commisso called in and he and the mayor had a sharp exchange. Jennings asserted that failure of the council to enact the bonds would force him to lay off 65 city Department of General Services (DGS) workers. Commisso countered and Jennings responded with, "What am I going to do, lay you guys off on the council? I'd like to."

However, fearing defeat, Jennings blinked. He spent much of the day Monday working out a compromise. Jennings agreed to begin this summer setting aside \$2 from every ton of waste brought in by commercial haulers (about \$360,000 a year) in a separate account to be used to pay future landfill costs. Jennings also agreed the bonds would be for eight years instead of the twenty he initially sought; thus the bonds will not outlast the time the dump remains open.

The level of debt is one thing, but what was the debt created for? Is it good debt (i.e. taken on for productive purposes), or just "debt-for-no-reason"? Of course, there are things Jennings has spent money on which the taxpayers simply couldn't afford.

I suspect Albany has the largest debt per capita in Upstate New York. It would be interesting to know if that's true, but it would be a dubious distinction if it were true.

That the City had this magical cash cow in the form of a landfill was a myth. That annual \$11-13 million we were told we had was spent many times over each year because everyone thought we were "rich", and it sure feels good to be rich. It's like winning the lottery or hitting the jackpot at the casino: One can be dirt poor and up to their eyeballs in debt, but when one has "the winning ticket" or "hits the jackpot", it sure feels good!

The landfill was like other things which seem "too good to be true". When things seem too good to be true, usually they aren't true.

What a shame that so much of a world-renowned, unique ecosystem was destroyed in a sham which resulted in a terrible burden on the taxpayers. The people responsible for this should be driven out of City Hall.

The best predictor of future behavior is past behavior. Based on the past behavior of this city administration, I doubt they are going to be able to get this ship turned around before it sinks.

When I arrived at 5:30 (for the 7 pm meeting) at City Hall on April 2, dozens of DGS workers were standing outside, apparently afraid their jobs were on the line. Dozens more quickly joined them. Jennings spoke to them outside city hall; his staff presented council members with the compromise at their 6:30 pm caucus. Nearly all the unionized DGS workers attended the council meeting and cheered as the two resolutions were passed.

During the public comment portion of the council meeting, Albany resident Tim Truscott said the mayor behaves like an irresponsible teenager - using someone else's credit card - the city taxpayers. Several members of Save the Pine Bush spoke about their longstanding concerns over the costs and safety of the landfill and the failure of the city to develop alternatives to it. All expressed support for DGS workers not

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losing their jobs; several criticized the mayor for using DGS workers as pawns in his dispute with the council.

Council member Barbara Smith, who voted against both bonds, said "landfill finances have always been murky and remain so" and "I do not know if the landfill is profitable...I have concerns about threatening job losses. Why are we in this situation in the first place? I object to this intimidation." Frank Commisso said that "about \$360,000 would be set aside annually for the next ten years, not enough, but a start." He told the DGS workers that "these threats are counterproductive to rational decision making... Those who vote 'no' on the bonds tonight are not voting yes on DGS layoffs." Councilwoman Leah Golby said the council passed a resolution in 2010 calling for preparation of a full-cost accounting study of the landfill, and the report has not yet been prepared. Mr. Calsolaro insisted that no immediate threat of layoffs to DGS workers existed. He said Jennings has "mismanaged the city all along" and cited numerous examples involving the landfill and solid waste.

Frank Commisso emerged the winner from this wild week of conflict. He displayed skill in building a coalition and obtaining real concessions from the mayor. I doubt if council members learned that by sticking together they can obtain the information from the city they need to competently do their job, or to become equal partners with the mayor in managing the business of the city. Jennings got the bonds he wanted; the landfill will stay open for 5-10 more years. DGS workers saw the mayor threaten their jobs in an effort to intimidate the city council. At the close of the April 2 meeting, Common Council President Carolyn McLaughlin urged DGS workers to ask the mayor and their supervisors questions about what will happen to their jobs when the landfill does close.

Save the Pine Bush GIS Class

By SPB Volunteer Andy
Arthur

After the Save the Pine Bush Hike on Saturday, May 19th, there will be a class from 1:30-4:30 PM on using the free Quantum GIS program to make maps of the Albany Pine Bush at the Delaware Avenue branch of Albany Public Library. GIS stands for Geographic Information Systems, the computer-based method of creating maps. This class will be taught by SPB volunteer Andy Arthur.

A follow up to the previous class we hosted in January, we will focus on working with Preserve Commission and NYS DEC data to map ecology and trails. We also will take questions and help new users get started with Quantum GIS.


It is recommended, but not required, that you bring a laptop with Wireless Internet to follow along in the class. Handouts will be provided and the program will be projected on a screen. Quantum GIS is available for Mac OS X, Linux, and Windows computers at www.qgis.org. A tutorial I wrote on QGIS is available at www.andyarthur.org/qgis.

Persons attending the class are encouraged to ride a bicycle or take public transit. Bike racks exist at library. The Route 18 (Delaware Avenue) bus leaving from Greyhound in Downtown or Price Chopper in Slingerlands at 1:00 PM will get you to library at 1:30 PM. You can take the bus home at 4:50 PM.

Editor's note: Andy's last class was excellent and anyone who would like to know more about maps should attend.

AN URGENT CALL TO ACTION
ALBANY MAY 15TH 2012
RALLY 4:30-6:00 PM WEST CAPITOL LAWN
CONCERT 7:00 PM THE EGG EMPIRE STATE PLAZA

NEW YORKERS AGAINST FRACKING



MARK RUFFALO · MELISSA LEO · DAN ZANES
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