The Daily Gazette in Schenectady opined recently that the latest post-budget legislative session in Albany was an essentially useless, squandered opportunity that didn’t accomplish much of importance to New Yorkers. In many areas, it may be true – much more could have been accomplished. Selectively speaking though, there were some accomplishments and compromises which took significant leadership.

One legislative accomplishment was catalyzed by serious PFOA groundwater pollution in Hoosick Falls and other upstate communities. (PFOA is described as a synthetic perfluorinated carboxylic acid and fluorosurfactant.) If Governor Andrew Cuomo signs the bill it will allow someone to file a claim for personal injury due to exposure to hazardous or toxic substances up to three years after a site has been designated a state or federal Superfund area. This is a very big deal for folks from Hoosick Falls and many other polluted locations.

It took great courage for the people of Hoosick Falls to speak truth to power right outside the Governor’s very office. In this case, the legislators followed the lead of their constituents. It took some political courage for Republicans like Senator Kathy Marchione to pass the bill, because corporate polluters (and potential corporate polluters) were opposed to it rather strongly. The Daily Gazette should have applauded this significant bipartisan accomplishment. The Daily Gazette could also have recognized legislators for first passage of a constitutional amendment which, while limited to the Adirondacks and Catskills, affects residents and visitors to both Parks. The joint resolution amends the New York State Constitution – a very serious undertaking.
recognizes that when a local or state highway borders the “forever wild” State Forest Preserve, a minor relocation of that local highway (or a bridge) to improve traffic safety, or even moving a utility pole onto the Forest Preserve currently requires individual constitutional amendments. Also, the under-grounding of utilities, which is much-desired along some highways, would be made possible. These constraints came to many people's attention following a 2014 white paper written by Dave Mason and Jim Herman of Keene, who also led the Adirondack Futures project.

Adirondack Wild: Friends of the Forest Preserve was initially skeptical of the need for an amendment, but willing to consider it for these situations if it was narrowly tailored to address well-documented community needs that could only be accomplished through an amendment. Local highways, electric, telephone and broadband lines, water and sewer utilities along the local highways in both Parks affecting health, safety and communications seemed to fit those criteria.

Republican Assemblyman Dan Stec and Republican State Senator Betty Little agreed to host meetings of Adirondack and Catskill stakeholders over the past winter and spring. Initial draft amendments of an amendment by the State Department of Environmental Conservation contained too many other uses of a “land bank” to convince some of us that the amendment would be narrow in purpose and specific in scope. To the credit of local government leaders and these legislators, they were willing to have the amendment’s purpose narrowed just to highway, bridge and public utility improvements. It was a difficult negotiation, but the parties stuck with it.

Everybody knew that a draft amendment was still subject to further changes in the NYS Assembly. Few of the Assembly’s downstate members were affected directly by the proposal, yet many members feel protective of Article XIV of the Constitution – as they should since the Forest Preserve is a statewide asset and responsibility. Assembly Environmental Conservation Committee Chair Steven Englebright is one of those. He may have lacked many constituents who perceived a need for this amendment, but he recognized the needs were compelling. At the same time he also recognized his responsibility to maintain the integrity of Article XIV through very carefully constructed amendments for public purposes which cannot be accomplished in any other way. He sought changes to the Senate’s resolution.

Englebright was proactive and drafted the Assembly’s own version which created a land account instead of a land bank, ensuring only minimum disturbance for any one project, and reducing the acreage for highway and utility improvements significantly, from 500 acres to 150. Many highway improvements only require a fraction of an acre. Senator Little, ready to compromise to achieve something important for her district, got the acreage increased to 250 acres (combined Adirondack and Catskill Forest Preserve) and the compromise amendment passed (you can find it here). Like all
constitutional amendments it must be approved by the next State Legislature and then the voters in the fall of 2017.

Finally, we should recognize the Senate’s confirmation of some potentially strong gubernatorial nominations to the NYS Adirondack Park Agency. Chad Dawson, former professor at the State University College of Environmental Science and Forestry; John Ernst, private landowner and steward of Elk Lake Lodge; and Saranac Lake businesswoman and Franklin County legislator Barbara Rice, all have the potential to take into account in their future decision-making the demonstrated statewide interest in the protection of the Adirondack Park.

I note, however, the loss of one of the APA’s finest public servants in its 45-year history, Richard Booth, who declined to seek another four-year term and whose articulate (and deserved) criticism of Governor Andrew Cuomo over the weakening of the State Land Master Plan at the March APA meeting made his renomination unlikely at best. It was Richard Booth who repeatedly upheld the highest APA legal and policy standards when the majority would not. It was Booth who advised APA that when major policy decisions crop up to analyze and publish the legal analysis of policy options early in the process, and to debate all substantive policy alternatives openly and forthrightly, well before a vote takes place. Then, any vote would be transparent, and well-informed. In the case of Adirondack Club and Resort (2012), Essex Chain of Lakes Unit Management Plan (2015) and State Land Master Plan amendment (2016), and others, his advice was not heeded. Now under new APA leadership, let’s be hopeful it may be in future.