

Public Works & Capital Projects Committee

Regular Meeting Minutes

DATE & TIME: November 5, 2015, 6:00 PM
LOCATION: Karen L. Binder Library, 6th Floor, COB, Kingston, NY
PRESIDING OFFICER: Chairman Dean Fabiano
LEGISLATIVE STAFF: Nettie Tomshaw
PRESENT: Peter Loughran, Lynn Archer, Manna Greene, Kevin Roberts
EXCUSED: None
QUORUM PRESENT: Yes
OTHER ATTENDEES: Legislator Jim Maloney, Commissioner Department of Public Works Susan Plonski, Deputy County Exec. Ken Crannell, County Attorney Bea Havranek, Environment Coordinator Amanda LaValle, Legislative Staff Krista Barringer, Legislative Counsel Cappy Weiner

Chairman Dean Fabiano called the meeting to order at 6:00PM.

Motion No. 1 Resolved to Approve Meeting Minutes of October 8, 2015
Motion Made By: Legislator Lynn Archer
Motion Seconded By: Legislator Peter Loughran
Discussion: None
Voting In Favor: Legislators Fabiano, Loughran, Archer, Greene, Roberts
Voting Against: None
No. of Votes in Favor: 5
No. of Votes Against: 0
Disposition: Carried

- Chairman Fabiano recognized Legislator Maloney who came before the committee to thank Commissioner Susan Plonski, her staff, and the Executive office for the bridge work completed on Sawkill Road in Legislator Maloney's district.
 - Chairman Fabiano elected to take Resolution No. 446 out of order as the County Attorney and others came to the meeting to speak to this resolution.
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RESOLUTIONS

Motion No. 2 Resolve To Postpone Resolution No. 446 Until the December Meeting
Text of Motion: Amending The Electric Vehicle Charging Station Policy To Require A Fee For Use
Motion Made By: Legislator Lynn Archer
Motion Seconded By: Legislator Manna Greene

Discussion: County Attorney Havranek provided the committee members with a copy of her opinion in response to the Legislative Chairman’s draft opinion dated September 16, 2015. Ms. Havranek noted a hard copy of her legal opinion was emailed and delivered at 4:48 PM to each legislator in their mailbox prior to the meeting. Ms. Havranek laid out her correspondence and meeting time line she had with the comptroller, executive, and staff member to discuss the legality of not charging the public a fee. In her legal opinion the current program of not charging for the use of the electricity generated at the County’s public charging stations does not violate the New York State Constitution prohibition gift-giving clause. Ms. Havranek feels not charging a fee represents the new and emerging field of public participation in the local, state and federal goals that address the environment, while also providing tourism and, in turn, economic benefits to the County of Ulster. A copy of Ms. Havranek’s memorandum is on file. Both Deputy County Executive Ken Crannell and Environmental Coordinator Amanda LaValle expressed the same sentiment. Ms. LaValle provided the committee with an electric vehicle tourism report and review from NYS – Charge NY, noting other counties do not charge a fee. The grant awarded is for four years.

Legislative Counsel Cappy Weiner stated he was not made privy to the attorney’s opinion prior to tonight’s meeting. He noted legislative staff did email a copy to him at the start of this meeting. Counsel Weiner noted both he and Counsel Ragucci stand behind the opinion he authored. Counsel Weiner expressed that he respectfully and completely disagrees with the county attorney’s opinion, stating in summary - it is inappropriate under state law and case law, and corrective action needs to be taken. Ms. Havranek requested a copy of Counsel Weiner’s opinion.

Chairman Fabiano respectfully explained to the county attorney the committee can’t receive information at the start of a meeting and be expected to make sound judgments. Committee discussion continued as to the pros and cons of providing free use of electric charging stations if allowed by law. In conclusion, Resolution No. 446 was postponed until next month, allowing legislative counsel and committee member’s time to review the county attorney’s opinion.

Voting In Favor: Legislators Fabiano, Loughran, Archer, Greene, Roberts
Voting Against: None
No. of Votes in Favor: 5
No. of Votes Against: 0
Disposition: Carried

Motion No. 3 Resolved to Approve Resolution No. 390

Text of Motion: Approving The Execution Of A Contract In Excess Of \$50,000.00 Entered Into By The County – Maximum Security Products Corp – Department of Public Works

Motion Made By: Legislator Kevin Roberts

Motion Seconded By: Legislator Peter Loughran

Discussion: This resolution is for the repair and replacement of sally port doors and operating devices in the jail.

Voting In Favor: Legislators Fabiano, Loughran, Archer, Greene, Roberts

Voting Against: None

No. of Votes in Favor: 0

No. of Votes Against: 5

Disposition: Carried

Motion No. 4 Resolve To Approve Resolution No. 431

Text of Motion: Approving The Execution Of A Contract In Excess Of \$50,000.00 Entered Into By The County – Cornell Cooperative Extension – Department of Public Works

Motion Made By: Legislator Kevin Roberts

Motion Seconded By: Legislator Peter Loughran

Discussion: This resolution is revenue-funding \$60K - for the replacement of the Mine Hollow Culvert. The county will do the work and Cornell Cooperative will reimburse the county for material costs. Cornell is getting the money from the DEP – Ashokan Watershed Stream Management Program.

Voting In Favor: Legislators Fabiano, Loughran, Archer, Greene, Roberts

Voting Against: None

No. of Votes in Favor: 5

No. of Votes Against: 0

Disposition: Carried

No. of Votes Against: 0
Disposition: Carried

Motion No. 7 Resolve To Postpone Resolution No. 437 Until November 17, 2015

Text of Motion: Amending Capital Project No. 456 – Ulster County Law Enforcement Center Lighting – Department Of The Environment

Motion Made By: Legislator Dean Fabiano

Motion Seconded By: Legislator Peter Loughran

Discussion: Chairman Fabiano noted this resolution amends Capital Project No. 456 for an additional \$5K to analyze lighting and efficiency opportunities and retrofit and install energy efficient and environmentally conscious fixtures.

Legislator’s Roberts and Greene questioned the minimal dollar amount required for bonding, and after further discussion and speculation the committee agreed to postpone for further clarification. The Chairman set a special meeting date and time on the night of Session, November 17, 2015 at 6:45PM to vote on this resolution.

Voting In Favor: Legislators Fabiano, Loughran, Archer, Greene, Roberts
Voting Against: None
No. of Votes in Favor: 5
No. of Votes Against: 0
Disposition: Carried

Motion No. 8 Resolve To Postpone Resolution No. 445 Until December Committee Meeting

Text of Motion: Amending The 2015 Ulster County Budget To Reimburse The Town Of Denning For Flood Mitigation Work Performed On Clair Road In The Wake Of Hurricane Irene

Motion Made By: Legislator Lynn Archer

Motion Seconded By: Legislator Kevin Roberts

Discussion: Chairman Fabiano provided the history as to the need for this resolution. The county was to submit the NYS grant paper work but fell short on time. The Town of Denning subcontracted for the work to be done and paid the vendor Baker Brothers upon completion with the understanding that the grant would cover the cost. Resolution No. 445 would reimburse the town. Legislator Loughran and committee members had numerous questions that went unanswered. The committee tabled – postponed this resolution until next month. Clarification whether Clair Road is a town or county road, why would the county be required to write the grant, where did the process break down and fail – why hasn’t the county followed through.

Voting In Favor: Legislators Fabiano, Loughran, Archer, Greene, Roberts
Voting Against: None

No. of Votes in Favor: 5
No. of Votes Against: 0
Disposition: Carried

Old / New Business

- Counsel Cappy Weiner shared a conversation he had with security regarding the Karen L. Binder Library Conference Room door being locked on one side during meeting hours. He noted security suggested a panic bar be installed on the door allowing a secondary egress. The committee concurred action needs to be taken.
- Commissioner Plonski provided the committee with information regarding the county building parking lot usage and income levels for committee review. Also a revenue budget worksheet report was provided by the legislative office for review. See attached. Legislator Loughran feels strongly this budget neutral revenue could be used for a parking lot study. Discussion ensued as to how to go about initiating a study. Commissioner Plonski will research if a previous study has been done.
- Legislator Roberts expressed Ardonia Road still hasn't been addressed. Commissioner Plonski will follow up again.
- Legislator Archer asked for an update on a section of road in Accord, off of Rock Hill Road that restricts your sight of vision when making a left hand turn. Signage is adequate, however neighbors have voiced concern this section of road is hazardous. Sue Plonski believes a mirror would be prohibited, but will look into the matter further.

Adjournment

There being no further business, a motion to adjourn was made by Legislator Archer and seconded by Legislator Greene, all were in favor, and Chairman Fabiano declared the meeting duly adjourned at 7:10 PM.

Dated the 1st of December, 2015
Nettie Tomshaw, Legislative Staff

Minutes Approved on: December 3, 2015