



Ulster County Legislature
Standing Committee Meeting Minutes

August 2012

Economic Development and Tourism
Environmental, Energy & Technology
Health & Personnel
Law Enforcement & Public Safety
Laws & Rules, Governmental Services
Legislative Programs, Education & Community Services
Public Works & Capital Projects
Social Services
Ways & Means

Economic Development & Tourism Committee

Regular Meeting Minutes

DATE & TIME: August 6, 2012 /6:00 PM
LOCATION: Library, 6th Fl., County Office Bldg., Kingston, NY 12402
PRESIDING OFFICER: James Maloney, Chairman
LEGISLATIVE STAFF: Lisa K. Mance
PRESENT: Legislators Loughran and Wishnick
ABSENT: Legislators Roberts and Maio
QUORUM PRESENT: Yes
OTHER ATTENDEES: Frank Reggero, Senior Legislative Employee; Sandy Mathes, Deputy Clerk; Victor Melville, League of Women

- Chairman Maloney called the meeting to order at 6:00 P.M.

MOTIONS:

MOTION NO. 1
TEXT OF MOTION: RESOLVED to approve the July 10, 2012 Meeting Minutes
MOTION MADE BY: Legislator Loughran
MOTION SECONDED BY: Legislator Wishnick
ROLL CALL VOTE: No
VOTING IN FAVOR: Maloney, Loughran, and Wishnick
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 3
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passes

MOTION NO. 2
TEXT OF MOTION: **RESOLUTION No. 194- August 14, 2012**
RESOLVED to approve Resolution No. 194 - Re-Establishing The Ulster County Trails Advisory Committee – Ulster County Legislature

Resolution Summary:

The Final report of the Ulster & Delaware Railroad Corridor "U & D Rail + Trail" Trail Feasibility Study issued July 2006 concluded that the Corridor had potential to become a unique "Rail + Trail" system providing transportation, economic development, tourism, and recreation benefits for Ulster County and communities along the route." The Study recommended that the County formally establish an ongoing Trails Advisory Committee (TAC). The Non-Motorized Transportation Plan (NMTP) incorporates vision of shared use Rail with Trail Corridor extending east to west across the entire County and recommends several actions requiring leadership and cooperation at the Legislative level which will be facilitated by a TAC. The Trails Advisory Committee will parallel and complement the activities of the Railroad Advisory Committee (existing since 1983). In July 2008, the Health Services Committee sponsored Resolution No. 224, which established the TAC and pursuant to Section C-16 of the Ulster County Charter, all Advisory committees, commissions and boards shall service at the pleasure of the Ulster County Legislature. The Economic Development and Tourism Committee has met and reviewed request with a majority of the members voting approval and the Laws and Rules, Governmental Services has met and reviewed with a majority of the members voting approval.

MOTION MADE BY: Legislator Maloney
MOTION SECONDED BY: Legislator Loughran
ROLL CALL VOTE: No
VOTING IN FAVOR: Maloney, Loughran, and Wishnick

VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 3
NO. OF VOTES AGAINST: 0
DISPOSITION : Motion Passes

Discussion: None

MOTION NO. 3 **RESOLUTION No. 195 – August 14, 2012**
TEXT OF MOTION: **RESOLVED to Approve Resolution No. 195** – Approving Administrative Guidelines for A Performance Based Economic Development Plan Agreement Between Ulster County Development Corporation And the County Of Ulster – 2012 Appropriation – Ulster County Development Corporation

Tabled by Sponsor

Discussion:

Leg. Wishnick inquired as to what questions need to be addressed.

Chairman Maloney and Leg. Loughran indicated that there were technical questions.

Leg. Wishnick asked that since it was being negotiated, that his questions regarding the definition of “substantial” and who decided if its substantial, possibly the Economic Development Committee.

Chairman Maloney suggested that Leg. Wishnick should possibly attend a UCDC meeting(s). Chairman Maloney directed Leg. Wishnick to direct questions he may have to his e-mail address.

MOTION NO. 4 **RESOLUTION No. 202- August 14, 2012**
TEXT OF MOTION: **RESOLVED to approve Resolution No.202** – Amending The 2012 Ulster County Budget To Accept An Additional Allocation From The New York State Office Of Temporary And Disability Assistance – Department Of Employment And Training

Resolution Summary: Resolution submitted by the County Executive o/b/o the Director of the Office of Employment and Training. The Director has been notified that its allocation for The 2012 Summer Youth Employment Program (SYEP) is \$188,924.00 which includes and increase of \$74,832.00 over the previously budgeted amount. The SYEP is 100% funded The NYS Office of Temporary and disability Assistance. The additional funding will be used to serve more young people throughout Ulster County and to hire an additional temporary seasonal worker to administer the SYEP for the three months it is in operation. The County Executive and the Director of the UC Office of Employment and Training requests the 2012 Ulster County Budget be amended to reflect the additional revenue and provision of services for the 2012 SYEP.

Discussion: None

MOTION MADE BY: **Legislator Loughran**
MOTION SECONDED BY: **Legislator Wishnick**
ROLL CALL VOTE: **No**
VOTING IN FAVOR: **Maloney, Loughran, and Wishnick**
VOTING AGAINST: **None**
NO. OF VOTES IN FAVOR: **3**
NO. OF VOTES AGAINST: **0**
DISPOSITION: **Motion Passes**

There being no further business before the Committee, a motion was made by Legislator Loughran, seconded by Legislator Wishnick, and carried to adjourn the Meeting at 6:06 PM.

Dated the 9th day of August, 2012

Lisa K. Mance, Legislative Employee

Minutes Approved on September 5th, 2012

resolved.

MOTION MADE BY: **Legislator Ronk**
MOTION SECONDED BY: **Legislator Lopez**

Discussion:

Chairman Belfiglio reiterated content of Resolution that a parallel track between flow control and going out for the RFP Process to sell the assets of the RRA. He noted this requires an appropriation of up to \$10,000.00 to hire a firm to help with the RFP process.

Leg. Wishnick posed question with regard to fifth "whereas" contained in the Resolution. Where it referenced whole county-wide elected official, he asked would the Sheriff, Clerk or Comptroller typically take position of fixing RRA. Leg. Wishnick didn't believe that it was within scope of their job. He noted his understanding of the Executive's job is not to set policy, it is administration; whereas it is the Legislature's job to set policy. He wanted to know why this provision as a "whereas" was included within the Resolution. **Chair Belfiglio** responded that it was to indicate that those officials haven't endorsed any proposals. It was simply a "whereas" indicating that no County official had made any endorsements on a policy regarding Flow Control. **Leg. Ronk** indicated that if that particular "whereas" clause needed to be removed, he would second motion if so moved.

Leg. Parete asked what flow control had to do with request for proposal. He asked what the proposal had to do with the Executive who has not yet taken a position. **Leg. Parete** indicated that he was not in favor of flow control at this time and probably not in the future. **Leg. Parete** stated he was voting no on entire Resolution.

Leg. Wishnick stated that important factor in contemplating sale of the RRA including having a vision of how recycling and solid waste would be managed if a sale were to take place. The Resolution provides a schedule for accepting bids and to move forward in a timely manner, but there has been no discussion as to how recycling and solid waste obligations would be managed among other matters, such as the integrated solid waste management plan which the DEC would need to approve. **Leg. Wishnick** stated that some of the issues should be sorted out prior to any sale, including the State approving the sale and issues involving employees and union contracts. He asked how can assets be sold that County Legislature has no control over them; how can this sitting Legislature arrange for an RFP to sell what is not owned by the County – equivalent of the Legislature taking their own bids to Golden Hill.

Chair Belfiglio specified that this was not a binding Resolution to say that offers were going to be accepted and asked what problem would be to spend money to see what could be recovered.

Leg. Ronk indicated that in order to discuss it, it needed to be moved and seconded.

Leg. Bartels wished to reiterate Leg. Wishnick's statement. **Leg. Bartels** believes the Resolution is "putting the cart before the horse." She noted she did not receive this resolution prior to arriving at the meeting. She indicated the Legislature has not received in writing the implication of the sale of the agency, if it were possible. She believed the County would hold all liabilities to for all trash generated. She asked what the cost of starting enforcement, a whole new department would be, can the agency be sold, what were the implications to bond, and various other issues involved prior to any sale taking place. She expressed frustration in things "happening behind closed doors" and noted her perception that up to this point, this Committee had been working in a very transparent way. She stated that Leg. Belfiglio had requested suggestions from every Legislator be put into writing prior and had not received any emails in regards to a sale.

Chair Belfiglio indicated that this was a late Resolution and that the items (taxing district, flow control, and the sale) had been discussed at Committee meetings. **Chair Belfiglio** stated that this was the first Resolution that has come before the Committee with regard to RRA. He stated a further resolution would be forthcoming with regard to setting a hearing for flow control. He noted with the resolution with the RRA the Committee would want to take out certain aspects of the control of the carters with respect to GPS. All options need to be reviewed. **Chair Belfiglio** stated this process was to vet out all possibilities. He stated without moving forward with the process how we know the answers to the questions including how much someone might pay for the agency.

Leg. Wishnick stated that the Legislature can determine the legal right to sell the assets before putting out the RFP or approving to spending \$10,000. He further noted the Legislature can determine what the bond implications are through bonding council and having that discussion knowing those implications. He suggested saving the \$10,000 until these answers are known and then move forward. **Leg. Wishnick** requested a discussion on how the County will manage recycling and solid waste as well as the continuing leech aid management and the ground water monitoring at the closed landfills that the County will still be committed to. He also requested a policy of what the County would do if pollution were

to come up at one of these landfills, including a method to fund it as the County would not have an RRA that we could surcharge if clean up expenses did occur.

Leg. Parete referenced minutes from a past Committee meeting which identified seven possible solutions for the RRA, including flow control, combined flow control, etc. He asked why no county-wide official has endorsed an ad valorem tax or a user fee. He stated these options were being dismissed already. He noted the option of privatizing parts of the whole was also not included in the options being studied. **Leg. Parete** expressed displeasure as to the process.

Extensive discussion between **Chairman Belfiglio** and **Leg. Parete** ensued.

Leg. Ronk called the question which resulted in a passing vote of 5 – 3.

ROLL CALL VOTE:	No
VOTING IN FAVOR:	Legs. Bernardo, Belfiglio, Lopez, Ronk and Wawro
VOTING AGAINST:	Legs. Bartels, J. Parete and Wishnick
NO. OF VOTES IN FAVOR:	5
NO. OF VOTES AGAINST:	3
DISPOSITION :	Motion Passes

DISCUSSION:

Chair Belfiglio requested the meeting continue with members vetting out both options in a civil manner. **Chair Belfiglio** distributed worksheet (on file with the Clerk of the Legislature) which reviews the pros and cons of each of the options (flow control, taxing district, selling the assets) so that all opinions could be heard. **Chair Belfiglio** noted the Committee appeared to be deadlocked on the options and felt that continued vetting was not leading to action while the County was continuing to go deeper in debt. He noted the decision to allow the resolution to come forward as a late resolution was to ensure the Legislature was "doing something". He further encouraged the flow control resolution to come forward in addition to any options that could be presented.

Leg. Bartels asked how did the Resolution get before the Committee and as to why it didn't go to Laws & Rules as a late resolution. **Chair Belfiglio** stated it goes before Laws & Rules next and it was brought before the Committee as they had a meeting scheduled.

Discussion ensued between **Chairman Belfiglio** and **Leg. Bartels** regarding the process for late resolutions and the need for information to ensure informed decisions. Further discussion ensued between **Chair Belfiglio** and **Leg. Parete** regarding flow control and the submission of written proposals.

Chairman Belfiglio requested **Leg. Wishnick** to further explain the bonds points for the Committee. **Leg. Wishnick** indicated this information was now irreverent as the Committee has moved forward with a resolution to waste \$10,000 without hearing all the reasons why it cannot succeed. He further noted the whole point was to wait on spending the \$10,000 until the Committee was confident the County could handle the relationship with the bond holders in the transaction of the sale. **Chair Belfiglio** stated he heard and understood Leg. Wishnick's point but that he felt all sides needed to be vetted, including **Leg. Parete's** option of an ad valorem tax.

Leg. Bartels noted the damage was more than \$10,000 that the County would lose. She noted the damage is in terms of public perception as the RRA Executive Director continues to run an agency and negotiate contracts with Towns and haulers. She stated that, due to a backroom deal by this Legislative body, a message was being sent to the public, the agency, the haulers, the Town Supervisors and Village Managers that this agency is for sale. She stated the resolution was sending a vote of no-faith.

Chair Belfiglio stated the resolution of selling was not done behind closed doors as it was discussed by Committee previously. **Leg. Bartels** stated it was a late resolution that was not included on the agenda sent to Legislators.

Leg. Bartels asked Mr. Rose if all of the haulers from each of the Towns had signed on with the RRA. **Mr. Rose** responded the seven of the thirteen towns had signed on. **Leg. Bartels** asked again who the sponsor of the Resolution was.

Chair Belfiglio indicated that he was the sponsor of the Resolution following meetings with haulers and wished to have another meeting of the Committee next week since they were under a time restraint at the current meeting.

Leg. Wishnick asked if Chair Belfiglio would brief the committee on the private meetings that were held with County Waste and Waste Management. **Chair Belfiglio** noted he was not in attendance at the meeting with Waste Management but was at a meeting with County Waste. **Chair Belfiglio** noted there was also a meeting with BioWaste. At the meeting he did attend, **Chair Belfiglio** noted the discussion was regarding privatization and the RFP process.

Discussion ensued between **Chair Belfiglio** and **Leg. Wishnick** with regard to attendance at a recent County Waste meeting. **Leg. Wishnick** asked how the Committee can be the oversight committee for the sale of the RRA, if the Chair is not attending these meetings with private haulers. **Chair Belfiglio** noted his approval to bring the resolution before the Committee was to ensure options. Other than flow control, he noted no other options had been brought forth to the Committee as options. He stated he was entertaining all and anything now.

Leg. Wishnick asked if the County had the right to sell the RRA. **Chair Belfiglio** noted this would be done through an act of State legislation. **Chair Belfiglio** noted the County is not selling the RRA, it is a public benefit corporation. **Chair Belfiglio** stated the County would be asking the State for permission to disband the RRA and sell the Assets. He further noted this is just like having to ask the State for permission to enact flow control or to disband or change the board structure.

Chair Belfiglio noted his intent was to ensure everyone was heard and that this resolution was another side.

Leg. Wishnick stated he disagreed with how this was managed and that the Legislative process was not followed. He noted the Committee was charged with vetting the issue and making recommendations. He felt this was usurped and that the option presented was not done by the Committee. He still felt this would be a waste of \$10,000 of taxpayer money and felt sorry for unnecessary impact on the RRA employees who were diligently doing their jobs and felt this resolution would ultimately result in additional county money as it will handicap the RRA Executive Director from efficiently doing his job. Felt it was a sad day when the Committee moves ahead on something knowing we do not have information on important criteria and knowing the consequences that it will have by jumping ahead prematurely.

Chair Belfiglio stated the \$10,000 to figure this out is a process, just like a process of figuring out what to do with the agency and flow control is a process. It is not a binding resolution that we have to sell the RRA but it is an avenue that we have to explore.

Following Leg. Parete's reading of the second "Whereas" in the resolution, extensive discussion between **Chairman Belfiglio** and **Leg. Parete** ensued.

NEW BUSINESS:

Chair Belfiglio asked of the existence of resolution brought by Leg. Aiello with regard to an Article 78 against the State. **Legislative Employee Mance** obtained answer that it did not exist. It was clarified that Resolution 208 was for discussion only and was being held until the next meeting when there would be more time to discuss the Resolution.

Leg. Belfiglio asked Committee if there was any further input as to how the Committee moves forward. There being no further comments, time was made for public comment.

There were 3 public commentators:

Emilie Hauser noted she is a resident of the City of Kingston, has been observing solid waste for over 25 years, formerly worked for the RRA, and has a Master's degree. She stated she was appalled that anyone would vote for this Resolution. She stated this resolution was to sell the Agency assets without running anything afterward. She noted the resolution did not include an option to sell the whole agency, including the operation of it.

Chairman Belfiglio interjected that the resolution had already passed committee and that it followed the same process as the RFPs for Golden Hill. He repeated they are not selling the RRA just putting out the RFPs. He noted the flow control law wasn't being abandoned. He stated the Committee was charged to look at the options. He stated all that was being done in the resolution was that an option to go out to RFP.

Ms. Hauser reiterated the resolution does not ask for a bid to run the operation as an agency as a whole; the bids are only for selling the assets. She noted not everyone is at the table. She felt money should be spent to have everyone in the room with a facilitator. She reported the Agency is the State Solid Waste planning unit for the County and the County must continue with this solid waste role. She presented those municipalities that have gone to full privatization have no optimization of recycling and reuse and that privatization is different than selling the assets. She suggested the

Committee be clear in the language of privatization of either the whole or of its parts. She noted the Agency received money for the Recycling Center, 50% from the State and if assets are sold, this grant funding must be returned. **Ms. Hauser** stated the bottom line is the need to have an open, public process. She noted Dutchess County spent \$60,000 for a study.

Chair Belfiglio stated the Legislature is a policy making body. He noted if the County was serious about selling the RRA, the County Executive office would handle the administrative end and would provide for recycling and a solid waste management plan. **Chair Belfiglio** noted the Legislature would be out of the business as the oversight would transfer to the County Executive. He reiterated, the Legislature was just vetting out options, similar to the RFP to the selling of Golden Hill.

Cindy Lanzetta, with the League of Woman Voters in the Mid-Hudson Region, reported they have a Solid Waste Committee that has been actively following the Committee's work. First, **Ms. Lanzetta** wanted to say that they were pleased when the Committee first put out the proposal as a concrete step to work off of. In reviewing and educating themselves, she noted they were struck by the recommendation that the Legislature develop a Solid Waste System Advisory Panel. She stated about 20 years ago there was a Citizen's Advisory Council when the county first looked to manage materials. She reported they basically formed the first Ulster County Solid Waste Plan and established the Public Benefit Corporation before disbanding. She suggested the Council should have remained to help the County move forward with the solid waste management plan. LWV is asking that the Solid Waste System Advisory Panel be implemented as soon as possible as the people in the community can be volunteer experts to help build consensus among the Legislature, to move forward, and to ensure more public input and more transparency.

Margaret Sellers, a League of Women Voters member and a New York State policy analyst for 17-years, recommended the County hire an individual or group to coordinate information in this very complex situation.

Chair Belfiglio offered Mr. Rose, Executive Director of the RRA an opportunity to address the Committee. He declined the offer.

The next meeting of the Environment, Energy, and Technology will be held 5:45 pm on Thursday, August 9, 2012 in the Karen L. Binder Library on the 6th Floor of the County Office Building.

Motion to adjourn - Legislator Lopez – seconded by Legislator Wawro

Meeting adjourned 7:45 PM

Dated: August 8, 2012

Lisa K. Mance, Legislative Employee

Minutes Approved On: September 6, 2012

Environmental Energy & Technology Committee

Special Meeting Minutes

DATE & TIME: August 9, 2012 / 5:45 PM
LOCATION: Library Conference Room, 6th Floor, COB, Kingston, NY
PRESIDING OFFICER: Carl Belfiglio, Chairman
LEGISLATIVE STAFF: Krista J. Barringer
PRESENT: Legislators Tracey Bartels, Terry Bernardo (left 8:20 PM), Craig Lopez, John Parete, Mary Wawro, and Kenneth Wishnick
EXCUSED: Kenneth Ronk
ABSENT: None
QUORUM PRESENT: Yes
OTHER ATTENDEES: Sandy Mathes, Deputy Clerk; Charles Landi, UC RRA Board Member; Emilie Hauser, League of Women Voters (LWV); Timothy Rose, Executive Director, RRA; James E. Quigley, III, Supervisor, Town of Ulster; Susan Holland, LWV/AAUW; Dare Thompson, President, LWV; and Ken Crannell, Deputy County Executive

- Chairman Belfiglio called the meeting to order at 5:56 PM.
- Chairman Belfiglio thanked the members for their participation at the last meeting. He noted the guidelines for this meeting included review, move forward with actions, and ensure discussion of the resolution. He explained the Committee was doing the people's work tonight and all voices were valued in the discussion.

RESOLUTIONS:

MOTION NO. 1 **DRAFT Resolution No. 214 – August 14, 2012**
TEXT OF MOTION: **RESOLVED to approve Resolution No. 214** - Authorizing A Request For Proposals For The Sale Of The Assets Of The Resource Recovery Agency

Resolution Summary:

RRA was formed under authorization of NYS Legislature and due to various decisions required the Ulster County taxpayers to financially assist the RRA in meeting obligations. The annual subsidy provided by Ulster County taxpayers now exceeds \$1 million and reasonable projections indicate subsidy growing to over \$2 million. "Flow control" has been discussed by numerous members of the UC Legislature and there has been no endorsement of "flow control" by any Countywide official nor has there been any solution or proposal to address the financial burden of the RRA on the taxpayers. The Legislative body wishes to jointly explore the path of flow control and potential sale of the assets of the RRA with the County, the latter of which would likely require State Legislative Approval unless, as part of the sale, all assets and liabilities of the RRA are resolved.

MOTION MADE BY: **Legislator Bernardo**
MOTION SECONDED BY: **Legislator Lopez**

Discussion:

Leg. Parete asked if the Resolution stated there would be expected time frames for the Commission.
Leg. Bernardo noted the 6th "WHEREAS" specified time frames for the Commissions work.

Chair Belfiglio noted the changes to the Resolution were underlined. He highlighted the Resolution would authorize the Chairwoman to appoint a Commission to include Legislators from the Majority and Minority, the RRA Executive Director, the RRA Board President and representatives from the Town Supervisors and Mayors Association.

Leg. Bartels stated it appeared the Legislative choices had been pre-made for the Minority. She noted Minority Leader Donaldson had expressed to her that he was unaware of these selections. **Leg. Bernardo** indicated she would make a motion to strike names, if that would be preferred.

Leg. Bartels indicated the Commission should be a separate, second Resolution. **Leg. Bernardo** stated she agreed the title of the resolution should be amended to reflect it was also creating the Commission.

Leg. Bartels asked about removing the bid for properties WHEREAS. **Chair Belfiglio** noted the Commission would review the sale as well as everything else that might be offered as a solution. **Leg. Bernardo** stated the overall goal of the Commission was to review proposals. **Chair Belfiglio** concurred with the need to change the title through an amendment. He made a motion authorizing the Chairman to form a commission to review proposals. There was no second to this motion.

Leg. Wishnick asked if there was a sale of the RRA timeline. He asked if it was a foregone conclusion to seek RFPs. **Leg. Bernardo** noted the Commission was being set up to explore all options. **Leg. Wishnick** stated he felt the Commission was not given options, just the three choices. He stated there was narrow mindset to explore 1) flow control, 2) privatization, 3) special tax district. **Leg. Bernardo** stated page 4 of the resolution was seeking such recommendation by October 31st. She noted the recommendation could come from any stakeholders and the Commission would take it out of the Legislature and put it in a Commission of those people who have direct interest in moving it forward.

Leg. Wishnick stated his expectation of the process would include objective proceedings. **Leg. Belfiglio** noted the resolution specified the three options with a fourth alternative to include whatever else or some combination thereof.

Chair Belfiglio stated there would be another Resolution regarding flow control and this Resolution could include detail. He noted the RFP Resolution could include detail, if appropriate.

Leg. Wishnick asked if the Commission can determine to sell if the County does not own the assets. **Leg. Bernardo** stated the Legislative Counsel has stated the County can sell the assets. **Leg. Wishnick** requested his questions be given to the Commission if it is their job to review questions. **Leg. Bernardo** reported Legislative Council noted the Legislature created the RRA and they have the ability to disband the entity. **Leg. Wishnick** asked again if the Commission would explore all Legislators questions prior to going forward with the RFP process and conclude with an RFP, if they determine it is appropriate.

MOTION NO. 2:

Leg. Wishnick made motion to add a resolve to the Resolutions stating "RESOLVED, Legislative questions will be given to the Commission for review prior to determining if going to RFP." It was noted the questions could be added as an addendum to the Resolution. **Leg. Bernardo** seconded the motion.

DISCUSSION:

Leg. Bartels noted it is important to discuss the questions if we are keeping the RFP component in the Resolution but that we would not need to discuss the questions if the Resolution was just about creating a commission. She reiterated that the Resolution should be two Resolutions and suggested striking the RFP language from the Resolution.

Leg. Bernardo stated she could agree with just a Commission Resolution and agreed to strike all resolves that referred to the RFP. She noted her Caucus were also concerned about the employees and heard the concerns regarding knee-jerk reactions. She stated the process was the key. **Leg. Bernardo** stated she wanted to leave it with a stakeholder group that would get it done. She noted that in their process they would need to prove and disprove each item presented to the Commission. **Leg. Bernardo** reported Minority Leader Donaldson had requested a paid consultant be on the Commission and that **Leg. Gerentine** had offered to chair the meeting. She further reported **Leg. Gerentine** had fought for additional people on the Commission to ensure specific Legislators such as **Leg. Bartels** and **Leg. Wishnick** were given an opportunity in recognition for how hard they have worked on this issue. **Leg. Bernardo** stated the goal was to come to agreement and move forward. **Leg. Bartels** stated she was not arguing on the Commission, she was arguing the co-opting of two issues.

Leg. Bernardo conferred with Chair **Belfiglio** that he would be on the Commission would have a voice in the process and would rather have the Legislature's full support on the process.

Chair Belfiglio stated there was a motion currently on the table and before amending Resolution 214, the motion would need to be withdrawn. He stated he would need to know more on the changes to the Resolution before voting on **Leg. Wishnick's** motion. **Leg. Bernardo** withdrew her 2nd to **Leg. Wishnick's** motion.

MOTION NO. 2 MADE BY:	Legislator Wishnick
MOTION SECONDED BY:	Legislator Bernardo
DISPOSITION :	2nd Withdrawn by Legislator Bernardo

Continued Motion No. 1 Discussion:

Leg. Bartels referred to a Dutchess County Study which indicted there were more options out there and she did not want to see the Resolution tie the Commission's hands. **Leg. Wishnick** concurred the Commission should not be boxed in and they should be given the option to evaluate any option that comes in, such as an option to not buy but to operate the RRA. **Leg. Parete** agreed there could also be an option to continue as is, if money is found to cover the debt.

The Committee amended each clause of Resolution 214 through motions.

MOTION NO. 3:

TEXT OF MOTION: To Keep the First Three (1-3) WHEREAS and remove the Next Two (4-5) WHEREAS.

WHEREAS, the Ulster County Resource Recovery Agency ("RRA") was formed under authorization by the New York State Legislature; and

WHEREAS, as a result of various decisions the RRA requires Ulster County taxpayers to financially assist the RRA in meeting its obligations; and

WHEREAS, the annual subsidy provided by the Ulster County taxpayers now exceeds \$1 million and reasonable projections contemplate such subsidy growing to over \$2 million; and

~~WHEREAS, for many years the concept of “flow control” has been discussed by numerous members of the numerous sessions of the Ulster County Legislature without passing the Legislature; and~~

~~WHEREAS, the no Countywide official has endorsed “flow control” or publicly offered any solution or proposal to address the financial burden of RRA associated costs and debt on the taxpayers of Ulster County; and~~

MOTION MADE BY: Legislator Bernardo
MOTION SECONDED BY: Legislator Bartels
ROLL CALL VOTE: No
VOTING IN FAVOR: Legs. Bartels, Belfiglio, Bernardo, Lopez, Parete, Wawro, and Wishnick
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 7
NO. OF VOTES AGAINST: 0
DISPOSITION : Motion Passes

MOTION NO. 4:

TEXT OF MOTION: To Add the Amended WHEREAS (6):

WHEREAS, this Legislative body wishes to explore the path of (a) flow control as well as (b) a potential sale of the assets of the RRA or operating agreement, as well (c) the concept or setting up a fee or tax based system to finance the RRA, or (d) any combination thereof, the second (b) of which may require approval of the New York State Legislature, and the third (c) of which may also depending on how it is structured require state Legislative approval; and

MOTION MADE BY: Legislator Bernardo
MOTION SECONDED BY: Legislator Bartels
ROLL CALL VOTE: No
VOTING IN FAVOR: Legs. Bartels, Belfiglio, Bernardo, Lopez, Parete, Wawro, and Wishnick
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 7
NO. OF VOTES AGAINST: 0
DISPOSITION : Motion Passes

MOTION NO. 5:

TEXT OF MOTION: To Delete WHEREAS (7):

WHEREAS, this Legislative body wishes to jointly explore both the path of flow control and a potential sale of the assets of the RRA with the County, the latter of which would likely require the approval of the New York State Legislature unless as part of the sale all the assets and liabilities of the RRA are resolved; now therefore be it; and

MOTION MADE BY: Legislator Bartels
MOTION SECONDED BY: Legislator Bernardo
ROLL CALL VOTE: No
VOTING IN FAVOR: Legs. Bartels, Belfiglio, Bernardo, Lopez, Parete, Wawro, and Wishnick
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 7
NO. OF VOTES AGAINST: 0

DISPOSITION : **Motion Passes**

MOTION NO. 6:

TEXT OF MOTION: To Strike Resolves Regarding RFP (1-5):

RESOLVED, that individuals or entities are invited to submit confidential bids for the purchase of all assets of the RRA including but not limited to real property, personal property, intellectual property, contractual rights capable of being purchased, and good will of the RRA; and be it further

RESOLVED, that the Board of the RRA are requested to make available the employees and consultants of the RRA in person or by phone to give an overview of the assets and liabilities of the RRA and to otherwise answer questions from prospective bidders, and such Board is requested to provide dates, through the RRA Board Chairman, to the Chairman of the Environmental, Energy and Technology Committee when such consultation may take place during the month of September, 2012; and be it further

RESOLVED, that such sealed proposals, which would require the person/entity making the proposal to:

State the price the person/entity (hereinafter the "bidder") is willing to pay for the assets of the RRA;

State the method and dates of payment by the bidder;

State the bidders plans for retention of any or all of the existing staff and provide a sample employment or consulting contract for any or all of the staff at the RRA, along with a list of such employees the bidder would be willing to, as a condition of the bid, enter into such contract with;

Complete any bid form which the Environmental, Energy and Technology Committee is hereby authorized and directed to prepare and which any bidder shall fill out, such bid form to be prepared by September 25, 2012;

Such bid form shall acknowledge that the County is not empowered to authorize the sale of the assets of the RRA absent a law being enacted by the New York State Legislature;

Such bid form may establish and require a bid bond with the proceeds payable to the County of Ulster (if a bid is awarded and the bidder does not complete the transaction), to be held by the County of Ulster until the sale of the assets of the RRA to the bidder, or until October 1, 2013, whichever comes earlier; and be it further

RESOLVED, that such bids shall be submitted not later than October 15, 2013 in a sealed envelope marked "RRA Bid" delivered to the Clerk of the Ulster County Legislature by 4:00 PM that day, or, at the option of the Environmental, Energy and Technology Committee, to the Director of Purchasing or other employee of Ulster County (in which case the Committee shall pass a resolution and state on the bid form to who and when the bid shall be provided); and be it further

RESOLVED, that the Ulster County Department of Public Works and any other Department head or employee of Ulster County is hereby requested to contact the Chairman of the Environmental, Energy, and Technology Committee to offer any relevant assistance he or she believes he or she can offer in the preparation of a bid form; and be it further

MOTION MADE BY: **Legislator Bernardo**

MOTION SECONDED BY: **Legislator Belfiglio**

ROLL CALL VOTE: **No**

VOTING IN FAVOR: **Legs. Bartels, Belfiglio, Bernardo, Lopez, Parete, Wawro, and Wishnick**

VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 7
NO. OF VOTES AGAINST: 0
DISPOSITION : Motion Passes

MOTION NO. 7:

TEXT OF MOTION: To Add the Amended RESOLVE (1):
RESOLVED, that, pursuant to Section C-16 of the County Charter, there shall be a select Commission on the Future of the RRA to evaluate flow control, a potential sale of the assets of the RRA or operating agreement, a fee or tax based system to finance the RRA, or any combination thereof; and be it further

MOTION MADE BY: Legislator Bartels
MOTION SECONDED BY: Legislator Bernardo
ROLL CALL VOTE: No
VOTING IN FAVOR: Legs. Bartels, Belfiglio, Bernardo, Lopez, Parete, Wawro, and Wishnick
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 7
NO. OF VOTES AGAINST: 0
DISPOSITION : Motion Passes

MOTION NO. 8:

TEXT OF MOTION: To Add a RESOLVE (2):
RESOLVED, this Commission shall be authorized and encouraged to explore any and all alternatives that may present a viable solution.

MOTION MADE BY: Legislator Bartels
MOTION SECONDED BY: Legislator Bernardo
ROLL CALL VOTE: No
VOTING IN FAVOR: Legs. Bartels, Belfiglio, Bernardo, Lopez, Parete, Wawro, and Wishnick
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 7
NO. OF VOTES AGAINST: 0
DISPOSITION : Motion Passes

MOTION NO. 9:

TEXT OF MOTION: To Add a RESOLVE (3):
RESOLVED, this Commission shall consist of up to thirteen (13) members to be comprised of three (3) Legislative members appointed by the Majority Leader, one of which shall be Commission Chair; three (3) Legislative members appointed by the Minority Leader, one of which shall be Commission Vice-Chair; the Director of the RRA; Chairman of the RRA Board; two Supervisors or Mayors appointed by the President of the Supervisors and Mayors Association; the County Executive or designee; the County Comptroller or designee; and the Mayor of Kingston or designee; and be it further

MOTION MADE BY: Legislator Bernardo
MOTION SECONDED BY: Legislator Bartels
ROLL CALL VOTE: No
VOTING IN FAVOR: Legs. Bartels, Belfiglio, Bernardo, Lopez, Parete, Wawro, and Wishnick
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 7

NO. OF VOTES AGAINST: 0
DISPOSITION : Motion Passes

MOTION NO. 10:

TEXT OF MOTION: To Add a RESOLVE (4):

RESOLVED, that such Commission shall hold its first meeting no later than September 2, 2012 and shall submit in writing any recommendations not later than October 31, 2012 to the full County Legislature and County Executive; unless a 20-day extension request is submitted in writing to the Clerk of the Legislature, which shall be granted automatically upon receipt; and be it further

MOTION MADE BY: Legislator Bernardo
MOTION SECONDED BY: Legislator Belfiglio
ROLL CALL VOTE: No
VOTING IN FAVOR: Legs. Bartels, Belfiglio, Bernardo, Lopez, Parete, Wawro, and Wishnick
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 7
NO. OF VOTES AGAINST: 0
DISPOSITION : Motion Passes

MOTION NO. 11:

TEXT OF MOTION: To Add a RESOLVE (5):

RESOLVED, the Commission is authorized, with approval of a majority of the Commission, to manage a budget not to exceed \$15,000 and expend such funds for the purpose of seeking expert opinions regarding questions and documents before the Commission; and be it further

MOTION MADE BY: Legislator Wishnick
MOTION SECONDED BY: Legislator Bartels
ROLL CALL VOTE: No
VOTING IN FAVOR: Legs. Bartels, Belfiglio, Bernardo, Lopez, Parete, Wawro, and Wishnick
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 7
NO. OF VOTES AGAINST: 0
DISPOSITION : Motion Passes

MOTION NO. 12:

TEXT OF MOTION: To Add a RESOLVE (6):

RESOLVED, that all meetings of the Commission shall be governed by the Open Meetings Law; and be it further

MOTION MADE BY: Legislator Bartels
MOTION SECONDED BY: Legislator Belfiglio
ROLL CALL VOTE: No
VOTING IN FAVOR: Legs. Bartels, Belfiglio, Bernardo, Lopez, Parete, Wawro, and Wishnick
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 7
NO. OF VOTES AGAINST: 0
DISPOSITION : Motion Passes

MOTION NO. 13:

TEXT OF MOTION: To Add a RESOLVE (7):

RESOLVED, a Legislative staff person shall be assigned to the Commission for the purpose of providing support and recording services as requested by the Commission,

MOTION MADE BY: Legislator Belfiglio
MOTION SECONDED BY: Legislator Wishnick
ROLL CALL VOTE: No
VOTING IN FAVOR: Legs. Bartels, Belfiglio, Bernardo, Lopez, Parete, Wawro, and Wishnick
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 7
NO. OF VOTES AGAINST: 0
DISPOSITION : Motion Passes

MOTION NO. 14:

TEXT OF MOTION: To change the Title of the Resolution:

Authorizing the Creation of a Commission on the Future of the RRA

MOTION MADE BY: Legislator Bernardo
MOTION SECONDED BY: Legislator Lopez
ROLL CALL VOTE: No
VOTING IN FAVOR: Legs. Bartels, Belfiglio, Bernardo, Lopez, Parete, Wawro, and Wishnick
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 7
NO. OF VOTES AGAINST: 0
DISPOSITION : Motion Passes

DISCUSSION ON RESOLUTION:

Susan Holland of the League of Women Voters noted the business community should be included as stakeholders. She noted the residents and businesses are the true stakeholders. **Leg. Bernardo** replied the goal of the Commission was to open the group up beyond the Elected Officials. She noted everyone has a chance to advocate.

Leg. Wishnick asked to ensure the current questions and documents are included in the RRA booklet previously created by Leg. Belfiglio. He also requested the questions from attorneys be provided to the Commission Chair. **Leg. Bernardo** noted all the current Committee materials would also be provided to the Commission.

Leg. Bernardo suggested a Whereas specifying the stakeholders. **Leg. Bartels** stated the users of the system are stakeholders. **Leg. Bernardo** noted the creation of the Commission was recognition of a need to include an expanded reach of the stakeholders to their larger communities.

Leg. Bartels questioned the resolution procedure as she felt this should be a new resolution due to the extensive changes made. **Leg. Bernardo** agreed and asked **Chair Belfiglio** if he would agree to withdraw his sponsorship of Resolution 214. **Chair Belfiglio** agreed to withdraw his sponsorship and all in room agreed to authorize a new resolution.

MOTION NO. 1 DISPOSITION:
SPONSOR WITHDRAWS THE RESOLUTION

MOTION NO. 15:

TEXT OF MOTION: To Draft a new Resolution with all Changes Made by Deputy Clerk Barringer and Provide Changes to Counsel and Legislature and forward the Resolution to the Laws and Rules, Government Services Committee.

MOTION MADE BY: Legislator Belfiglio
MOTION SECONDED BY: Legislator Bartels
ROLL CALL VOTE: No
VOTING IN FAVOR: Legs. Bartels, Belfiglio, Bernardo, Lopez, Parete, Wawro, and Wishnick
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 7
NO. OF VOTES AGAINST: 0
DISPOSITION : Motion Passes

DISCUSSION:

Leg. Wishnick asked if the Commission recommended an RFP, are they authorized to decide on the RFP. **Deputy Clerk Mathes** noted the Commission must come back to the full Legislature to authorize the RFP.

Leg. Wishnick commented this Resolution was an excellent example of how the Legislature could and should work together.

Deputy Clerk Mathes suggested a bi-partisan press release be sent. All Committee Members agreed.

Chair Belfiglio noted the discussion items listed on the meeting Agenda (flow control, privatization, special tax district) would be held for the Commission.

Chair Belfiglio noted **DRAFT RESOLUTION NO. 208**, Directing the Ulster County Department of Environment to Assist Ulster County Municipalities To Enact Local Ordinances Prohibiting Hydraulic Fracturing was presented for discussion purposes only. He indicated as Chair he was in need of clarification as amendments had been proposed at the last minute. **Leg. Bartels** stated on its face, it was a good idea, but she did not believe the Legislature has the authority to direct a department. **Chair Belfiglio** noted the changes proposed would strike the Department of the Environment and insert Clerk of the Legislature. **Leg. Wishnick** suggested the Committee pass a Resolution encouraging the County Executive to utilize the resources of the Department of the Environment. He noted this would not be directing but it would leave it on the County Executive to do or not do. **Deputy Clerk Mathes** indicated the Legislature could in fact direct a County Department to which the County Executive could veto the Resolution. He further noted the Legislature, with enough votes, could override the veto and thereby instruct a County Department. **Leg. Lopez** questioned if these resources weren't readily available. **Leg. Bartels** stated anything to make it easier for the municipalities but that it takes time and energy. She noted in theory the Resolution makes sense, she just wasn't sure about the means. **Chair Belfiglio** stated noting precludes the Legislation in taking a draft law. **Leg. Bartels** noted how such a Resolution would be received and perception of being directed or made to act.

Chair Belfiglio reported the Legislature had voted on the hydro-fracking brine law and the County Executive held a public hearing, to which there was no one in attendance.

Leg. Bartels suggested the Committee contact Leg. Aiello to amend the Resolution and encourage the County Executive to utilize the resources of the Department of the Environment. She noted Resolution 208 will be in the packet and must be addressed at the Legislative Session on August 14, 2012. As it did not pass Committee, **Chair Belfiglio** noted it will be returned to Committee. **Chair Belfiglio** stated both the original and the amended Resolutions would be sent back to Leg. Aiello and ask him to attend the next meeting of the Environmental, Energy, and Technology Committee to provide clarification of his Resolution.

Leg. Bartels noted in the minutes from last month's Committee meeting, Paul Fowler would be on the next Committee Agenda. **Chair Belfiglio** reported a communication with Mr. Fowler where it was informed Leg. Aiello was drafting a Local Law for Mr. Fowler and he no longer needed to come to the Committee.

Deputy Clerk Mathes reminded Legislators of the Press Release and encouraged them to watch their emails over the weekend for a draft document. He noted all Committee Members were encouraged to send him quotes to be added to the final press release.

Next Meeting: **Legislator Belfiglio** noted the next meeting of the Environmental, Energy & Technology Committee will be held on September 6, 2012 beginning at 5:45 pm in the Karen L. Binder Library on the 6th Floor of the County Office Building.

With no further business before the Committee, **Chair Belfiglio** motioned to adjourn, seconded by **Leg. Lopez**, and carried to adjourn the Meeting at 8:45 PM

Dated the 14th day of August, 2012

Krista J. Barringer
Ulster County Legislature

Minutes Approved On: September 6, 2012

Health and Personnel Committee

Regular Meeting Minutes

DATE & TIME: August 6, 2012, 6:00 PM
LOCATION: Legislative Chambers, 6th Floor, COB, Kingston, NY
PRESIDING OFFICER: Robert T. Aiello, Chairman
LEGISLATIVE STAFF: Krista J. Barringer and Fawn Tantillo, Deputy Clerks
PRESENT: Legislators Carl Belfiglio, Robert S. Parete, and Kenneth J. Ronk
EXCUSED: Legislator Jeanette Provenzano
QUORUM PRESENT: Yes
OTHER ATTENDEES: Legislator Jim Maloney, Tom Jackson (Real Property Tax Service), Burt Gulnick (Department of Finance), Brenda Bartholomew (Personnel Department), Ken Crannell (County Executive), James Hanson (County Executive), Lee Cane (League of Women Voters – Mid-Hudson Region), Sandy Mathes (Deputy Clerk of the Legislature), and Frank Reggero (Senior Legislative Aide)

- Chairman Aiello called the meeting to order at 6:06 PM

MOTION NO. 1 RESOLVED To Approve the Minutes of July 17, 2012

Motion Made By: Legislator Ronk
Motion Seconded By: Legislator Belfiglio
Discussion: None
Roll Call Vote: No
Voting In Favor: Legislators Aiello, Belfiglio, Parete, and Ronk
Voting Against: None
No. of Votes in Favor: 4
No. of Votes Against: 0
Disposition: Carried

PRESENTATION: At the request of **Legislator Provenzano**, Deputy County Executive Ken Crannell updated the Committee regarding the status of the bids received by the Golden Hill Local Development Corporation (LDC). At this time, six bids are being reviewed. The LDC has received a \$150,000 in earnest deposit from each of these bidders. Each bid received was at or above the minimum purchase price set by the LDC. The members of the LDC will be visiting the existing facilities of each bidder this week.

Question & Answer Session: **Legislator Parete** asked about the five-year residency requirement for the bids. Mr. Crannell stated the LDC members were concerned a buyer might be a flipper and they were seeking a consistent, long-term partner to ensure the goal of keeping nursing home beds in Kingston. Mr. Crannell noted some bidders have indicated an interest in expanding into Assisted Living programming. **Legislator Belfiglio** asked and Mr. Crannell confirmed the Ulster County has no power or authority over the LDC activities or the final sale of the facility. **Legislator Belfiglio** asked why there was a 10 million dollar bid minimum. He noted there was an estimated \$81 million renovation cost and inquired why anyone would want to take on this expense. Mr. Crannell noted the awarding bidder would be required to continue the facility for at least 5 years as a nursing home and that the expenses of renovation would be the responsibility of the bidder.

Motion No. 2 Resolution No. 205 – August 14, 2012
Text of Motion: Resolved to approve Resolution No. 205 – Confirming The Appointment of Thomas H. Jackson, Jr. As Real Property Tax Service Agency

Resolution Summary: Pursuant to Sections C-25 (A) of the Ulster County Charter and Section A3-4 (A) of the Administrative Code, the County Executive has the power and duty to appoint department heads. The Executive appointed Thomas H. Jackson, Jr. This Resolution would confirm this appointment.

Motion Made By: Legislator Ronk
Motion Seconded By: Legislator Belfiglio

Discussion Mr. Hanson introduced Mr. Jackson as a current employee of the Real Property Tax Service Agency. Mr. Jackson summarized his experience. Legislator Ronk asked how this appointment would factor into the consolidation of the Real Property Tax Service Agency into the Department of Finance. Mr. Hanson noted Mr. Jackson would assume the role of Director of the Real Property Tax Service Agency, a State required position and this position would be a Deputy Commissioner of Finance under Burt Gulnick as Department Head. Mr. Hanson further explained the savings would occur as a result of not needing to backfill to replace Mr. Jackson's position and utilizing the Department of Finance Department Head for purchasing and budgeting purposes. Mr. Hanson reported the Real Property Tax Service Agency would remain at the same location with the possibility that a wall might be removed to accommodate the relocation of employees as space needs are determined by the County. **Legislator Parete** stated Mr. Jackson is a well qualified candidate and he is excited for the nomination. **Legislator Aiello** stated he agreed 100%.

Roll Call Vote: No
Voting In Favor: Legislators Aiello, Belfiglio, Parete, and Ronk
Voting Against: None
No. of Votes in Favor: 4
No. of Votes Against: 0
Disposition: Carried

Motion No. 3 **Resolution No. 207 – August 14, 2012**
Text of Motion: Resolved to approve Resolution No. 207 – Implementing A Voluntary Separation Program for Eligible Ulster County Employees

Resolution Summary: Eligible County employees must be a member of the Civil Service Employee Association (CSEA) or Ulster County Staff Association (UCSA) and enrolled in the New York State Retirement System in either Tier 1, 2 or 3, or was hired prior to January 1, 1994. Only employees from the following departments are deemed eligible: Public Works, Social Services, Environment, Finance, Health, Information Services, Mental Health, Office for the Aging, Employment and Training, Personnel, Planning, Probation, Purchasing/Central Services, Real Property Tax Service Agency, Safety, Insurance, Stop DWI, Public Transportation, Tourism, Veterans' Service Agency, Weights & Measures and Youth Bureau. Approved participating employees will receive a cash payment of \$12,500.00 in exchange for voluntarily separating from county employment by December 1, 2012. In order to participate in the Program, an eligible employee must apply in writing to the Personnel Director no later than close of business on August 31, 2012. Each application will be reviewed by the Personnel Director who shall determine the employee's initial eligibility, and will confer with the County Executive's Office who shall determine final approval of an application after considering the operational impact on county departments, the necessity of backfilling the position, and other considerations. This resolution would authorize the implementation of this Program.

Motion Made By: Legislator Ronk
Motion Seconded By: Legislator Parete

Discussion Legislator Ronk asked if there would be a liability to the County for unemployment for these individuals. Mr. Hanson stated individuals can make a claim to the appropriate State agency and it would be up to that State agency to make the final determination. Mr. Hansen stated the County would oppose any claim. When asked by **Legislator Ronk** if the CSEA separation pay was included in the \$12,500 cash payment, Mr. Hanson stated the \$12,500 cash payment was in addition to the contractual separation payment. **Legislator Parete** asked if this funding would be coming from the Contingency Fund. Mr. Hanson noted the Resolution authorizes the Commissioner of Finance to take the funds from available lines. He noted these lines are not determined yet and would be based on excess located in the budget at year's end. **Legislator Belfiglio** asked how many positions were expected to be included in the program. Mr. Hanson reported there were currently 232 FTE's (full time equivalents) eligible to participate. He stated the County was estimating that if 5% or 12 positions voluntarily participated in the program, the average savings could be \$400,000 or \$800,000 if 10% participated. Mr. Hanson explained this figure was dependent on the unit from which the position originated as higher costs savings would occur from within 100% county share budgets. When asked by **Legislator Belfiglio** why other units were not included in the program such as the Jail and Golden Hill, Mr. Hanson stated these units would be negotiated separately. Mr. Hanson also noted elected officials were not included, as the County Executive did not have the authority to not backfill positions and this action is what has resulted in the savings seen by the County over the last few years. Mr. Hanson reported other unit exemptions from the program were due to health and safety reasons. He further explained managers

were also excluded from the program. When asked by **Legislator Belfiglio** what might happen if less participation than needed should occur, Mr. Hanson stated less participation would mean increased cuts from other areas. Following a follow-up question **from Legislator Belfiglio**, Mr. Hanson noted he could not say if it will or will not result in lay offs. Mr. Hanson reiterated if there was less participation in the program, money would be taken from other areas.

Roll Call Vote: No
Voting In Favor: Legislators Aiello, Belfiglio, Parete, and Ronk
Voting Against: None
No. of Votes in Favor: 4
No. of Votes Against: 0
Disposition: Carried

Motion No. 4 **Resolution No. 209 – August 14, 2012**
Text of Motion: Resolved to approve Resolution No. 209 – Adopting Introductory Local Law No. 10 Of 2012 (A Local Law Amending The Ulster County Charter And Ulster County Administrative Code By Deleting Article XVII From Each [Real Property Tax Service Agency], And Amending The Ulster County Charter With Respect To Article VIII [Department Of Finance]), Hereinafter Known As Local Law No. 8 of 2012

Resolution Summary: Following a public hearing held on Tuesday, July 10, 2012, where all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, this Resolution will adopt said Introductory Local Law and it will hereinafter be known as Local Law Number 8 of 2012.

Local Law Number 8 of 2012 enacts a local first time homebuyer partial County property tax exemption pursuant to New York Real Property Tax Law section 457.

Motion Made By: Legislator Ronk
Motion Seconded By: Legislator Belfiglio
Discussion: None
Roll Call Vote: No
Voting In Favor: Legislators Aiello, Belfiglio, Parete, and Ronk
Voting Against: None
No. of Votes in Favor: 4
No. of Votes Against: 0
Disposition: Carried

Abstract for August 14, 2012 Session: 1 Contract

Abstract No. L43-6/Family Services, Inc./Amendment to NYS mandated agreement to receive OASAS Aid to provide administrative services for the UC Substance Abuse Prevention Board/100% State

Motion Made By: Legislator Parete
Motion Seconded By: Legislator Ronk

Discussion: Legislative Counsel Guerin asked if this was a new program or service. She noted the language indicated it appeared to be new language to an existing contract and it has been previously practice that new money and new programs would be approved through resolution. Mr. Crannell stated he did not have his file to properly answer this question but that he would provide the information at the Ways and Means Committee. The Committee's vote was to move the contract abstract on to the Ways and Means Committee for additional information to be provided by the Ulster County Executive's office.

Roll Call Vote: No
Voting In Favor: Legislators Aiello, Belfiglio, Parete, and Ronk
Voting Against: None
No. of Votes in Favor: 4
No. of Votes Against: 0
Disposition: Carried

New Business: **Legislator Aiello** was encouraged to provide the Committee with a report from the July 31st Lyme Disease Public Forum. **Legislator Aiello** noted the Daily Freeman did attend but has not, as of yet, reported on the event. He stated the forum went exactly as he had hoped and that it was an emotional and moving experience. **Legislator Aiello** stated attendees saw the horror of the disease and were educated that this is not just a rash. **Legislator Aiello** noted the medical community has been split on how to treat this disease with one treatment being a longer cycle of antibiotics than the other. According to **Legislator Aiello**, the CDC finds that longer antibiotic treatment is harmful. He noted that if one knows they have been bit and see the rash and/or bull's eye, a short round of antibiotics seems to be okay but for individuals who are experiencing their symptoms later, the diagnosis is inconsistent and treatment can vary. **Legislator Aiello** noted the medical community participation, including Doctors Smith, Bock, and Tack. He noted that although the Doctors are coming with different schools of thought regarding treatment, the dialogue at the forum helped to bring them closure to consensus. **Legislator Aiello** noted Mr. Crannell offered to follow-up with the Daily Freeman to ensure an article runs and the larger community is educated about this disease. **Legislator Aiello** gave his thanks to the staff and in particular Mr. Crannell for their assistance in putting the forum together. He noted it took a lot of effort on everyone's part. **Legislator Aiello** stated the Lyme Disease Advisory Committee is completing a report to present to the Health Department. Mr. Crannell suggested that this report, similar to the forum, be presented in a public forum. Mr. Crannell also suggested individuals be advised to review the preliminary findings and recommendations that are posted on the Health Department website.

Next scheduled Committee meeting is September 10, 2012 at 5:30 p.m., Karen L. Binder Library, 6th Floor, County Office Building.

Adjournment

Motion Made By: Legislator Belfiglio
Motion Seconded By: Legislator Ronk
No. of Votes in Favor: 4
No. of Votes Against: 0

TIME: 6:49 P.M.

Dated the 6th day of August, 2012

Krista J. Barringer, Deputy Clerk

Minutes Approved on: October 1, 2012

Law Enforcement & Public Safety Committee

Regular Meeting Minutes

DATE & TIME: July 31, 2012 / 5:30 PM
LOCATION: Ulster County Law Enforcement Center, The Rotunda
PRESIDING OFFICER: Richard Parete, Chairman
LEGISLATIVE STAFF: Lisa K. Mance
PRESENT: Legislators Ronk, Belfiglio, Briggs, Maio and Bernardo(5:49 p.m.)
ABSENT: None
EXCUSED: None
QUORUM PRESENT: Yes
OTHER ATTENDEES: Frank Faluotico, Undersheriff; Holley Carnight, District Attorney; Sandy Mathes, Deputy Clerk;; Langdon Chapman, Legislative Counsel; Jon Becker, Lieutenant; Perry Soule, Deputy Sheriff; Michael Mason, public observer

- Chairman Parete called the meeting to order at 5:39 PM.

MOTIONS:

MOTION NO. 1
TEXT OF MOTION: RESOLVED to approve the June 3, 2012 Meeting Minutes
MOTION MADE BY: Legislator Belfiglio
MOTION SECONDED BY: Legislator Briggs
ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Belfiglio, Briggs, Maio, Parete, Ronk and Bernardo
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 6
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passes

MOTION NO. 2
TEXT OF MOTION: RESOLUTION No. 198 – August 14, 2012
RESOLVED to Approve Draft Resolution 198 - Authorizing The Chairman Of The Ulster County Legislature To Execute An Agreement With New York State Division Of Criminal Justice Services For The Aid To Prosecution Program – District Attorney

Resolution Summary: The County of Ulster and NYS had entered into an agreement for the Aid to Prosecution Program in the amount of \$56,700.00 for improving the prosecution of repeat violent and serious felony offenders, the term which expired March 31, 2012. The State of New York has appropriated funds to continue the program for an additional year in the amount of \$56,700.00 for period April 1, 2012 through March 31, 2013. The District Attorney is requesting that the Chairman of the Legislature be authorized to execute agreement NYS#C128065 and any amendments in the amount of \$56,700.00 with the NYS Division of Criminal Justice Services to renew the Aid to Prosecution Program.

Additional Questions and/or Comments:

Comment proffered by Attorney Chapman suggested the last line of the first "Resolved" clause, suggested new wording that read as follows: ", Chairman of the County Legislature, and Chairman and Deputy Chairman of the Law Enforcement and Public Safety Committee,"

Leg. R. Parete indicated that he and Leg. Bartels had taken issue with the wording of previous resolutions going back years that contained wording which allowed County Attorney to change or modify a resolution despite the vote of Legislature or the Committees. Motion made to amend Resolution with wording provided by Attorney Chapman.

MOTION MADE BY: Legislator Belfiglio
MOTION SECONDED BY: Legislator Briggs
ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators R. Parete, Belfiglio, Briggs, Maio, Ronk and Bernardo
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 6
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passes to Adopt Resolution as Amended

MOTION NO. 3 **RESOLUTION No. 199 – August 14, 2012**
TEXT OF MOTION: **RESOLVED to approve Resolution No. 199** - Authorizing The Chairman Of The Ulster County Legislature To Execute An Amendment To The County's Inter-Municipal Agreement With The City Of Kingston For Providing Communication Services To The City Fire Department – Department Of Emergency Communications / Emergency Management

Resolution Summary: New York State's General Municipal Law Article 5-G and Section A3-4(Y) of the Ulster County Administrative Code provide that the Chairman of the Ulster County Legislature can enter into an inter-municipal agreement o/b/o the County. Pursuant to Resolution No. 314 of December 21, 2012, Chairman Frederick Wadnola executed an Agreement in which the County of Ulster, in exchange for \$75,000, agree tot provide emergency dispatch services and records of related communications to the City of Kingston for a period from January 1, 2012 until December 31, 2011. In order to continue the arrangement between the City of Kingston and the County, it is necessary to amend the Agreement to reflect the intent to continue the agreement. The County and City desire to make the Agreement an on-going arrangement that continues until one party invokes the termination provision of said Agreement, or until the parties mutual agree to terminate the Agreement. The City will make annual payments of \$75,000.00 to the County on a calendar year basis.

Additional Questions and/or Comments:

Counselor Chapman again suggested that the last "whereas" clause be stricken from the Resolution and provided appropriate wording as follows – "RESOLVED, that the Chairman of the Ulster County Legislature is hereby authorized to execute Amendment #1 upon approval of the Counsel to the Legislature in the form as filed with the Clerk of the Ulster County Legislature or as modified with the approval of the County Attorney, Counsel to the County Legislature, and Chairman and Deputy Chairman of the Law Enforcement and Public Safety Committee."

Chairman R. Parete asked if all resolutions could contain this language. Counselor Chapman indicated that ultimately, resolutions controlled by the Committee. Deputy Sudlow indicated agreement with the wording being included in this and future resolutions.

MOTION MADE BY: Legislator Belfiglio
MOTION SECONDED BY: Legislator Briggs
ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Belfiglio, Briggs, Maio, Parete, Ronk and Bernardo
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 6
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passes to Adopt Resolution as Amended

MOTION NO. 3 **RESOLUTION No. 211 – August 14, 2012**
TEXT OF MOTION: **RESOLVED to approve Resolution No. 211** - Authorizing The Chairman Of The Ulster County Legislature To Execute A Participation Agreement, And Any Amendments Thereto, With The New York State Department Of Homeland Security And Emergency Services, Office Of Emergency Management, For Participation In The Local Emergency Management Performance Grant Program For Federal Fiscal Year 2011 – Emergency Communications / Emergency Management

Resolution Summary:

Director of Emergency Communications/Emergency Management has received notification from the NYS Department of Homeland Security and Emergency Services, Office of Emergency Management, regarding the Federal Fiscal Year 2011 annual agreement for the Local Emergency Management Performance Grant Program (CFDA #97.042). The County Executive and the Director of Emergency Communications/Emergency Management request that the Chairman of the Ulster County Legislature be authorized to execute a participation Agreement and any amendments thereto. The Local Emergency Agreement Performance Grant is made available by the FEMA under the auspices of the Department of Homeland Security and is administered by the NYS Office of Emergency Management. The purpose of the program is to ensure the development and maintenance of a comprehensive, risk-based, all-hazards emergency management capability at the State and local levels, and to encourage the improvement of the readiness, response, and recovery capabilities for all hazards that threaten the State's communities.

Additional Questions and/or Comments:

Same language inserted in the last "Resolved" of Resolution No. 199 that was recommended by Attorney Chapman for Resolution No. 198.

MOTION MADE BY: Legislator Ronk
MOTION SECONDED BY: Legislator Briggs
ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators R. Parete, Belfiglio, Briggs, Maio, Ronk and Bernardo
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 6
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passes to Adopt Resolution as Amended

Leg. R. Parete noted Chairman Bernardo's experience as a ride-a-long with Deputy Hughes. **Undersheriff Faluotico** indicated that Chairman Bernardo will be completing a shift in the Jail to get a first-hand experience as to what the officers and staff contend with on a daily basis. The Undersheriff extended invitation to Committee to schedule visits.

New Business

Leg. R. Parete referenced the 911 Nuisance Law being adopted by various municipalities and that Abe could be invited to the Committee meeting.

Sheriff Faluotico added that the Pawn Brokers' Law should be addressed especially with the precious metals being confiscated.

Leg. Belfiglio e-mailing draft of law to distribute to the Committee.

Leg. R. Parete asked that the proposed Law be placed on the Agenda for the next meeting.

District Attorney Carnright indicated that he would speak on behalf of a Resolution if it was presented.

Leg. Belfiglio suggested introducing Nuisance Law, working in conjunction with Town Supervisors.

Discussion followed regarding false alarms with the various Towns. **Chairman Bernardo** brought forth issue of speeding tickets being pled down to parking violations. Question posed as to being able to add intentionally frivolous 911 calls to Nuisance Law. Consensus was that it may not be able to be added. **DA Carnright** indicated investigation could be made.

Leg. R. Parete specified two items to be placed on Agenda next month – 1) surcharge and 2) pawn brokers law.

Sheriff Faluotico stated that the Sheriff would be presenting Resolution for next Agenda for URGENT Task Force – an MOU needs to be recognized by the Legislature so that seized funds can be disbursed to various agencies and Towns.

Leg. Ronk asked Undersheriff the status of the seized account to which Undersheriff indicated was still frozen.

Committee discussed various e-mails received from constituents with DA Carnright and the degree of different personal concerns.

Leg. Ronk stated Blue Wing is scheduled to give presentation on September 11, 2012 on caucus night.

Leg. R. Parete asked Deputy Perry Soule to address issue of Sheriff's Office to have a permanent full-time staff person to fill position for IS system. The position is funded but not filled. Sylvia Wohlfahrt of Information Services is on board with the need for technical person from the Sheriff's Office.

Undersheriff Faluotico looking for position to be taken from 911 budget, Sheriff's budget, IS budget, person would be overseen by IS.

Discussion ensued with regard to position of full-time IT person from within the Sheriff's Office.

Leg. R. Parete asked if position was going to be filled in the budget for 2013 and what needed to be done to facilitate filling the position.

Chairman Bernardo asked Deputy Sudlow why IT position was taken from Sheriff's budget for 2013. Deputy Sudlow indicated that it would be addressed at budget time in another month.

- **There being no further business before the Committee, a motion was made by Legislator Briggs, seconded by Legislator Belfiglio, and carried to adjourn the Meeting at 6:25 PM.**

Dated the 13th day of August, 2012

Lisa K. Mance, Legislative Employee, Ulster County Legislature

Minutes Approved on: September 4, 2012

Laws and Rules, Governmental Services Committee

Committee Meeting Minutes

DATE & TIME: August 2, 2012 / 6:00 PM
LOCATION: Karen L. Binder Library, 6th Floor, County Office Building, 244 Fair Street, Kingston, NY
PRESIDING OFFICER: Kevin A. Roberts, Chairman
LEGISLATIVE STAFF: Franklin R. Reggero
PRESENT: Legislators Bernardo, Donaldson, Fabiano, Loughran, Maio, Robert Parete and Ronk
ABSENT: NONE
QUORUM PRESENT: Yes
OTHER ATTENDEES: Langdon Chapman, Counsel to the Legislature; Bea Havranek, County Attorney; Susan Plonski, County Attorney; Roland Bloomer, County Attorney; Kristin Gumaer, County Attorney; Eric Stock, County Attorney; League of Women Voters: Victor J. Melville and Dare Thompson; Charter Revision Commission: Cynthia Lowe, Thomas P. Kadgen, Michael Catalinatto. Patricia Doxey, Daily Freeman.

- Chairman Kevin A. Roberts called the meeting to order at 6:05 PM

MOTIONS:

DISCUSSION: RESOLUTION No. 189
TEXT OF DISCUSSION: Resolution 189 - Setting A Public Hearing On Proposed Local Law No. 11 of 2012 (A Local Law Amending The Ulster County Charter To Modify Various Provisions Of The Ulster County Charter) To Be Held On Tuesday, August 14, 2012 at 7 PM, Or As Soon Thereafter As The Public Can Be Heard

Chairman Roberts opened the discussion by recognizing County Attorney Bea Havranek. Ms. Havranek indicated that it is her intent to provide the Laws and Rules, Governmental Services Committee feedback on their proposed changes to the Ulster County Charter; however, due to the amount of time she has had to review the document, it was impossible for her to comment in its entirety. Ms. Havranek expressed concerns with proposals to Section § C-10 Commission on Reapportionment that contain language that suggested the County Executive and the Legislature have predetermined votes and rendered the opinion that there was a constitutional issue with suggesting how an elected official must vote, specifically "shall enact".

Ms. Havranek rendered a verbal opinion that § C-25 Powers and Duties of the County Executive, sub-section Q conflicts with Civil Service Law Section 27. She found the new language problematic and further stated that departmental reclassifications should not be under Powers of the Executive rather the Personnel Director. **Legislator Robert Parete** asked Ms. Havranek if the law had changed based on prior actions of the Legislature in approving reclassifications. Ms. Havranek was uncertain if the law had changed but was under the opinion that reclassifications within the County were the responsibility of the Personnel Director. **Chairman Roberts** stated that the Personnel Director worked for the Executive. Ms. Havranek stated that the Personnel Director worked for the County and was obligated to follow the law regarding reclassification or any other personnel actions. **Leader Donaldson** stated that the Charter modification is only a report that is filed with the Legislature regarding reclassifications. Ms. Havranek stated that the Executive should not be the one responsible because he was not doing the reclassifications. **Leader Ronk** made a motion to modify the language simply requiring the County Executive to file a report to the Legislature citing all reclassifications within the County. Ms. Havranek stated that the Legislature already has the authority to require such reporting from the Personnel Director, as outlined in the County Administrative Code.

Leader Donaldson made a motion to strike current language in Powers of the County Executive regarding reclassifications and add to the responsibilities of the Personnel Director, seconded by **Leader Ronk**. **Legislator Robert Parete** asked the

County Attorney to please research and find out when the Civil Service was changed supporting the opinion. **Chairman Roberts** called for further debate, hearing none, the motion passed unanimously.

Chairman Roberts recognized **Leader Donaldson** for a question for the County Attorney. **Leader Donaldson** referred to a Resolution last month regarding an increase in pay for the Ulster County District Attorney, where the Legislature was forced by State Law to approve the salary increase, how was this different then the proposed redistricting process. Ms. Havranek referenced her court case regarding redistricting and reapportionment. Ms. Havranek stated that the Charter Commissions language was modeled after the New York City redistricting plan that had been vetted and tried. Ms. Havranek stated that she was confident the Charter Revision language were the best. **Leader Donaldson** disagreed and stated that there was no check on this policy and it was undemocratic; therefore couldn't support it. **Leader Donaldson** questioned the Charter Revision Commission as to the problem with the final reapportionment districts going to referendum, or to the people for approval. Legislative Counsel Chapman further added that courts routinely uphold districts that are created by whatever mechanism is in place regardless of how bizarre they may be, citing the 101st NY Assembly District that stretched from Ulster County to south of Syracuse. Counsel Chapman further stated that as long as the minimum standards of the law were upheld courts have routinely supported the redistricting process.

Chairman Roberts recognized Legislative Counsel for discussion concerning the "shall enact" language contained in Section § C-10 Reapportionment Commission. Counsel Chapman stated that the proposed change allowing for a permissive referendum regarding redistricting is unique to anything being done in the State. Counsel further added that he also believes it may be challenged through litigation in the future, as is most new innovative changes to government. Counsel Chapman stated to his knowledge the Charter Revision Commission proposed changed may be called best practice in New York City; however, Ulster County and New York City had little in common and further believed that best practice should be tried and tested and not merely asserted. Counsel believed that trusting the people may be new but not wrong in a democracy. Counsel Ragucci added that the Charter Revision Commissions proposal may have been held up in court but the Legislatures' proposal may also be held up in court.

Chairman Roberts recognized Ms. Cynthia Lowe, Chairman of the Charter Revision Commission, for comment. Ms. Lowe stated that the Commission worked hard and long and she disagreed with the Legislatures' Reapportionment proposal to allow for a permissive referendum regarding redistricting. Ms. Lowe discussed the timeline proposed by the Legislative plan and felt that due to the late publication of the Census data it is impossible to meet the proposed timeline. Ms. Havranek stated that the inmate population and voting rights may be a problem if not resolved before the next reapportionment commission. Ms. Lowe believed that more time was required than the Legislative proposal allowed for. Ms. Lowe stated that she believed there may be 2 proposals on the ballot based on the inability in reaching an agreement between the Legislature and the Charter Revision Commission on redistricting.

Leader Donaldson understood the timeline issue but believed that the proposal posed no problems. Legislative Counsel Chapman agreed with **Leader Donaldson** that the timeline is feasible. Ms. Havranek stated that the timeline is tight and did not see how that accomplished the proposed change. **Leader Ronk** stated that by holding the permissive referendum on a general election day it maximized voter turn out and reduced tax payer cost. **Leader Ronk** asked Ms. Lowe if she and her Commission were willing to accept anything else besides their Charter changes. Ms. Lowe stated that she felt as though compromise had been made on most subjects; however, not in the area of redistricting.

Chairman Roberts recognized Dare Thompson from the League of Woman Voters for comment. Ms. Thompson stated that the only negative feedback regarding last years reapportionment process was the town of Shawangunk. **Legislator Robert Parete** stated that there were several problems with several districts, **Leader Ronk** concurs. **Leader Donaldson** asked what if the Reapportionment Commissions plan goes straight to referendum. Commissioner Catalinatto suggests if the Legislature would consider a compromise whereas the Charter Revision Commission would accept all other changes to the Charter with the exception of Reapportionment. Ms. Lowe stated that she does not believe that Mr. Catalinatto has the authority to make such a compromise by himself. **Chairman Roberts** stopped debate and called for order.

Chairman Roberts recognized **Legislator Parete** for discussion. **Legislator Parete** made a motion in regards to Section § C-57 Powers and Duties of the Comptroller, sub-section K to have it struck based on the infringement of the Comptrollers First Amendment rights having to wait five days before being authorized to release information to the public. **Leader Ronk** seconded for discussion and further added that it is difficult to legislate respect. **Chairman Roberts** called for a vote five (5) in favor and one (1) opposed. Motion passed.

Leader Donaldson added that his concern is with the Comptroller's succession policy for an elected official. **Leader Donaldson** motions that the Comptroller also file a succession plan with the Clerk of the Legislature to insure transparency. **Chairman Roberts** asked for further debate on the subject. Ms. Lowe stated she thinks there are bigger items on the table to discuss. **Chairman Roberts** called for vote on **Leader Donaldson** motion, five (5) in favor and one (1) opposed, **Legislator Loughran**. Motion passed.

Chairman Roberts called for an adjournment to facilitate changes to the proposed local law by Legislative Counsel at 7:05 PM.

Chairman Roberts called the committee meeting back to order at 7:30 and recognized Legislative Counsel Chapman for a review Local Law No. 11 as amended in committee. Counsel directed attention to committee changes:

- page two determining majority and minority parties;
- page five clarifying the reapportionment committees draft plan deadline;
- page six the County Executive procedure for soliciting a second reapportionment commission; page twelve regarding the Clerk of the Legislature appointment procedures for January 2014;
- page thirteen the removal of § C-25 Powers of the Executive subsection Q regarding the reporting of reclassifications;
- page sixteen regarding the County Executive succession and filing procedures. **Chairman Roberts** motioned to include the release of the County Executive's succession plan to the general public. **Leader Donaldson** motioned to allow the County Executive 45 days from election to submit a succession plan. Ms. Havranek asked when the policy would become effective, arguing that the language is not clear. Counsel Chapman disagrees stating that the existing section of law is repealed and being replaced, therefore the new law will become effective upon adoption. **Leader Donaldson** motions to add language authorizing the County Executive to appoint a successor immediately after being elected during the 45 day period at which time the order of succession is obligated to be filed.

Ms. Lowe questioned Legislative Counsel as to the timeline of the Reapportionment Commission, stating that the Census data is not complete and will not allow for sufficient time for the commission to complete its draft plan. Counsel disagreed stating that sufficient data exists for the Commission to complete its draft plan. Ms. Havranek concurred with Ms. Lowe stating that she was under the opinion time and data was insufficient to complete plans.

Chairman Roberts recognized **Legislator Provenzano** for comment. **Legislator Provenzano** stated that while putting the reapportionment plan to referendum may sound good, it concerned allowing political groups to organize petition drives to either approve or disapprove the apportionment commissions plan making the process to political. **Leader Ronk** stated that the petition process only gets the plan on the ballot; the voters ultimately approve or disapprove the plan. **Leader Donaldson** and **Legislator Robert Parete** discussed allowing the reapportionments plan to go directly to the voters. **Chairman Roberts** called for order.

Counsel Chapman outlined the Reapportionment Commission timeline supporting his position of maintaining the proposed amendment.

Chairman Roberts called for order and recognized Counsel Chapman for clarification on the procedure for introducing local referendum and Counsel stated the Court of Appeals has long upheld that localities cannot place items up for referendum without the consent and permission of the State Legislature. Counsel recommended amending the language allowing for referendum pending state legislative approval. Ms. Havranek asked **Chairman Roberts** if the Committee could postpone a vote on the Resolution for further consideration. **Chairman Roberts** stated that the Resolution timeline is adjusted to account for the full 30 day waiting period the County Executive is authorized prior to signing or exercising veto power; therefore cannot be adjusted. Counsel Chapman asked Ms. Havranek that if she can speak on behalf of the County Executive to insure that the full 30 day window will not be used as a means to block the Legislative Resolution; then perhaps a Committee vote tonight would not be necessary; allowing for further debate and compromise. Ms. Havranek argued that the deadline was not until next week and allowed for the Charter Commission time to consider Legislative amendments.

Ms. Lowe stated that the amendments proposed by the Laws and Rules Committee sounded reasonable; however, the Commission would like to see final amendments in writing before making a decision.

Chairman Roberts and **Leader Ronk** asked for confirmation from the County Executive that he not hold the Resolution allowing the timeline for placing it on the ballot to expire. They further stated that a postponement of a Laws and Rules Committee vote will facilitate a consensus and compromise with the Charter Revision Commission. Ms. Lowe agreed. Ms. Havranek stated that the County Executive has expressed his support for the Charter Revision Commission and was uncertain of where he would stand on the current amendments proposed by the Laws and Rules Committee. Ms. Havranek also maintained that the timeline for getting the resolution on the ballot is not in jeopardy.

Chairman Roberts recognized **Legislator Bartels** for comment. **Legislator Bartels** asked for clarification on mandatory or permissive referendum for redistricting. **Leader Ronk** clarified with **Leader Donaldson** adding that it is as **Legislator Bartels** had requested.

Chairman Roberts called for an adjournment at 8:15 PM while Legislative Counsel amends language to the Reapportionment process.

Chairman Roberts called the meeting back to order at 8:20PM, stating that the next meeting of the Laws and Rules Committee will be August 7, 2012 at 6:00PM.

Chairman Roberts recognized **Leader Ronk** for a motion to adjourn, second by **Legislator Maio**. All in favor.

- **There being no further business before the Committee, a motion was made by Leader Ronk, seconded by Legislator Maio, and carried to adjourn the Meeting at 8:22 PM.**

Dated the 2nd day of August, 2012

Franklin R. Reggero
Ulster County Legislative Staff

Minutes Approved On September 19, 2012 (fr)

Laws and Rules, Governmental Services Committee

Committee Meeting Minutes

DATE & TIME: August 7, 2012 / 6:00 PM
LOCATION: Karen L. Binder Library, 6th Floor, County Office Building, 244 Fair Street, Kingston, NY
PRESIDING OFFICER: Kevin A. Roberts, Chairman
LEGISLATIVE STAFF: Franklin R. Reggero
PRESENT: Legislators Bernardo, Donaldson, Loughran, Maio, Robert Parete and Ronk
ABSENT: Legislator Fabiano
QUORUM PRESENT: Yes
OTHER ATTENDEES: Legislators Bartels, Maloney, John Parete, Provenzano, and Wishnick; Langdon Chapman, Counsel to the Legislature; Sandy Mathes, Leg Budget Director; Bea Havranek, County Attorney; Susan Plonski, County Attorney; Roland Bloomer, County Attorney; Kristin Gumaer, County Attorney; Eric Stock, County Attorney; Mark Longtoe, County Executive; League of Women Voters: Victor J. Melville and Dare Thompson; Charter Revision Commission: Cynthia Lowe, Thomas P. Kadgen, Michael Catalinatto. Patricia Doxey, Daily Freeman.

- Chairman Kevin A. Roberts called the meeting to order at 6:30 PM.

MOTIONS:

MOTION NO. 1 Approval of July 23, 2012 Laws, Rules and Governmental Service Committee Meeting Minutes

TEXT OF MOTION: **RESOLVED to approve Minutes from the July 23rd meeting** - Approval of Minutes

MOTION MADE BY: Legislator Ronk

MOTION SECONDED BY: Legislator Bernardo

ROLL CALL VOTE: No

VOTING IN FAVOR: Bernardo, Donaldson, Loughran, Maio, Robert Parete, Roberts, and Ronk

VOTING AGAINST: None

NO. OF VOTES IN FAVOR: 7

NO. OF VOTES AGAINST: 0

DISPOSITION: Motion Passed

MOTION NO. 2 **RESOLUTION No. 189**

TEXT OF MOTION: **RESOLVED to approve Resolution 189** - Setting A Public Hearing On Proposed Local Law No. 11 of 2012 (A Local Law Amending The Ulster County Charter To Modify Various Provisions Of The Ulster County Charter To Be Held On Tuesday, August 14, 2012 at 7 PM, Or As Soon Thereafter As The Public Can Be Heard.

Resolution Summary: Laws and Rules, Governmental Services Committee has met and reviewed said request with a majority of the members voting approval so that public comment on Local Law 11 may be heard by the Legislature.

MOTION MADE BY: Legislator Donaldson
MOTION SECONDED BY: Legislator Ronk

DISCUSSION: Chairman Roberts opened discussion by announcing the compromise process has been 9 months in the making regarding the Charter Revision and is pleased with the outcome. The Chairman also added a discussion he had with the County Executive regarding the Executives ability to bring resolutions directly to floor of the Legislature during session. Chairman Roberts recognized Leader Donaldson for comment, who added, that rules of the Legislature should be clear in addressing this issue. Leader Donaldson stated that this topic should be addressed in the Special Committee to amend the Rules of the Legislature immediately.

Chairman Roberts recognized Legislator Provenzano who added that Legislators should have the ability to bring resolutions directly to the floor of the Legislature. Legislator Provenzano expressed the opinion that minority members of the Legislature have had resolutions held in committee and to prevent this from happening in the future the ability to being them directly to the floor of the Legislature would be beneficial.

Chairman Roberts recognized County Attorney Beatrice Havranek for comment who stated the difference between Local Laws and Rules of the Legislature. Ms. Havranek asks when the Rules will be amended. Legislative Counsel stated that the sub-committee is working the issue currently.

Chairman Roberts recognized Legislator Bartels who stated that she supported Legislator Provenzano suggestion to prevent any member's proposed resolutions or legislation from being held in committee.

Chairman Roberts understood the issue; however this issue will not be addressed in Local Law No. 11 but at a later time. Legislator Bartels expressed her dissatisfaction with the current committee process and would to see it amended so that Legislators have the ability to bring proposed legislation directly to the floor of the Legislature. Chairman Roberts called for further debate, hearing none recognized Ms. Lowe, Charter Revision Commission Chairman.

Ms. Lowe added that while she is not completely happy, universally no one is completely happy, which represents a true compromise and is optimistic that debated concerns will be considered by the commission. Ms. Lowe stated that moving forward she would suggest that the Charter Revision Commission and the Laws and Rules Committee work more closely during the entire process.

Chairman Roberts recognized the County Attorney Beatrice Havranek for comment who stated that she has enjoyed working with Legislative Counsel during this time. Counsel Chapman stated that he is also pleased with the outcome and recognized Chairman Bernardo, Roberts and Leader Donaldson efforts throughout the Charter Revision process.

ROLL CALL VOTE: No
VOTING IN FAVOR: Bernardo, Donaldson, Loughran, Maio, Robert Parete, Roberts, and Ronk
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 7
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passes

MOTION NO. 3 Late Resolution 215

TEXT OF MOTION: LATE Resolution 215 - Adopting Introductory Local Law No. 3 Of 2012 (A Local Law Entitled "Mandate And Taxation Information Act"), Hereinafter Known As Local Law No. 7 of 2012.

MOTION MADE BY:
MOTION SECONDED BY:
DISCUSSION: Resolution withdrawn by sponsor
DISPOSITION: None at this time

OTHER BUSINESS: No further Discussion

- **There being no further business before the Committee, a motion was made by Leader Donaldson, seconded by Leader Ronk, and carried to adjourn the Meeting at 6:49 PM.**

Dated the 7th of August, 2012

**Franklin R. Reggero
Ulster County Legislature**

Minutes Approved on: September 19, 2012 (fr)

Laws and Rules, Governmental Services Committee

Committee Meeting Minutes

DATE & TIME: August 13, 2012 / 7:00 PM
LOCATION: Karen L. Binder Library, 6th Floor, County Office Building, 244 Fair Street, Kingston, NY
PRESIDING OFFICER: Kevin A. Roberts, Chairman
LEGISLATIVE STAFF: Franklin R. Reggero
PRESENT: Legislators Bernardo, Donaldson, Fabiano, Loughran, Maio and Ronk
ABSENT: Legislator Robert Parete
QUORUM PRESENT: Yes
OTHER ATTENDEES: Legislators Belfiglio; Erica Guerin, Counsel to the Legislature; Sandy Mathes, Leg Budget Director; Ken Crannell, County Executive; Susan Plonski, County Attorney; Roland Bloomer, County Attorney; Kristin Gumaer, County Attorney; League of Women Voters: Dare Thompson; Charter Revision Commission: Thomas P. Kadgen ; Patricia Doxey, Daily Freeman.

- Chairman Kevin A. Roberts called the meeting to order at 7:03 PM.

MOTIONS:

MOTION NO. 1 Approval of July 25, 2012 Laws, Rules and Governmental Service Committee Meeting Minutes

TEXT OF MOTION: RESOLVED to approve Minutes from the July 25th meeting - Approval of Minutes

MOTION MADE BY: Legislator Ronk
MOTION SECONDED BY: Legislator Bernardo

DISCUSSION: Hearing none, moved to vote

ROLL CALL VOTE: No
VOTING IN FAVOR: Bernardo, Donaldson, Fabiano, Loughran, Maio, Roberts, and Ronk
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 7
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passed

MOTION NO. 2 RESOLUTION No. 193

TEXT OF MOTION: RESOLVED to approve Resolution 193 - Appointing Members to the Periodic Compensation Review Committee.

MOTION MADE BY: Legislator Ronk
MOTION SECONDED BY: Legislator Fabiano

DISCUSSION: Chairman Roberts recognized Leader Donaldson who asked how the people were selected. Leader Ronk stated that former legislators and persons familiar with county government were

considered. **Leader Donaldson** spoke of the initial concept of the Committee and is concerned that there are too many former legislators.

ROLL CALL VOTE: No
VOTING IN FAVOR: **Bernardo, Donaldson, Fabiano, Loughran, Maio, Roberts, and Ronk**
VOTING AGAINST: **Donaldson**
NO. OF VOTES IN FAVOR: 6
NO. OF VOTES AGAINST: 1
DISPOSITION: **Motion Passed**

MOTION NO. 3 RESOLUTION No. 209

TEXT OF MOTION: **RESOLVED to approve Resolution 209** - Adopting Introductory Local Law No. 10 Of 2012 (A Local Law Amending The Ulster County Charter And Ulster County Administrative Code By Deleting Article XVII From Each [Real Property Tax Service Agency], And Amending The Ulster County Charter With Respect To Article VIII [Department Of Finance]), Hereinafter Known As Local Law No. 7 of 2012

MOTION MADE BY: **Legislator Ronk**
MOTION SECONDED BY: **Legislator Maio**

DISCUSSION: Hearing none calls for vote.

ROLL CALL VOTE: No
VOTING IN FAVOR: **Bernardo, Donaldson, Fabiano, Loughran, Maio, Roberts, and Ronk**
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 7
NO. OF VOTES AGAINST: 0
DISPOSITION: **Motion Passed**

MOTION NO. 4 RESOLUTION No. 211

TEXT OF MOTION: **RESOLVED to approve Resolution 211** - Authorizing The Chairman Of The Ulster County Legislature To Execute A Participation Agreement, And Any Amendments Thereto, With The New York State Department Of Homeland Security And Emergency Services, Office Of Emergency Management, For Participation In The Local Emergency Management Performance Grant Program For Federal Fiscal Year 2011 – Emergency Communications / Emergency Management

MOTION MADE BY: **Legislator Ronk**
MOTION SECONDED BY: **Legislator Maio**

DISCUSSION: Hearing none calls for a vote

ROLL CALL VOTE: No
VOTING IN FAVOR: **Bernardo, Donaldson, Fabiano, Loughran, Maio, Roberts, and Ronk**
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 7
NO. OF VOTES AGAINST: 0
DISPOSITION: **Motion Passed**

MOTION NO. 5 LATE RESOLUTION No. 212

TEXT OF MOTION: **RESOLVED to approve Resolution 212** - Amending the 2012 – 2017 Capital Program To Establish Capital Project No. 373 Replacement Of HVAC System And Backup Generators, And Installation Of An Emergency Notification System – Ulster County Community College

MOTION MADE BY: **Legislator Donaldson**
MOTION SECONDED BY: **Legislator Loughran**

DISCUSSION: **Chairman Roberts** recognized Leader Ronk who asked Ken Crannell why this resolution is late? Ken Crannell stated that it was received from the college a day late. Chairman Roberts asked Legislator Fabiano if the Public Works and Capital Projects Committee had seen this resolution which Legislator Fabiano answered yes.

ROLL CALL VOTE: No
VOTING IN FAVOR: **Bernardo, Donaldson, Fabiano, Loughran, Maio, Roberts, and Ronk**
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 7
NO. OF VOTES AGAINST: 0
DISPOSITION: **Motion Passed**

MOTION NO. 6 **LATE RESOLUTION No. 214**

TEXT OF MOTION: **RESOLVED to approve Resolution 214** - Authorizing A Request For Proposals For The Sale Of The Assets Of The Resource Recovery Agency. **WITHDRAWN BY SPONSOR.**

DISPOSITION: **Withdrawn By Sponsor**

MOTION NO. 7 **LATE RESOLUTION No. 215**

TEXT OF MOTION: **RESOLVED to approve Resolution 215** - Adopting Introductory Local Law No. 3 Of 2012 (A Local Law Entitled "Mandate And Taxation Information Act"), Hereinafter Known As Local Law No. 8 of 2012.

MOTION MADE BY: **Legislator Ronk**
MOTION SECONDED BY: **Legislator Maio**

DISCUSSION: Hearing none called for a vote.

ROLL CALL VOTE: No
VOTING IN FAVOR: **Bernardo, Donaldson, Fabiano, Loughran, Maio, Roberts, and Ronk**
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 7
NO. OF VOTES AGAINST: 0
DISPOSITION: **Motion Passed**

MOTION NO. 8 **LATE RESOLUTION No. 216**

TEXT OF MOTION: **RESOLVED to approve Resolution 216** - Requesting The US Department Of Transportation And The Federal Aviation Administration Consider Stewart International Airport As The Location Of The Air-Traffic Control Operations Center.

MOTION MADE BY: **Legislator Loughran**
MOTION SECONDED BY: **Legislator Maio**

DISCUSSION: Hearing none called for a vote

ROLL CALL VOTE: No
VOTING IN FAVOR: **Bernardo, Donaldson, Fabiano, Loughran, Maio, Roberts, and Ronk**
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 7
NO. OF VOTES AGAINST: 0
DISPOSITION: **Motion Passed**

MOTION NO. 9 LATE RESOLUTION No. 217

TEXT OF MOTION: **RESOLVED to approve Resolution 217** - Authorizing the Creation of a Commission on the Future of the RRA.

MOTION MADE BY: **Legislator Loughran**
MOTION SECONDED BY: **Legislator Ronk**

DISCUSSION:

Chairman Roberts recognized **Leader Donaldson** who stated that he no longer supports this resolution based on discussions with his caucus. **Leader Donaldson** stated that he has three members of his caucus on the Environmental Committee and believes that the Committee is fully capable of handling the RRA issues and an additional Commission is not necessary.

Chairman Roberts recognized **Legislator Loughran** who stated that everyone is familiar with the four options and what they are and supports **Leader Donaldson** opinion.

Chairman Roberts recognized **Leader Ronk** who does not disagree with what has been said but would like to hear from an outside source coming from someone different who hasn't already predetermined their options regarding the RRA.

Chairman Roberts recognized **Leader Donaldson** who stated that he requires additional information before making a decision on the future of the RRA. He further stated that there are several questions that need to be answered.

Chairman Bernardo states that she does not believe that no outside support exists for this Commission. The Chairman further stated that Town Supervisors should have a seat at the table, they are stake holders. **Chairman Bernardo** stated that at the request of other Legislators invitations to the Comptroller, County Executive, Mayor of Kingston and RRA Board to join the Commission were extended; however that fact that they do not want to participate does not mean that this Commission should not move forward. **Chairman Bernardo** concluded that the three main entities that have a vested interest in the RRA, the Legislature, Town Supervisors and the RRA Board, are all willing to address the issues through this proposal. **Chairman Bernardo** does not support the opinion that the Commission should not be pursued based on the Comptroller and County Executive unwillingness to participate.

Chairman Roberts recognized **Legislator Fabiano** who stated that he is in agreement with **Chairman Bernardo** in that an agencies unwillingness to participate does not mean that the Commission should move forward. **Legislator Fabiano** supports any forward movement on the RRA it has been an issue for many years.

Leader Donaldson does not support **Legislator Fabiano's** opinion and feels that the responsibility of the RRA is that of the Environmental Committee.

Chairman Roberts recognized **Legislator Belfiglio** who stated that his committee has worked very hard on the RRA issue and believes that a Commission formed of all the stake holders is what's needed to move forward and provide solutions. **Leader Ronk** stated that the members on the Environmental Committee have already decided what the best course of action is for the RRA and they are all different, there is

no forward movement on the issues. **Leader Ronk** believes more people should be involved in the process.

Chairman Bernardo stated last week at the Environmental Committee meeting everyone was in agreement to form this Commission and doesn't understand what the issue is now and how everyone has changed their mind.

Chairman Roberts recognized Counsel Guerin who stated that one of the primary concerns is honoring the bonds and being responsible to the bond holders. Counsel further stated that there are still several questions that need to be answered before a decision can be reached.

ROLL CALL VOTE: No
VOTING IN FAVOR: **Bernardo, Fabiano, Maio, Roberts, and Ronk**
VOTING AGAINST: **Donaldson and Loughran**
NO. OF VOTES IN FAVOR: 5
NO. OF VOTES AGAINST: 2
DISPOSITION: **Motion Passed**

MOTION NO. 10

LATE RESOLUTION No. 218

TEXT OF MOTION: **RESOLVED to approve Resolution 218** - Supporting The Grant Application By The Ulster County Community Action Committee For A Community Service Block Grant.

MOTION MADE BY: **Legislator Loughran**
MOTION SECONDED BY: **Legislator Ronk**

DISCUSSION: **Leader Donaldson and Legislator Fabiano** recused due to personal ties to the Community Action Committee. Hearing no further debate called for a vote.

ROLL CALL VOTE: No
VOTING IN FAVOR: **Bernardo, Donaldson, Fabiano, Loughran, Maio, Roberts, and Ronk**
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 7
NO. OF VOTES AGAINST: 0
DISPOSITION: **Motion Passed**

OTHER BUSINESS: No further Discussion

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- **There being no further business before the Committee, a motion was made by Leader Donaldson, seconded by Leader Ronk, and carried to adjourn the Meeting at 8:01 PM.**

Dated the 13th of August, 2012

Franklin R. Reggero
Ulster County Legislature

Minutes Approved on: September 19, 2012 (fr)

Laws and Rules, Governmental Services Committee

Committee Meeting Minutes

DATE & TIME: August 14, 2012 / 7:15 PM
LOCATION: Karen L. Binder Library, 6th Floor, County Office Building, 244 Fair Street, Kingston, NY
PRESIDING OFFICER: Kevin A. Roberts, Chairman
LEGISLATIVE STAFF: Franklin R. Reggero
PRESENT: Legislators Roberts, Donaldson, Fabiano, Loughran, Maio and Ronk
ABSENT: Legislator Robert Parete
QUORUM PRESENT: Yes
OTHER ATTENDEES: Legislators Belfiglio; Kristin Gumaer, County Attorney; Dare Thompson, League of Women Voters; Thomas P. Kadgen, Charter Revision Commission; Cynthia Lowe, Charter Revision Commission

- Chairman Kevin A. Roberts called the meeting to order at 7:15 PM.

RESOLUTIONS:

MOTION NO. 1
TEXT OF MOTION: **Resolution No. 219 - August 14, 2012**
RESOLVED to Approve Draft Resolution No. 219 – A Local Law Amending The Ulster County Charter, Local Law No. 11 of 2006, To Modify Various Provisions Of The Ulster County Charter, Hereinafter Known As Local Law No. 9 of 2012.

Resolution Summary: Resolution No. 189 dated August 7, 2012 set the date for Public Hearing on Introductory Local Law No. 11 of 2012 to be held on Tuesday August 14, 2012 at 7:00 PM, in the Legislative Chambers, UCOB, which was held on Tuesday, August 14, 2012 at 7:00 PM in Legislative Chambers. The Public Hearing was advertised in the official newspapers of Ulster County and posted on the signboard maintained by the Clerk of the Legislature in the UCOB. All parties in attendance were permitted an opportunity to speak on behalf or in opposition to said proposed Local Law and the majority of the members voting approval.

MOTION MADE BY: Legislator Ronk
MOTION SECONDED BY: Legislator Loughran

DISCUSSION: Hearing none, moved to vote

ROLL CALL VOTE: No
VOTING IN FAVOR: Legs. Donaldson, Fabiano, Loughran, Maio, Roberts, and Ronk
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 6
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passed

MOTION NO. 2 **RESOLUTION No. 220 – August 14, 2012**

TEXT OF MOTION: **RESOLVED to approve Resolution 220** - Authorizing The Chairman Of The Ulster County Legislature To Execute A License Agreement With The Town Of Shandaken,

Legislative Programs, Education & Community Services Committee

Regular Meeting Minutes

DATE & TIME: July 31, 2012 – 5:00pm
LOCATION: St. John Conference Room (Rm.118), George Clinton Hall, SUNY Ulster County Community College, Cottekill Road, Stone Ridge, New York
PRESIDING OFFICER: Chairman Wayne Harris
RECORDER: Janet Salanitri, Adm. Assistant, SUNY Ulster County Community College
PRESENT: Chairman Harris, Legs. David Donaldson, Craig Lopez, Donald Gregorius and Mary Wawro
ABSENT: None
OTHERS
PRESENT: Mark Komdat, Dean of Administration, SUNY Ulster County Community College; Vic Melville, Observer for The League of Women Voters; Sandy Mathes, Deputy Clerk for Finance for the Ulster County Legislature; Lourdes Geortes, Assistant to Leg. Lopez; and Carole Furman, Executive Director, Ulster County Community Action Committee.
QUORUM: Yes

- **Committee Chairman Harris called the meeting to Order at 5:07 p.m.**

MOTIONS :

Text of Motion: Resolved, to approve the Minutes of the meeting of this Committee of July 3, 2012
Motion Made By: Leg. Lopez
Motion Seconded By: Leg. Gregorius
Roll Call Vote: No
Voting In Favor: Chairman Harris, Legs. Donaldson, Gregorius, Lopez and Wawro
Voting Against: None
No. of Votes in Favor: 5
No. of Votes Against: 0
Disposition: Motion

SUNY ULSTER COUNTY COMMUNITY COLLEGE:

Report by: Mark Komdat, Dean of Administration

Report: Dean Komdat said Summer Session 2 ends Aug. 15th and the Fall Semester starts Aug.27th. Also, there is a Scholarship Awards ceremony on September 5th and all are invited to attend. On enrollment, the Dean advised to date Fall was running 3% less than last year at this time, which was expected and which the college had budgeted for. He also discussed the RFP for a solar farm on the 51 acres on Cottekill Road which could generate approximately 50% of the College's electricity. Dean Komdat said six Prospective bidders had looked at the proposal so far.

On the proposed move to the Sophie Finn School, the Dean said there was a brief tour of the facility last week. The building needs renovation for the College's needs, such as air conditioning, one or two elevators, and parking expansion, but it is workable. He also said the asbestos tile floors may be able to be "encapsulated". He had no idea of the cost of renovation but rough estimates are from \$4-6 million; however, if it is a Capital Project, 50% of the cost comes from the State. The Dean also said the water project is still awaiting SEQRA review and is still with County Planning and has been for more than a year. The College has hired an attorney to draft the long form to help move this process along.

There was a discussion of the Resolution for the Capital Project before this Committee. At this time the Committee acted upon said Resolution as set forth hereafter. In reply to several questions from Leg. Lopez, Dean Komdat said the project scope is for five backup generators. Also, the air conditioning controls have at least a 20-year life expectancy. The Dean said there are other things that will be discussed later; including the fire alarm system and the cafeteria grease trap installations.

Draft Resolution No. 212 – August 14, 2012

Motion No. 2 Resolved to approve Resolution No. 212 – Amending the 2012-2107 Capital Program to establish Capital Project No. 373 Replacement of HVAC System and Backup Generators, and installation of an Emergency Notification System - Ulster County Community College.

Motion Made By: Leg. Donaldson

Seconded By: Leg. Wawro

Voice Vote: Yes

In Favor: Chairman Harris, Legs. Wawro, Lopez, Gregorius and Donaldson

In Opposition: None

No. in Favor: 5

No. Opposed: 0

Disposition: Motion unanimously carried. Resolution #212 to amend the 2012-2017 Capital Program To establish Capital Project #373 Replacement of HVAC System and Backup Generators, and installation of Emergency Notification System, U.C. Community College, unanimously approved as presented.

ULSTER COUNTY COMMUNITY ACTION COMMITTEE

Report by: Carole Furman, Acting Director

Report: Ms. Furman said she is currently working on a grant application and needs the support of the Committee. She said she has been with Community Action two years originally funded with stimulus money. She also described their current site where they have been since 1982 and some of their programs, including the Weatherization program, Outreach and others. The grant in question is for funds through Workforce Development. Their long-term goal is to help people in outlying areas of the county get transportation to various training centers. The form of Legislative support was discussed and Chairman Harris and Leg. Gregorius proposed a Supporting Resolution from several Legislators or several Committees. Chairman Harris said he would speak with Ms. Fabella, the Legislature's Clerk regarding sending this out and if a short meeting was necessary it would be arranged.

The discussion of the current kitchen facilities and proposed soup kitchen training was had. Ms. Furman said they were still having the annual Senior Dinner and she is looking for outside funding. It was also noted that the Senior Picnic was being held on August 24th.

Resolutions: None

OTHER BUSINESS:

At this time Chairman Harris reminded everyone that the Opening Ceremonies of the Ulster County Fair were scheduled for 6:00 Wednesday (tomorrow).

There being no further business, a motion to adjourn was made by Leg. Donaldson and seconded by Leg. Lopez and Chairman Harris declared the meeting duly adjourned at 5:46 pm.

Dated the 6th day of August, 2012

Janet Salanitri, Recorder
Minutes approved on September 4, 2012

Public Works & Capital Projects Committee

Regular Meeting Minutes

DATE & TIME: August 1, 2012 @ 5:00 PM
LOCATION: Karen L. Binder Library, 6th Floor County Office Building
PRESIDING OFFICER: Chairman Dean Fabiano
LEGISLATIVE STAFF: Franklin Reggero
PRESENT: Chairman Dean Fabiano, Thomas Briggs, James Maloney, John Parete
ABSENT: Legislator Kevin Roberts
QUORUM PRESENT: Yes
OTHER ATTENDEES: Langdon Chapman, Counsel to the Legislature, James Hanson, Budget Director, Sue Ronga, David Bolles, Department of Public Works, Dennis Gleiss, Town of Kingston, Larry Queipo, Town of Kingston.

Chairman Fabiano:

- Called the meeting to order at 5:00 PM

MOTIONS:

MOTION NO. 1

Text Of Motion: RESOLVED to approve the Minutes of July 3, 2012, meeting.
Motion Made By: Legislator John Parete
Motion Seconded By: Legislator Jim Maloney
Roll Call Vote: No
Voting In Favor: Briggs, Fabiano, Maloney, John Parete
Voting Against: None
No. Of Votes In Favor: 4
No. Of Votes Against: 0
Disposition: Motion Passes

MOTION NO. 2

Resolution No. 203, August 14, 2012

Text Of Motion: RESOLVED to approve Resolution No. 203 – Establishing Capital Project Nos. 371 and 372 - Reconstruction Of County Box Culverts - Amending The 2012 - 2017 Capital Program And The 2012 Capital Fund Budget - Department Of Public Works (Highways And Bridges) BOND Resolution 204 required.

Resolution Summary: The Wynkoop Lane Box Culvert located in the Town of Hurley; and the Turnwood Road Box Culvert located in the Town of Hardenburgh, have deteriorated to the point where they will soon be unsafe for the traveling public, and it is now necessary to request funds for their reconstruction and the County Executive and the Commissioner of Public Works requests that the following capital projects be established and added to the 2012 – 2017 Ulster County Capital Program.

Additional Questions and/or Comments: No further debate.

Motion Made By: Legislator Maloney
Motion Seconded By: Legislator Parete
Roll Call Vote: No
Voting In Favor: Briggs, Fabiano, Maloney, Parete
Voting Against: None
No. Of Votes In Favor: 4
No. Of Votes Against: 0
Disposition: Motion Passes

MOTION NO. 3 Resolution No. 212, August 14, 2012

Text Of Motion: RESOLVED to approve Resolution No.212 – Amending the 2012 – 2017 Capital Program To Establish Capital Project No. 373 Replacement Of HVAC System And Backup Generators, And Installation Of An Emergency Notification System – Ulster County Community College. BOND Resolution 213 required.

Resolution Summary: The President of Ulster County Community College has identified three high priority capital projects: replacement of the HVAC system; installation of backup generators; and installation of an outdoor emergency notification system with the Ulster County Community College Board of Trustees approving this request at a total cost of \$680,000. A replacement of the HVAC control units is needed as the current control system is past its useful life and is inefficient, and there are currently no backup generators or outdoor emergency notification system present at the college campus.

Additional Questions and/or Comments: No further debate.

Motion Made By: Legislator Briggs
Motion Seconded By: Legislator Maloney
Roll Call Vote: No
Voting In Favor: Briggs, Fabiano, Maloney, Parete
Voting Against: None
No. Of Votes In Favor: 4
No. Of Votes Against: 0
Disposition: Motion Passes

Abstract for August 14th Session: No further debate

New Business: Chairman Fabiano informs the committee that two members of the Kingston Town Board are present for today's meeting, Dennis Gleiss and Larry Queipo. Chairman Fabiano reads the letter to the Commissioner of Public Works from the Town of Kingston Board addressing the current problem issues on Sawkill Road near Melissa Drive due to damage occurring during Hurricane Irene and Tropical Storm Lee. The Town of Kingston requests that the Department of Soil and Water do a turbidity study to assist in mitigating flood damage and remedy the current problem.

Chairman Fabiano recognizes councilmen for comment. Mr. Gleiss informs the committee that the initial work completed in the 1980's was faulty and not done to standard causing flooding at times severe during torrential downpours. The Army Corps of Engineers has conducted a study along with the Ulster County Department of Public Works. In the 1990's Soil and Water also conducted a study and assisted the Town in obtaining DEC permits to clean portions of the Sawkill creek. The town of Kingston has attempted to obtain assistance through the FEMA who stated that Local resources must be used. The Councilmen are asking for assistance from the Department of Public Works in conducting a feasibility study. Chairman Fabiano informs the committee of his personal knowledge of the situation and will move this request forward through the County Executive.

Chairman Fabiano recognizes Sue Ronga from DPW for an update. Chairman Fabiano asks if DPW is aware of the logjam under the Kerhonkson Bridge. Ms. Ronga states they are aware and that if the debris is not affecting the structure of the bridge then they will not remove the debris. Ms. Ronga further stated that John Kouhout, Field Operations Manager, inspected the bridge and confirmed that it is not affecting the structure; therefore DPW will not remove the debris. Additionally Ms. Ronga stated the need for a permit from DEC in order for DPW to enter the stream. Ms. Ronga concluded that the County owns the structure and not the water under it. David Bolles adds that if you look at the picture the logjam is on an island and not up against the bridge itself. Mr. Bolles stated that if they had the manpower they could possibly remove the debris, with Ms. Ronga again adding the requirement for obtaining a permit and concluding with the next big storm will wash the debris away.

Chairman Fabiano asks Ms. Ronga for an update regarding the contract dispute between DPW and Ares. Ms. Ronga stated that they have a meeting next week and she will have more information at the next committee meeting.

Chairman Fabiano asks committee members if they have any questions for DPW. Legislator Briggs inquires in reference to Ulster Heights Bridge. Ms. Ronga stated that it is part of her update.

Legislator John Parete asks if Chairman Fabiano contacted Mr. William Bruning, Town of Denning Supervisor regarding shared services and assistance in the maintenance of certain roads within the Town of Denning. Chairman Fabiano stated that Deputy County Executive Bob Sudlow was hosting a discussion regarding shared services. Mr. Hanson stated that he is sure that Mr. Sudlow did speak with Mr. Bruning.

Chairman Fabiano recognizes Ms. Ronga for the DPW update. Ms. Ronga starts with an Ulster Heights update stating that 95% of the drainage issue has been completed the remainder must wait until slope stabilization has been completed. Ms. Ronga further states that a retaining wall must be completed DPW and the bid process was completed on July 19, 2012. The supplier will have all supplies delivered on-site in September for DPW crews to complete work by Thanksgiving as projected. Legislator Briggs adds that he would like to host a bridge opening event with DPW crews and residents of Ulster Heights at some point in the future when the repairs are almost complete and further adds that he is aware of the hard work and dedication the DPW crews on this project.

Ms. Ronga continues with a bridge update; Bridge 101, removal of old bridge and abutment replacement, expected date of completion September 1, 2012; completed a wall at Frost Valley; Bridge 159 in Rochester repaired a footer that was damaged during the hurricane; Old New Paltz Road repairing a box culvert that was red flagged started work immediately, completed footer and abutment, now waiting on the remainder of the deck with an expected delivery date of August 13th; Bridge crews have removed rails in the Esopus that were there prior to Irene, see photo's. Ms. Ronga continues with an update on the County Pool states that attendance is good and informed that committee that security cameras and a credit card machine were installed; prior to this year no security cameras existed and the credit card machine makes payment easier and less cash being handled by employees. Ms. Ronga provided photographs of the improvement done to the Pearson House, dirt pathways filled in and the completed Bath House at the Fair Grounds, funded by the Agricultural Society. Chairman Fabiano asks about the cost, Ms. Ronga is not certain.

Ms. Ronga continues with the CHIPs update; currently working on 3 miles County route 92; Crumville Road, Springtown Road .8 miles; New Prospect Road 1.6 miles; Spring Glen Road .5 miles; Glasco Turnpike 1.6 miles; Legsmill and Sawkill 3.6 miles; Pancake Hollow 3.2 miles; Davis to Davis 3 miles and Boices are using roll over funds; Ms. Ronga states that when the above work is completed the CHIPS fund will have a positive balance that will be looked at for additional improvements. Chairman Fabiano asks if DPW will get to the anticipated 23-25 miles of resurfaced, Ms. Ronga and Mr. Bolles are sure it will be completed in the next 2 weeks. Ms. Ronga predicts the crews may be able to accomplish more than what was projected.

Ms. Ronga adds that DPW is putting together a long range equipment replacement plan, which will help identify and prioritize critical equipment replacement. Ms. Ronga further states that some of the aging fleet is no longer cost effective to repair so replacement is the only option. Chairman Fabiano confirms that this applies to mostly trucks and Ms. Ronga concurs with a few exceptions. Chairman Fabiano asks Ms. Ronga if DPW has conducted a feasibility study on leasing certain types of vehicles as opposed to purchasing them, he further added that some Municipalities do in fact lease equipment. Ms. Ronga does not know and defers to the

County Executive. Mr. James Hanson asks Ms. Ronga if DPW currently leases, Ms. Ronga states that DPW rents vehicles. Mr. Hanson states that leasing vehicles is an option moving forward, as well as seeking grants and incentives from the state for utilizing green technology/hybrid types of vehicles.

Chairman Fabiano recognizes Legislator John Parete for comment; Legislator Parete recalls when a Municipality established a machinery fund that allowed for the purchase of needed or the upgrade of outdated equipment, then in turn charge a user fee that was used to pay off the equipment and establish a fund surplus. Ms. Ronga stated that DPW does in fact do that with D and E funds. Ms. Ronga further states that process is part of the long range equipment replacement plan.

Ms. Ronga states that the large pile of gravel that was left by the Kerhonkson Bridge was not left by DPW, does not know who is responsible; however, does know that the Town water department was doing extensive work there.

Ms. Ronga concludes that the Dog Park is having a fund raiser and Buildings and Grounds crew has authorized use of the restrooms at the County Pool during the event.

Chairman Fabiano recognizes Mr. Bolles for a comment, who states that Ms. Ronga's update was a collaborative effort.

Old Business: Chairman Fabiano announces that Gary Capella, Soil and Water, was scheduled to be here today but has rescheduled for September 5, 2012.

The next regularly scheduled Committee Meeting will be held on September 5th at 5:00 PM in the Karen L. Binder Library, 6th Floor of the COB.

There being no further business before the meeting, on the motion duly made by Legislator Briggs, seconded by Legislator James Maloney, and carried, the meeting adjourned at 5:30 pm.

Dated the 1st day of August, 2012

**Franklin Reggero
Committee Clerk**

Minutes Approved on: September 5, 2012(FR)

Social Services and Ways & Means Committees

Joint Meeting Minutes

DATE & TIME: August 27, 2012 @ 6:00 PM
LOCATION: Library Conference Room, County Office Building
PRESIDING OFFICER: Chairmen Kevin Roberts & Richard Gerentine
LEGISLATIVE STAFF: Krista Barringer, Deputy Clerk and Frank Reggero, Senior Legislative Staff
PRESENT: Legislators Donald Gregorius, Wayne Harris, Mary Beth Maio, James Maloney, Jeanette Provenzano, Hector S. Rodriguez, and Kenneth J. Ronk.
ABSENT: Craig Lopez and Richard A. Parete
QUORUM PRESENT: Yes
OTHER ATTENDEES: Legislator Mary Wawro, Legislative Counsel Erica Guerin, MHN Reporter Joel Cook, Town of Saugerties Supervisor Kelly Myers, League of Women Voters Representative Tom Kadgen, and Town of Ulster Supervisor James E. Quigley, III.

- **Chair Roberts called the meeting to order at 6:07 PM**
-

Discussion: Safety Net

Chairman Roberts welcomed the members of the Ways and Means Committee. **Chairman Roberts** noted the Social Services Committee has been discussing Safety Net for the last two to three months and believed the committee has come up with a sort of consensus that they would like to do. He stated the Committee did have some issues that they wanted to discuss with the Ways and Means Committee.

Chairman Roberts distributed the Town/City Sales Tax Share versus Safety Net Local Share document. He noted there has been a desire by the Legislators and the County Executive for the County to take over the Safety Net program. He noted there has been a lot of talk about phasing in over a period of years but the Committee feels they can have it done in one year, complete. He stated they are looking at the 2011 share of what the Towns paid for Safety Net was at 50%. He noted this has since been raised by New York State to 71%. He stated this aspect could be discussed after the Safety Net County Take Over program was reviewed.

Chairman Roberts stated the Social Services Committee is proposing, using Town of Denning as an example, to take the Safety Net share of \$4,874 from the Sales Tax share of \$25,095, which would still leave the Town of Denning with \$20,221 in Sales Tax revenue. He stated this would almost be like a wash.

Chairman Roberts noted the Town of Wawarsing is the only Town who's Safety Net local share exceeds their Sales Tax Share (-\$188,835). He stated, in this proposal, the County would take this over without any gain.

Legislator Rodriguez clarified that this was because the Town of Wawarsing's Sales Tax share was less than their obligations the Safety Net. **Chairman Roberts** confirmed this understanding. **Legislator Rodriguez** further clarified that this was the only Town that this situation exists in. **Chairman Roberts** stated he believed so, at the present 50/50 split.

Legislator Harris requested the Chair run through the Town of Denning scenario of what would happen in the proposal. **Chairman Roberts** stated the Town of Denning is responsible for \$4,874 for the Safety Net share. He indicated the County would pick that up from their budget and when the County paid the Town of Denning for their Sales Tax share of \$25,095, the County would subtract the \$4,874 leaving the Town with a gain of \$20,221. **Legislator Harris** clarified the County would take their Safety Net local share out of the Sales Tax revenue. **Chairman Roberts** stated that is correct.

Legislator Rodriguez clarified that the \$4,874, using the Town of Denning example, would change under the new calculation of 71%. **Chairman Roberts** stated the amount would go up by 21%. **Legislator Rodriguez** asked if the County was planning on taking the Safety Net share out of the Sales Tax share at the 71% rate. He noted the Safety Net Local shares were considerably higher at the new rate. **Chairman Roberts** noted the Social Services Committee had previously discussed bringing the amount up to 71%. He reported the County Executive's office had indicated the TANF or Family Assistance money that the County gave back to the Towns last year in a one-shot deal. **Chairman Roberts** noted it had been brought to his attention that this money was being made, not necessarily on a permanent basis, but made available year after year to the County. He further noted other counties still receive the TANF money to offset the Safety Net costs. He stated it appears to him that the County is getting this money but not passing it back to the Towns.

Legislator Rodriguez clarified the Committee direction is still to minus out the Safety Net obligation from the Sales Tax share leaving the final amount being basically the check that the Towns would receive. **Legislator Maloney** noted the County has to get the Sales Tax revenue to make this work. **Chairman Roberts** confirmed this and stated taking the money from the County budget is about a \$1.3 million, from what he understands. **Legislator Rodriguez** clarified this was the extra TANF money. **Chairman Roberts** indicated this to be true and further noted this would be the amount needed to be given back to the Towns. **Chairman Roberts** stated this would create a giant hole in the County budget that he did not know if the County was prepared to do that. **Legislator Rodriguez** stated layoffs would be significant.

Legislator Provenzano noted the Towns were on both sides of this issue, as she understood it from a Town Supervisors meeting. She stated her concern is instead of looking at the Town of Denning, since Supervisor Quigley was in attendance, why not look at the Town of Ulster. She stated she believed, because they have been discussed at Ways and Means meeting and she has been involved in the discussions with Legislator Maloney when they were discussing the Truth in Taxation act, that at that time, there were, in addition to the Town of Ulster, five (5) other Towns that had not paid their Safety Net costs. **Legislator Provenzano** stated she was concerned this would put a big burden on the Town if they have to come up with, in addition to the amount owed in Safety Net costs, this additional amount this year, in the budget. She noted the County would somehow receive the money. She further noted the Town would not do a re-levy. She explained the City was allowed to do a re-levy because they collect their own taxes and that it was completely different. She noted if you take \$190,000 of the Town of Ulster share of the Sales Tax plus the add the burden of the Safety Net fee, the Town of Ulster is going to be down a lot of money. **Chairman Roberts** noted if the County took the \$190,000 in Sales Tax, this would cover the Safety Net. **Legislator Provenzano** noted the Town of Ulster did not pay for 2012 Safety Net costs and that they were not the only Town that did not pay. She noted there were five other Towns. She explained the County had no authority over the City of Kingston's Sales Tax agreement as it was a signed contract. She stated the City was off the list for Sales Tax covering the Safety Net costs as the City was not going to do that. She stated she believed the Town of Rochester also did not pay their 2012 Safety Net share. She noted these Towns would have to pay that and they would not be forgiven this obligation.

Chairman Gerentine clarified the proposal is all set in Sales Tax with regards to Safety Net and one way or another, the Towns are paying for Safety Net. **Chairman Roberts** confirmed this understanding. **Chairman Gerentine** stated the questions to the Committee is if the policy would be to keep it at the 50% or go up to 71% and would it be phased in or do it all at one time. He stated he did not know if legally the County could withhold the Sales Tax. He felt the County would have to have an agreement with the municipality state this is what we are going to do, does the municipality agree with it, yes or no. **Chairman Roberts** stated based on his understanding, the County can pull this off according to the Executive's office. **Legislator Provenzano** concurred with Chairman Roberts that the County did not need the Town's support but the County might need the City of Kingston's approval. **Chairman Gerentine** asked why the County was doing this if the end result was the same. He noted his understanding of the need to do this was based on Town's not paying but re-levying to pay for it. **Legislator Ronk** reported this was not the reason but the idea was the release of the burden to the Town would be that if Sales Tax goes up, the Town will get on top of whatever they are currently receiving. He stated if Sales Tax goes up next year, the Town's get that and the County would pick up any additional Safety Net costs beyond what the cost is now. He further explained this was the benefit to the Town as they would know what the cost would be.

Numerous legislators discussed whether this would be at the 50% rate or the 71% rate. **Legislator Rodriguez** clarified the additional 21% is estimated at \$600,000-700,000. **Legislator Ronk** asked if this was on the total as the

City of Kingston was \$1.3 million. **Legislator Harris** stated it was one-fifth. **Legislator Provenzano** stated the Committee should have the 71% figures. **Chairman Roberts** stated the 71% would add on about \$1.3 million, the same as the TANF money that was received. **Legislator Rodriguez** clarified the County could not pull that money away from TANF without creating a budgetary hole for the County in the future which would result in layoffs in the County. **Legislator Provenzano** stated the County did not know if they would get the TANF money.

Chairman Roberts invited Supervisor Quigley to join the Committee at the table. **Supervisor Quigley** stated it is represented the TANF money is in the budget but it is not in the TANF budget line. **Chairman Gerentine** stated it was not in the budget. **Supervisor Quigley** noted if it is not in the TANF budget line, it is not in the budget. He stated he reported at the last meeting of the Social Services Committee, when Deputy Clerk Barringer was with the State Legislature, she was able to secure some information from one of the State agencies that money was going to be delivered to the County of Ulster for 2012. He asked the Committee, everyone at the table is saying based on what the County Executive's office has stated it is in the budget, has someone asked the County Executive's where in the budget? **Supervisor Quigley** stated he concurred with Chairman Gerentine, it is not in the budget. **Chairman Gerentine** stated even last year, it was not in the budget. He stated the County received \$2.1 million additional last year, after the fact. He stated it was during the budget meeting that this money came in. He further explained it was the consultants that brought it to the Legislator's attention. He stated the County received a letter. **Supervisor Quigley** stated his conclusion is that if it wasn't put in the budget as revenue, it couldn't be put in the budget as an expense and it is therefore, unanticipated revenue that is going to be capable of being reallocated by the Legislature as a policy decision. **Legislator Provenzano** asked if the unanticipated TANF money was received for 2012. She stated we do not know if the money will be received in the 2013 budget as the Legislature has not received the 2013 County Budget yet. Legislators clarified for Legislator Provenzano that it was the 2011 budget. Legislator Provenzano stated it was in 2012 that the County received unanticipated TANF money to be used to reduce the cost of the Town's Safety Net share. **Supervisor Quigley** explained it was in 2011 that the revenue came in as unanticipated revenue and the Legislature used it for the 2011 budget. **Legislator Gregorius** noted the County paid off the Towns in 2011 retroactively. **Supervisor Quigley** stated the current need is to address the Town's budgets for 2012. He stated at the last Social Services Committee meeting he distributed the pages of the County's budget and highlighted the pages with these line items on it that did not have the TANF money as budgeted revenue. He further noted Legislators are making the statement that the County Executive says the money is unavailable because it is budgeted. **Supervisor Quigley** stated his position is where it is budgeted because it is not in the line item as revenue and therefore logic says if it is not budgeted as revenue it cannot be budgeted as an expense.

Chairman Gerentine asked Senior Legislative Staff Reggero to discuss his documents. **Chairman Roberts** stated he had a budget that stated the Family Assistance from the Federal Government from 2011-2012 increased by \$4,423,000. **Legislator Provenzano** noted this was given back to the Towns. **Legislator Rodriguez** stated he believed the \$1.3 million received by the County was inclusive of that \$4.3 million increase and that the County then modified the County's share in the County's budget as the one-shot for the Towns. **Legislator Gregorius** noted the Legislators were told, at that time, this increase was a one-time deal and it wasn't going to happen in 2012 and thus, moving forward, there was no place to put it as it doesn't exist.

Chairman Gerentine stated the question becomes are we going to get the money for 2012; what is the reality this year. **Legislator Gregorius** reiterated last year it was the only time and if that information is correct than we do not have it for 2012. **Chairman Roberts** stated, according to the County Executive's office, it was unanticipated revenue for 2011; we could use it. 2012, he further reported, that money was anticipated revenue and the County cannot use it. **Chairman Roberts** stated, according to the County Executive's office, the County is getting the money. He further noted, this was the information provided by the County Executive's office at the Social Services meeting last month.

Legislator Ronk clarified one distinction regarding the reason the County can or cannot use the TANF money is not because it is anticipated or unanticipated it is because when you anticipate something you do not budget a County share for it and there is no County share that can be used. **Legislator Ronk** further noted the County cannot actually use the TANF money itself for anything other than what TANF has earmarked it for.

Legislator Rodriguez stated he thought there were actually increases in mandatory Federal services that this increase of funding was intended to be covering.

Supervisor Quigley asked Chairman Roberts, in regards to the proposal to offset Safety Net with Sales Tax revenue, does this apply to the City equally? **Chairman Roberts** stated at this time, the County must operate or negotiate a separate deal with the City as they are under contract for another estimated four years. He noted the City could voluntarily sit down with the County to discuss but that the Mayor attended last month's Social Services Committee meeting and he did not seem overly enthusiastic.

Legislator Provenzano noted the Committee is now, in the month of September, trying to figure out what to do with Safety Net. She stated the Legislature has been told repeatedly that if the Legislature did not come up with a solution, the County Executive would have a proposal in his budget. She noted the County Executive's budget is going to be out in about six weeks. As a Legislature, **Legislator Provenzano** suggested they wait to see what his proposal is and if the Legislature does not approve of it, they do not have to approve it in the budget. She stated the County Executive's proposal might be something that is beneficial to the Towns and the City. She stated she would like to know what that proposal is going to be and the County Executive will not be releasing that until he releases his budget. She further noted she felt the Committee's proposal would be something the Towns will not be happy with and the City will not be affected as the Legislature does not have the authority to negotiate with them, so her suggestion is to wait until the Budget is released in the first week of October. **Chairman Gerentine** pointed out the Legislature makes policy. **Legislator Provenzano** stated the Legislature can still make policy. **Chairman Gerentine** stated yes, if the Legislature agrees with the policy the County Executive creates in his budget. **Legislator Provenzano** stated the Legislature had all year to create a policy. **Chairman Gerentine** noted the Social Services Committee has been working on it. **Legislator Provenzano** stated she didn't care as it did not affect the City of Kingston and that if this was what the majority of the Legislature wanted to do, it was okay with her.

Chairman Gerentine stated realistically this proposal was not going to pass by October 5th anyway. **Chairman Roberts** stated this could pass. **Legislator Provenzano** stated it would make a lot of angry people, especially Supervisors. **Chairman Roberts** stated he felt this was a win-win for the Towns as it would not cost them any more money than 2011 or 2012 levels and there would be no future increases. At 2018 for example, he noted, the Towns would not get hit with crazy numbers; it would always be stuck at today's numbers. **Chairman Gerentine** asked Chairman Roberts how the County would afford the increases. **Legislator Rodriguez** clarified how the County is going to afford the 21%. **Chairman Gerentine** noted the increase from last year to this year was an estimated \$1.3 million. **Chairman Roberts** and **Legislator Ronk** noted this was the 21% increase. **Chairman Gerentine** asked what Chairman Roberts thought the increase would be. **Chairman Roberts** stated even if it was up 10% he stated this was an estimated \$150,000 - \$200,000. **Legislator Rodriguez** noted the City of Kingston's share would have to be deducted as the County would not have a side agreement with the City of Kingston. He further noted as the County would only be dealing with the Towns and thus, the number would be lower. **Chairman Roberts** stated the Committee was informed the County Executive wants it done; he wants the County to take over the Safety Net program and short of any alternative, such as phasing it in over a period of years. He stated he felt that option was simply kicking the can down the road. He felt he could get it done this month. He said it would cost the County \$188,000 at 50% levels.

Legislator Ronk asked if the proposal was at the 71% levels. **Chairman Roberts** stated the Committee would have to discuss this. **Legislator Ronk** noted if this was the case, it could cost the County more but not a great deal more. **Chairman Roberts** noted the County could possibly phase it back down to 50% over a couple of years.

Supervisor Quigley noted in regards to the County taking it over and the disproportionate burden that is placed on those Towns that are not having experience with Safety Net. He stated there is a solution; when the County takes it over and the amounts charged to each individual Town are directly in relation to the incurrance of services rendered to those Towns, similar to how the City of Kingston already does it. He suggested putting every Town on a re-levy basis. He noted by putting it on a re-levy basis it offers a delay of one year in the tax cap and it will wash itself out over a period of two year. **Legislator Provenzano** stated the Legislature does not have the authority to re-levy as it affects the County's 2% tax cap and that Supervisor Quigley has been through it. **Supervisor Quigley** concurred with this statement but stated the assuming of the \$1.3 that the Sales Tax does not cover will also affect the County's tax cap. **Legislator Provenzano** stated she did not think the Towns have the authority to re-levy. She noted the City does because they are completely different as they collect their own taxes and send out their own notices. **Legislator Provenzano** stated she felt the Committee needed to get counsel from either the Legislative Counsel or the County Attorney as the Legislators had been told under the Truth in Taxation effort that the County does not have the authority to re-levy and it will affect the 2%. **Legislator Gregorius** asked why the Committee was even

talking about re-levying; what was the benefit. **Legislator Provenzano** stated it was so that Towns did not have to put it in their budget; to which **Supervisor Quigley** concurred. **Supervisor Quigley** further stated the bottom line is the Legislature is discussing the County taking the Safety Net program over in an equitable manner and a majority of the Legislators from sections of the County that are disproportionately hit by the County taking it over and the expense being run through the ad valorem tax revenue side is addressed by allowing each Town to have on its tax bill a single line item that says "Ulster County Social Services \$X". **Supervisor Quigley** notes this does remove the Safety Net cost from the Town's tax cap. He further states the County Legislature can publicly state the County took it over and notes the Towns not impacted by this cost shift remain not impacted by the cost shift. He reported his proposal does nothing to the Town of Ulster tax payers. **Supervisor Quigley** asked if the Committee decides to take the Safety Net out of the Towns' Sales Tax revenue, who will pay for the other \$1.3 million that the Sales Tax does not cover? He noted this will be going under the County's tax cap and felt the County was already making the admission that the extra expenses were going to impact the County's tax cap.

Legislator Gregorius expressed concern that if the Safety Net program balloons and Sales Tax revenue is lower then the differential between Sales Tax and Safety Net will balloon and the extra cost is tacked on ad valorem. He stated those communities that are disproportionately higher will be impacted greater. He noted some Supervisors checked in on individuals on Safety Net lists and Major Sottile asked "What lists?". He further noted some people were being taxed for people in other Towns based on their mailing address. He expressed concern that some people were being penalized for taking it seriously and other people are learning about it for the first time and trying to do something about it at a macro level. He stated the Legislature is picking Sales Tax for the revenue but yet all other expenses go on an ad valorem basis and so will the discrepancy. **Chairman Roberts** asked what additional expenses Legislator Gregorius was referring to. **Legislator Gregorius** stated it was the general cost of doing business – workers' salaries, highways and bridges, anything that the County does not gain in revenue or the tax increase which goes ad valorem.

Legislator Rodriguez noted the 21% for the Towns is an additional expense of \$350,000 will be tacked on to the County tax bill, if the County assumes that differential which would bring the costs back to the 50/50 split. He stated this proposal was a bet that that \$351,405.90 differential goes up less than what Sales Tax does. **Legislator Gregorius** concurred with this understanding and added that the County would be taking these differences ad valorem. He further noted the bottom line was that the costs would not be distributed equally as the existing measure would be used and that people who are higher valued would be picking up the expense even though they do a better job at dealing with the issue.

Chairman Roberts invited Supervisor Myers to join the Committee in the discussion. **Supervisor Myers** expressed concern over the proposal to tie Safety Net to Sales Tax as it continues the same situation where the Towns are responsible for the cost. She stated this proposal was not really a County take over as the Towns would be paying it through the Sales Tax revenue. She further stated this proposal keeps the poorer communities in a strangle hold. She felt it should be a true budgeted County expense as the County runs the program and should therefore take responsibility for financing it as well. She noted this would send the County over the moon the first year of the take over but then it will be fairly and equally shared amongst the County.

Legislator Gregorius replied he did not think this would be shared equally as it would be distributed ad valorem and those people with a higher equalized assessed value and those Towns that do not "reval" wind up making out on the deal as they are artificially low. **Supervisor Myers** noted that some communities do not have the Safety Net burden that other ones do and she felt that all should share the responsibility of taking care of the poor people in Ulster County. She further noted that in that model poor communities will stay poor forever. **Legislator Gregorius** responded that with ad valorem, the County would be making those people who do a better job, i.e. zoning or other measures to make their communities desirable, pay for Safety Net and he stated he did not think that was what the Legislature wanted. **Supervisor Myers** felt they should share some of the costs. **Legislator Gregorius** and **Legislator Ronk** stated they already share some of the costs. **Legislator Gregorius** stated Supervisor Myers was advocating that this cost go straight to ad valorem and that those people that do the best job wind up paying the most money and that, in his opinion, is inherently wrong.

Legislator Provenzano noted the City Legislators have had 10-12 resolutions over a seven year period to make the Safety Net costs a charge of the County before the State increased the share to 71%. She felt it was incredible that none of the Legislators have discussed the audacity of the State Representatives doing this to the localities and the

County. She noted the Social Services Committee was just given this charge two months ago and felt it was unfair to expect a solution. In fairness, she felt it was not fair to say the Legislature has been studying this for a year when the Committee just received this charge two months ago. To come up with a solution to such a difficult situation where there exists a royal battle between Towns, she expressed her feeling that the Legislature should wait six weeks to see what is in the budget proposal, even not knowing if it might benefit the City of Kingston or not. She noted the Legislature can adopt the County Executive's proposal or create own of their own. In response, **Chairman Roberts** stated the Legislature still had a job to do whether the County Executive was doing it for the Legislature or not and the County Executive's office has been at the meetings and invited to other dialogues. He noted he has told the County Executive to point me in a direction you want me to go and he hasn't. He noted the County Executive has his own proposal and knows the County Legislature is working on this issue. **Legislator Provenzano** stated the County Executive is making the Legislature decide what their policy will be. **Chairman Roberts** indicated the County Executive came up with the Golden Hill solution and if not, the Legislature would have had to find \$8 million to save Golden Hill. **Legislator Provenzano** stated this was incorrect.

Legislator Ronk stated imagine what the Legislature could do if government was working together and cooperating instead of plotting behind Legislators' backs. **Legislator Provenzano** stated the County Executive has a job to do and the Legislature has a job to do and the County Executive is not a policy maker so the Legislature does not have to approve his budget just like the Legislature did not have to approve selling Golden Hill. **Legislator Ronk** replied if the County Executive was really sitting on the perfect plan for Safety Net and he knows the Legislature is working on it, if he would share it before he puts out his budget. **Legislator Provenzano** stated the County Executive is not going to interfere with this Legislature.

Chairman Gerentine noted Supervisor Quigley had informed him that the number for the Town of Ulster 2011 Safety Net costs is incorrect. **Chairman Gerentine** asked where the Committee is getting the numbers from if it is not correct. **Legislator Rodriguez** clarified that it is 2011 numbers. **Supervisor Quigley** concurred that the 2011 number is not correct for the Town of Ulster. **Chairman Gerentine** asked Senior Legislative Staff Reggero if he had the 2011 number for the Town of Ulster. **Chairman Roberts** and **Senior Legislative Staff Reggero** noted the budget documents were not that detailed. **Chairman Roberts** asked Senior Legislative Staff Reggero to provide the 2011 total share number. **Senior Legislative Staff Reggero** stated he could provide that number and he also indicated there was a discrepancy. **Supervisor Quigley** stated he had asked for an analysis for the DSS office three weeks ago and had not received this to date. He noted the Committee is attempting to make a decision on what the future looks like, the Legislature must remove the impacts from the credits from the Federal Legislation in 2009 are doing to the numbers.

Senior Legislative Staff Reggero stated in his analysis, using both the budget and the spreadsheet provided at the meeting, he found a discrepancy for the overall 2009 numbers (not by Town) of close to \$1 million, in 2010 a discrepancy of about \$800,000, in 2011 an over \$1 million discrepancy and the actual for 2012 are not available. He provided a graphic document for the Committee's review.

Legislator Provenzano asked why Senior Legislative Staff Reggero did not share this with the Committee earlier. **Senior Legislative Staff Reggero** stated the information was newly realized and the Legislative Staff were still discussing with the Chairs of the two Committees. **Chairman Gerentine** stated Senior Legislative Staff Reggero needed to go back and confirm the numbers.

Legislator Provenzano and **Legislator Rodriguez** expressed frustration over a waste of a meeting and having inaccurate data. **Chairman Roberts** stated he did not fill it was a waste as the information was still something the Committee could work with.

Legislator Gregorius stated for the Committee to make a policy decision, Kingston needs to be at the table as they have 40% of the whole issue, and while conversations have been had that Kingston was made in a better position by giving them more Sales Tax and other increases. **Legislator Provenzano** noted this occurred 15 years ago. **Legislator Gregorius** felt Kingston had already been subsidized by the County and an agreement in place which is a part of whatever the Legislature decided with that 42%. **Legislator Gregorius** reiterated his position that the Legislature is unable to come to any decision unless the City of Kingston is sitting at the table. **Legislator Provenzano** stated Kingston will not sit at the table as they have a contract with County and they are not willing to amend the contract.

Legislator Provenzano asked where the Safety Net documents came from. She noted there are two financial experts in the Legislature, Sandy Mathes and Frank Reggero. She asked how the Committee was presented incorrect information. She asked "Who did this?" **Legislative Counsel Guerin** responded she believed it was provided by the County Executive. **Chairman Roberts** concurred it was provided by the County Executive's office. **Legislator Provenzano** clarified that the Safety Net spreadsheet was provided by the County Executive's office. **Chairman Roberts** confirmed this. **Legislator Provenzano** clarified that Senior Legislative Staff Reggero is reporting the data to be inaccurate. **Senior Legislative Staff Reggero** stated his position is that the information does not correspond to the adopted 2012 budget. He stated he was not indicating it to be wrong but rather the 2009, 2010, and 2011 on the Safety Net spreadsheet, provided by the County Executive's office last month, did not match the 2009, 2010, and 2011 expenditure numbers that are published in the budget. When questioned by Legislator Provenzano, **Senior Legislative Staff Reggero** indicated he discovered this discrepancy last week and had just completed the analysis today. **Legislator Provenzano** asked in spirit of cooperation, why this information was not provided to the County Executive's office last week. **Chairman Roberts** noted Senior Legislative Staff Reggero had showed him the information when he arrived for the meeting and he had not had time to review the information. **Chairman Gerentine** asked that the Committee request Senior Legislative Staff Reggero to confirm the numbers with the County Budget Director and return with the information to the Committee. **Legislator Rodriguez** concurred with Chairman Gerentine and entered a motion that the Legislative Staff verify the numbers. **Chairman Gerentine** asked that the motion be amended to also verify if the TANF money is in the budget and if so where it is appropriated in the budget. **Legislator Rodriguez** agreed to the amendment to the motion.

Senior Legislative Staff Reggero noted he included expenditures as current to 7/31/12 and that discussion regarding outstanding Safety Net bills may well be the case but as of the end of July the County is reporting a surplus overall in the County's Safety Net fund. **Chairman Gerentine** clarified Senior Legislative Staff Reggero is reporting the County as \$1 million over. **Senior Legislative Staff Reggero** stated the County is still over but that the balance does show any money any additional monies after the budget was printed and he has that information for Legislative review. **Senior Legislative Staff Reggero** noted he can only report on where the discrepancies are located but could not offer specifics.

Legislator Harris asked Senior Legislative Staff Reggero if he was still performing two job titles for the Legislature and noted his understanding that Senior Legislative Staff Reggero moved into a Legislative clerk role. **Senior Legislative Staff Reggero** noted he works at the discretion of the Legislature. **Legislator Provenzano** clarified that this was at the discretion of the Chair as the Legislators do not direct his work. **Senior Legislative Staff Reggero** confirmed that his current work includes budget and Legislative clerk stuff.

Legislator Provenzano asked Senior Legislative Staff Reggero why he would not go to the County financial people to point out the discrepancy he found and bring the information to the Committee. She noted she does not know if the information provided is correct.

Chairman Roberts stated the 2011 share numbers provided by the County Executive was 1.701 and the budget 1.736. He stated the Safety Net numbers discussed for the last hours was off only by \$20,000. He noted in the scheme of things, this is not a lot of money. He noted the 2009 numbers appear way out of line but that the 2011 numbers appear pretty accurate.

Legislator Rodriguez asked where the million dollar discrepancy came from. **Senior Legislative Staff Reggero** noted if Legislators take the budget and Safety Net documents and compare the numbers and the difference between the two is provided on the line graph. **Legislator Provenzano** noted Senior Legislative Staff Reggero did not talk to someone in the finance department to know why the numbers were different. She noted there may be outstanding bills. **Senior Legislative Staff Reggero** stated he had that information as well.

Legislators discussed availability for the next meeting.

Next Meeting:

Next Meeting: The joint Social Services and Ways and Means meeting will be on September 10, 2012 at 5:00 PM in the Karin L. Binder Library on the 6th Floor of the County Office Building.

Adjournment:

There being no further business before the meeting, on the motion duly made by Leg. Maio, seconded by Legislator Rodriguez, and carried, the meeting adjourned at 6:55 PM.

Dated the 30th day of August, 2012

Krista J. Barringer, Deputy Clerk, Ulster County Legislature

Minutes Approved on:

Draft

Ways & Means Committee

Regular Meeting Minutes

DATE & TIME: August 2, 2012 7:00 PM
LOCATION: Majority Room, Sixth Floor, County Office Building
PRESIDING OFFICER: Richard Gerentine, Chairman
LEGISLATIVE STAFF: Franklin R. Reggero
PRESENT: Legislators Bernardo, Gerentine, Gregorius, Maio, and Provenzano.
ABSENT: Legislators Maloney and Rodriguez
QUORUM PRESENT: Yes
OTHER ATTENDEES: James Hanson, Budget Director, Sue Plonski, County Attorney Office Patricia Doxey, Daily Freeman.

- Chairman Gerentine called the meeting to order at 7:00 PM.
-

I. MOTIONS:

MOTION NO. 1 Draft Resolution No. 189
TEXT OF MOTION: **RESOLVED**, Setting A Public Hearing On Proposed Local Law No. 11 of 2012 (A Local Law Amending The Ulster County Charter To Modify Various Provisions Of The Ulster County Charter) To Be Held On Tuesday, August 14, 2012 at 7 PM, Or As Soon Thereafter As The Public Can Be Heard.

MOTION MADE BY: Legislator Maio
MOTION SECONDED BY: Legislator Donaldson

DISCUSSION: **Chairman Gerentine** recognizes Legislator Provenzano for debate. Legislator Provenzano states that she has reviewed all of the Laws and Rules, Governmental Services Committee minutes and is only aware of two meetings that address Charter Revision and further states that this is insufficient based on the importance of the document. Legislator Provenzano adds that the Charter Revisions were not adequately in the Democratic Caucus and cannot support this resolution based on the above conditions. **Chairman Gerentine** calls for further discussion, hearing none.

ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Bernardo, Gerentine, Gregorius, and Maio.
VOTING AGAINST: Legislator Provenzano
NO. OF VOTES IN FAVOR: 4
NO. OF VOTES AGAINST: 1
DISPOSITION: Motion Passes

III. **DISCUSSION:** No further Debate

- There being no further business before the Committee, a motion was made by Leader Donaldson, seconded by Legislator Maio and carried to adjourn the meeting at 7:05 PM.
-

Dated the 2nd day of August, 2012

Franklin R. Reggero, Legislative Staff

Minutes Approved On: 14th day of August, 2012

Ways & Means Committee

Regular Meeting Minutes

DATE & TIME: August 7, 2012 5:00 PM
LOCATION: Majority Room, Sixth Floor, County Office Building
PRESIDING OFFICER: Richard Gerentine, Chairman
LEGISLATIVE STAFF: Franklin R. Reggero
PRESENT: Legislators Gerentine, Gregorius, Harris, Maio, Maloney and Provenzano.
ABSENT: Legislator Rodriguez
QUORUM PRESENT: Yes
OTHER ATTENDEES: Legislators Bartels and Donaldson; Erica Guerin, Legislative Counsel; Sandy Mathes, Leg. Budget Director; Ken Crannell, Deputy County Executive; Burt Gulnick, Finance; James Hanson, Budget Director, Sue Plonski, County Attorney Office; Lisa Cutten, Budget Office; Tom Jackson, Real Property; Tom Kadgen, League of Women Voters; Patricia Doxey, Daily Freeman.

- Chairman Gerentine called the meeting to order at 5:05 PM.
-

I. MOTIONS:

MOTION NO. 1 Draft Resolution No. 196

TEXT OF MOTION: RESOLVED, Amending The 2012 Ulster County Budget – Accepting Additional Revenue From The New York State Office of Children & Family Services and Appropriating The Funds For The Operation of Child Protective Services – Social Services

MOTION MADE BY: Legislator Gregorius
MOTION SECONDED BY: Legislator Harris

DISCUSSION: Chairman Gerentine calls for further discussion, hearing none.

ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Gerentine, Gregorius, Harris, Maio, Maloney and Provenzano.
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 6
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passes

MOTION NO. 2 Draft Resolution No. 198

TEXT OF MOTION: RESOLVED, Authorizing The Chairman Of The Ulster County Legislature To Execute An Agreement With New York State Division Of Criminal Justice Services For The Aid To Prosecution Program – District Attorney.

MOTION MADE BY: Legislator Maloney
MOTION SECONDED BY: Legislator Maio

DISCUSSION: Chairman Gerentine calls for further discussion, hearing none.

ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Gerentine, Gregorius, Harris, Maio, Maloney and Provenzano.
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 6
NO. OF VOTES AGAINST: 0

DISPOSITION: Motion Passes

MOTION NO. 3 Draft Resolution No. 199

TEXT OF MOTION: **RESOLVED**, Authorizing The Chairman Of The Ulster County Legislature To Execute An Amendment To The County's Inter-Municipal Agreement With The City Of Kingston For Providing Communication Services To The City Fire Department – Department Of Emergency Communications / Emergency Management.

MOTION MADE BY: Legislator Maloney
MOTION SECONDED BY: Legislator Maio

DISCUSSION: **Chairman Gerentine** calls for further discussion and recognized **Legislator Bartels** who asked for the total amount of revenue received. **Chairman Gerentine** defers to James Hanson who explained that there are no additional county costs to the County but does not have the exact numbers. **Chairman Gerentine** asked if this will save the City of Kingston money and Mr. Hanson replied yes. **Chairman Gerentine** recognized Counsel Guerin for questions regarding contract details, specifically contract termination date. Susan Plonski responded that a date is not necessary and the contract may be terminated when the City of Kingston does not wish to pay the \$75, 000 for the service; however a date may be added.

ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Gerentine, Gregorius, Harris, Maio, Maloney and Provenzano.
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 6
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passes

MOTION NO. 4 Draft Resolution No. 200

TEXT OF MOTION: **RESOLVED**, Authorizing The County Commissioner Of Finance To Accept A Bid For Private Sale Of A Parcel Of County Owned Property And Authorizing The Chairman Of The Ulster County Legislature To Convey Such Parcel – Department Of Finance.

MOTION MADE BY: Legislator Harris
MOTION SECONDED BY: Legislator Maloney

DISCUSSION: **Chairman Gerentine** recognized Burt Gulnick for comment who added that while there are taxes still owed on the property the amount is within the limit of the bid. No further debate.

ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Gerentine, Gregorius, Harris, Maio, Maloney and Provenzano.
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 6
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passes

MOTION NO. 5 Draft Resolution No. 201

TEXT OF MOTION: **RESOLVED**, Authorizing The Payment Of Administrative Fees To The Ulster County Development Corporation For The Town Of Marlborough Shovel Ready Fund Road Improvement Project – Amending The 2012 Ulster County Budget.

MOTION MADE BY: Legislator Maloney
MOTION SECONDED BY: Legislator Maio

DISCUSSION: Chairman Gerentine calls for further discussion, hearing none.

ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Gerentine, Gregorius, Harris, Maio, Maloney and Provenzano.
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 6
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passes

MOTION NO. 6 Draft Resolution No. 202

TEXT OF MOTION: **RESOLVED**, Amending The 2012 Ulster County Budget To Accept An Additional Allocation From The New York State Office Of Temporary And Disability Assistance – Department Of Employment And Training.

MOTION MADE BY: Legislator Gregorius
MOTION SECONDED BY: Legislator Harris

DISCUSSION: Chairman Gerentine calls for further discussion, hearing none.

ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Gerentine, Gregorius, Harris, Maio, Maloney and Provenzano.
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 6
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passes

MOTION NO. 7 Draft Resolution No. 203

TEXT OF MOTION: **RESOLVED**, Establishing Capital Project Nos. 371 and 372 - Reconstruction Of County Box Culverts - Amending The 2012 - 2017 Capital Program And The 2012 Capital Fund Budget - Department Of Public Works (Highways And Bridges).

MOTION MADE BY: Legislator Harris
MOTION SECONDED BY: Legislator Gregorius

DISCUSSION: Chairman Gerentine calls for further discussion, hearing none.

ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Gerentine, Gregorius, Harris, Maio, Maloney and Provenzano y.
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 6
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passes

MOTION NO. 8 Draft Resolution No. 205

TEXT OF MOTION: **RESOLVED**, Confirming The Appointment Of Thomas H. Jackson, Jr. As Director of Real Property Tax Service Agency.

MOTION MADE BY: Legislator Harris
MOTION SECONDED BY: Legislator Maloney

DISCUSSION: **Chairman Gerentine** recognized **Legislator Harris** who stated that he pleased with the nomination and is looking forward to working with Mr. Jackson. **Chairman Gerentine** recognized **Legislator Gregorius** who asked that Mr. Jackson introduce himself to the committee. Mr. Jackson introduces himself and gave a background on his work for Ulster County. **Chairman Gerentine** voiced his support of Mr. Jackson and has known him for over 20 years. **Leader Donaldson** also supports the nomination.

ROLL CALL VOTE: No
VOTING IN FAVOR: **Legislators Gerentine, Gregorius, Harris, Maio, Maloney and Provenzano.**
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 6
NO. OF VOTES AGAINST: 0
DISPOSITION: **Motion Passes**

MOTION NO. 9 **Draft Resolution No. 206**

TEXT OF MOTION: **RESOLVED**, Adopting A Revised Procurement Manual, Updated To Incorporate Changes In New York State General Municipal Law §103(1) – Department of Purchasing.

MOTION MADE BY: **Legislator Maloney**
MOTION SECONDED BY: **Legislator Maio**

DISCUSSION: **Chairman Gerentine** calls for further discussion, hearing none.

ROLL CALL VOTE: No
VOTING IN FAVOR: **Legislators Gerentine, Gregorius, Harris, Maio, Maloney and Provenzano.**
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 6
NO. OF VOTES AGAINST: 0
DISPOSITION: **Motion Passes**

MOTION NO. 10 **Draft Resolution No. 207**

TEXT OF MOTION: **RESOLVED**, Implementing A Voluntary Separation Program For Eligible Ulster County Employees.

MOTION MADE BY: **Legislator Harris**
MOTION SECONDED BY: **Legislator Gregorius**

DISCUSSION: **Chairman Gerentine** recognized Mr. Hanson for further comment. Mr. Hanson stated that the initiative should save the County \$400,000 if the program nets 5% of the eligible employees. Mr. Hanson stated that it is too early to tell exactly how much the County will save. **Chairman Gerentine** asked how many positions qualify. Mr. Hanson stated that there are 232 positions eligible and if everyone was to participate it would save the County \$8 million.

ROLL CALL VOTE: No
VOTING IN FAVOR: **Legislators Gerentine, Gregorius, Harris, Maio, Maloney and Provenzano.**
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 6
NO. OF VOTES AGAINST: 0
DISPOSITION: **Motion Passes**

MOTION NO. 11

Draft Resolution No. 209

TEXT OF MOTION:

RESOLVED, Adopting Introductory Local Law No. 10 Of 2012 (A Local Law Amending The Ulster County Charter And Ulster County Administrative Code By Deleting Article XVII From Each [Real Property Tax Service Agency], And Amending The Ulster County Charter With Respect To Article VIII [Department Of Finance]), Hereinafter Known As Local Law No. 8 of 2012.

MOTION MADE BY:

Legislator Harris

MOTION SECONDED BY:

Legislator Gregorius

DISCUSSION:

Chairman Gerentine calls for further discussion, hearing none.

ROLL CALL VOTE:

No

VOTING IN FAVOR:

Legislators Gerentine, Gregorius, Harris, Maio, Maloney and Provenzano.

VOTING AGAINST:

None

NO. OF VOTES IN FAVOR:

6

NO. OF VOTES AGAINST:

0

DISPOSITION:

Motion Passes

MOTION NO.12

Draft Resolution No. 210

TEXT OF MOTION:

RESOLVED, Approving The Execution Of Various Contracts And Change Orders In The Amount Of \$50,000.00 Or In Excess Of \$50,000.00 Entered Into By The County.

MOTION MADE BY:

Legislator Maloney

MOTION SECONDED BY:

Legislator Gregorius

DISCUSSION:

Chairman Gerentine recognized **Legislator Gregorius** for a clarification on the contract with Durham School Services L.P. Ms. Plonski replied Durham School Services is just the name of the company and has nothing to do with the Town of Durham in Greene County. **Chairman Gerentine** recognized Legislative Counsel Guerin for a clarification from Mr. Hanson regarding L43-5, VMC Group Inc. on whether or not the contract amendment would make payment retroactive to Jan 2012. Counsel Guerin recommended that the Contract Management verify that the actual amendment does not include a retroactive payment. Mr. Hanson and Ms. Plonski concurred.

ROLL CALL VOTE:

No

VOTING IN FAVOR:

Legislators Gerentine, Gregorius, Harris, Maio, Maloney and Provenzano.

VOTING AGAINST:

None

NO. OF VOTES IN FAVOR:

6

NO. OF VOTES AGAINST:

0

DISPOSITION:

Motion Passes

MOTION NO. 13

Draft Resolution No. 211

TEXT OF MOTION:

RESOLVED, Authorizing The Chairman Of The Ulster County Legislature To Execute A Participation Agreement, And Any Amendments Thereto, With The New York State Department Of Homeland Security And Emergency Services, Office Of Emergency Management, For Participation In The Local Emergency Management Performance Grant Program For Federal Fiscal Year 2011 – Emergency Communications / Emergency Management.

MOTION MADE BY:

Legislator Maio

MOTION SECONDED BY:

Legislator Harris

DISCUSSION:

Chairman Gerentine calls for further discussion, hearing none.

ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Gerentine, Gregorius, Harris, Maio, Maloney and Provenzano.
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 6
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passes

MOTION NO. 14

Draft Resolution No. 212

TEXT OF MOTION: **RESOLVED**, Amending the 2012 – 2017 Capital Program To Establish Capital Project No. 373 Replacement Of HVAC System And Backup Generators, And Installation Of An Emergency Notification System – Ulster County Community College.

MOTION MADE BY: Legislator Harris
MOTION SECONDED BY: Legislator Maio

DISCUSSION: Chairman Gerentine calls for further discussion, hearing none.

ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Gerentine, Gregorius, Harris, Maio, Maloney and Provenzano.
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 6
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passes

MOTION NO. 15

Draft Resolution No. 214

TEXT OF MOTION: **RESOLVED**, Authorizing A Request For Proposals For The Sale Of The Assets Of The Resource Recovery Agency (RRA).

DISCUSSION: Chairman Gerentine motioned to hold this resolution pending further information from the special committee regarding the RRA. Legislator Gregorius stated several questions that should be answered regarding the RRA prior to considering this resolution. Chairman Gerentine concurs with Legislator Gregorius that several questions will need to be answered before this resolution can be considered. Chairman Gerentine recognized Legislator Provenzano for comment regarding the committee process and her dissatisfaction as to the way in which this resolution was handled. Legislator Provenzano also voiced support for Leader Donaldson's press release regarding the sale of the RRA.

Legislator Bartels stated that she is not clear on the process and questioned why this resolution is in the Ways and Means Committee. Chairman Gerentine stated that due to the financial impact of this resolution it must come through Ways and Means.

Legislator Belfiglio stated that the Environmental Committee has solicited ideas from the Legislature for the past month and received no feedback. Chairman Gerentine would like to move forward and have the questions answered in order for this resolution to be moved.

Legislator Gregorius stated that his concern with this resolution is the funds attached \$10,000. Chairman Gerentine stated that there are many factors that must be addressed including being granted the authority from the State Legislature to sell the assets.

Chairman Gerentine directed that Resolution 214 be sent back to the Environmental Committee along with the questions from the members of the Ways and Means Committee to be answered to the satisfaction of the Committee before it will be considered for a vote.

Chairman Gerentine recognized Legislator Bartels who asked for a clarification as to the disposition of Resolution 214 and what action is the Ways and Means Committee taking on the resolution.

Chairman Gerentine recognized **Legislator Maloney** for a motion to have Resolution 214 withdrawn at this time and sent back to the Environmental Committee along with questions that must be answered which was seconded by **Legislator Gregorius**, adopted unanimously.

Chairman Gerentine recognized **Legislator Bartels** stated that the Environmental Committee has invested a tremendous amount of time regarding the RRA and believes that this resolution is premature and should be sent back to the committee.

DISPOSITION: **Resolution sent back to the Environmental Committee until questions can be answered.**

MOTION NO. 16 **To hold for next weeks legislative session for Draft Resolution No. 215**

TEXT OF MOTION: **RESOLVED**, Adopting Introductory Local Law No. 3 Of 2012 (A Local Law Entitled "Mandate And Taxation Information Act"), Hereinafter Known As Local Law No. 7 of 2012.

MOTION MADE BY: **Legislator Maloney**

MOTION SECONDED BY: **Legislator Maio**

DISCUSSION: **Chairman Gerentine** calls for a motion to make a recommendation to the full legislative body to hold this resolution over until next week's session, moved by **Legislator Harris** seconded by **Legislator Maloney**.

ROLL CALL VOTE: **No**

VOTING IN FAVOR: **Legislators Gerentine, Gregorius, Harris, Maio, Maloney and Provenzano.**

VOTING AGAINST: **None**

NO. OF VOTES IN FAVOR: **6**

NO. OF VOTES AGAINST: **0**

DISPOSITION: **Motion Passes**

III. DISCUSSION:

Chairman Gerentine provided an update to the Committee regarding the Stewart Airport Commission and the drafting of a resolution supporting the proposed economic development of the area.

Chairman Gerentine introduced the idea of hiring an Independent Financial Analyst to provide an analysis of the County Executive proposed 2013 budget.

Chairman Gerentine recognized **Legislator Provenzano** for comment regarding the hiring of a financial analyst. **Legislator Provenzano** stated that it is her belief that the hiring of a financial analyst should go through the Health and Personnel Committee.

Chairman Gerentine recognized **Legislator Bartels** who stated that it was her understanding someone was already hired to perform the budget analysis and was not aware of the recent legislative office changes to personnel. **Legislator Bartels** further requested a list of legislative staff along with positions vacant to better understand the situation. **Legislator Bartels** asked **Chairman Gerentine** to be added to the email distribution list for the Ways and Means Committee. **Chairman Gerentine** agreed and instructed legislative staff to insure that **Legislator Bartels** is added to the distribution list.

Leader Donaldson stated the importance of having a financial analysis of the 2013 proposed budget, not only for the legislature but the County Executive as well.

Chairman Gerentine stated that there are sufficient funds available to put out a Request For Proposal (RFP) for service. Motion made by **Legislator Harris** seconded by **Legislator Maloney**, unanimously adopted.

-
- **There being no further business before the Committee, a motion was made by Legislator Maio seconded by Legislator Gregorius and carried to adjourn the meeting at 6:20 PM.**
-

Dated the 7th day of August, 2012

Franklin R. Reggero, Legislative Staff

Minutes Approved On: September 11, 2012

Ways & Means Committee

Regular Meeting Minutes

DATE & TIME: August 14, 2012 5:30 PM
LOCATION: Karen L. Binder Library, Sixth Floor, County Office Building
PRESIDING OFFICER: Richard Gerentine, Chairman
LEGISLATIVE STAFF: Franklin R. Reggero
PRESENT: Legislators Gerentine, Gregorius, Harris, Maio, Maloney, Provenzano and Rodriguez.
ABSENT: None
QUORUM PRESENT: Yes
OTHER ATTENDEES: Legislators Bernardo, Bartels, Belfiglio, Wawro and Wishnick; Langdon Chapman, Legislative Counsel; Sandy Mathes, Leg. Budget Director; Beatrice Havranek, Roland Bloomer, Susan Plonski, Kristin Gumaer, County Attorney; Sue Ronga, UCDPW; Tom Kadgen, League of Women Voters; Charles Landi, RRA Board; Patricia Doxey, Daily Freeman.

- Chairman Gerentine called the meeting to order at 5:32 PM.
-

I. MOTIONS:

MOTION NO. 1 Draft Resolution No. 213

TEXT OF MOTION: **RESOLVED**, Authorizing The Replacement Of The HVAC System, Installation Of Back-Up Generators, And Installation Of An Emergency Notification System At Ulster County Community College, In And For The County Of Ulster, New York, At a Maximum Estimated Cost of \$680,000, And Authorizing The Issuance Of An Aggregate \$680,000 Bonds Of Said County To Pay The Cost Thereof.

MOTION MADE BY: Legislator Rodriguez

MOTION SECONDED BY: Legislator Maloney

DISCUSSION: Chairman Gerentine calls for further discussion, hearing none.

ROLL CALL VOTE: No

VOTING IN FAVOR: Legislators Gerentine, Gregorius, Harris, Maio, Maloney, Provenzano and Rodriguez.

VOTING AGAINST: None

NO. OF VOTES IN FAVOR: 7

NO. OF VOTES AGAINST: 0

DISPOSITION: Motion Passes

MOTION NO. 2 Draft Resolution No. 214

TEXT OF MOTION: **RESOLVED**, Authorizing A Request For Proposals For The Sale Of The Assets Of The Resource Recovery Agency.

DISCUSSION: WITHDRAWN BY SPONSOR

DISPOSITION: None

MOTION NO. 3

Draft Resolution No. 215

TEXT OF MOTION: **RESOLVED**, Adopting Proposed Local Law No. 3 Of 2012 (A Local Law Entitled "Mandate And Taxation Information Act"), Hereinafter Known As Local Law No. 8 of 2012.

MOTION MADE BY: **Legislator Maloney**

MOTION SECONDED BY: **Legislator Maio**

DISCUSSION: **Chairman Gerentine** calls for further discussion, hearing none.

ROLL CALL VOTE: **No**

VOTING IN FAVOR: **Legislators Gerentine, Gregorius, Harris, Maio, Maloney, Provenzano and Rodriguez.**

VOTING AGAINST: **None**

NO. OF VOTES IN FAVOR: **6**

NO. OF VOTES AGAINST: **0**

DISPOSITION: **Motion Passes**

MOTION NO. 4

Draft Resolution No. 216

TEXT OF MOTION: **RESOLVED**, Requesting The US Department Of Transportation And The Federal Aviation Administration Consider Stewart International Airport As The Location Of The Air-Traffic Control Operations Center.

MOTION MADE BY: **Legislator Rodriguez**

MOTION SECONDED BY: **Legislator Gregorius**

DISCUSSION: **Chairman Gerentine** calls for further discussion, hearing none.

ROLL CALL VOTE: **No**

VOTING IN FAVOR: **Legislators Gerentine, Gregorius, Harris, Maio, Maloney, Provenzano and Rodriguez.**

VOTING AGAINST: **None**

NO. OF VOTES IN FAVOR: **6**

NO. OF VOTES AGAINST: **0**

DISPOSITION: **Motion Passes**

MOTION NO. 5

Draft Resolution No. 217

TEXT OF MOTION: **RESOLVED**, Authorizing the Creation of a Commission on the Future of the RRA.

MOTION MADE BY: **Legislator Maloney**

MOTION SECONDED BY: **Legislator Maio**

DISCUSSION: **Chairman Gerentine** calls for further discussion and asked **Legislator Provenzano** if the discussion or meeting regarding the future of the RRA was successful. **Legislator Provenzano** stated that she was not at the meeting and can not speak for the others; however, stated that in the Rules of the Legislature it is the responsibility of the Legislative Environmental, Energy and Technology Committee to address all concerns regarding the RRA. **Legislator Provenzano** further explained that **Legislators Wishnick and Belfiglio** have invested a tremendous amount of time on the subject and have produced a report addressing all relevant courses of actions for the RRA.

Chairman Gerentine stated that up until 4:00 PM today, he was under the impression that the majority of members were in agreement regarding the RRA based on the meetings that were held last week. **Chairman Gerentine** asked **Legislator Belfiglio**, Chairman of the Environmental, Energy and Technology Committee to explain what had happened between last week and now. **Legislator Belfiglio** stated that his committee had reached an understanding regarding the RFP resolution and voted to withdraw it and proceed with a special commission. **Legislator Belfiglio** further states that at the conclusion of

the meeting he too was under the impression that an agreement had been reached. **Legislator Belglio** stated that it is unfortunate that the County Executive does not wish to have a seat at the table regarding the RRA; however, the County Executive stated that he will assist the process by offering recourses.

Chairman Gerentine recognizes **Legislator Bartels** who stated she agrees with **Legislator Belglio's** characterization of the meeting; however, after several conversations with Town Supervisors and County agencies it is her opinion that outside support and participation in a commission would be minimal at best. **Legislator Bartels** further elaborated that in hindsight it is the responsibility of the Environmental, Energy and Technology Committee to debate the future of the RRA. **Legislator Bartels** stated that it is her belief that in the near future the Ways and Means Committee may become involved in the process and admits that she has changed her mind and believes that the RRA debate is the responsibility of the Environmental, Energy and Technology Committee.

Chairman Gerentine asked **Legislator Bartels** to explain the difference between a Commission or Committee. **Chairman Gerentine** emphasized that the same Legislators will be on both bodies with the only difference being bringing more stake holders to the discussion. **Legislator Bartels** restated that the proposed commission does not have the intended support and believes that the Environmental, Energy and Technology Committee will be as effective.

Chairman Gerentine recognized **Legislator Harris** for debate who further stated that he was pleased with the work of the Environmental, Energy and Technology Committee and initially supported the idea of a Commission; however listening to the debate **Legislator Harris** proposed that the Chairmen of the Ways and Means and Environmental and Technology Committee come together and form a joint committee to address the future of the RRA.

Chairman Gerentine recognized **Legislator Wishnick** for comment who stated that he has devoted several hours along with **Legislator Belglio** to address the issues and concerns regarding the RRA. **Legislator Wishnick** further stated he was pleased with the progress of the Environmental, Energy and Technology Committee and also in hindsight does not support the forming of a commission.

Chairman Gerentine stated that regardless of a Committee or Commission, the entity will provide its recommendations to the full Legislature where the ultimate responsibility rests. **Chairman Gerentine** further stated that the Ways and Means Committee will not act until all the Committees questions are answered by the Environmental, Energy and Technology Committee.

Chairman Gerentine recognizes **Legislator Rodriguez** who motioned to table this resolution and adopt **Legislator Harris's** recommendation to form a joint committee regarding the future of the RRA consisting of the Ways and Means and the Environmental, Energy and Technology Committee. **Chairman Gerentine** directed that the issue be discussed in caucus and at which time the Ways and Means Committee would reconvene to consider the motion. **Legislator Rodriguez** asked **Chairman Gerentine** if he could yield his comments to **Leader Donaldson**. **Leader Donaldson** stated that he also supports the above recommendation.

DISPOSITION: Motion is tabled until after caucus.

MOTION NO. 6

Draft Resolution No. 218

TEXT OF MOTION:

RESOLVED, Supporting The Grant Application By The Ulster County Community Action Committee For A Community Service Block Grant.

MOTION MADE BY:

Legislator Provenzano

MOTION SECONDED BY:

Legislator Maio

DISCUSSION:

Chairman Gerentine calls for further discussion, hearing none.

ROLL CALL VOTE:

No

VOTING IN FAVOR:

Legislators Gerentine, Gregorius, Harris, Maio, Maloney, Provenzano and Rodriguez.

VOTING AGAINST:

None

NO. OF VOTES IN FAVOR:

6

NO. OF VOTES AGAINST:

0

DISPOSITION:

Motion Passes

III. DISCUSSION:

Chairman Gerentine introduced the idea of hiring an Independent Financial Analyst to provide an analysis of the County Executive proposed 2013 budget and provided the total amount anticipated to this date.

Chairman Gerentine stated that there are sufficient funds available to put out a Request For Proposal (RFP) for service. Motion made by **Legislator Harris** seconded by **Legislator Maloney**, unanimously adopted.

Chairman Gerentine announced the joint Ways and Means and Social Services Committee on August 27, 2012 regarding Safety Net.

Legislator Provenzano requested that the report be analyzed by Mr. Mathes and the analysis be provided to the Ways and Means Committee meeting on September 11, 2012. So ordered by Chairman Gerentine.

-
- **There being no further business before the Committee, a motion was made by Legislator Maio seconded by Legislator Gregorius and carried to recess the meeting at 6:40 PM.**
-

IV. Reconvening of the Ways and Means Committee at 8:00PM.

MOTION NO. 6 **Draft Resolution No. 217**

TEXT OF MOTION: **RESOLVED**, Authorizing the Creation of a Joint Legislative Committee consisting of the Environmental, Energy and Technology and the Ways and Means on the Future of the RRA. **As Amended in Committee.**

MOTION MADE BY: **Legislator Provenzano**
MOTION SECONDED BY: **Legislator Maloney**

DISCUSSION: **Chairman Gerentine** calls for further discussion, hearing none.

ROLL CALL VOTE: **No**
VOTING IN FAVOR: **Legislators Gerentine, Gregorius, Harris, Maio, Maloney, Provenzano and Rodríguez.**

VOTING AGAINST: **None**
NO. OF VOTES IN FAVOR: **6**
NO. OF VOTES AGAINST: **0**
DISPOSITION: **Motion Passes**

-
- **There being no further business before the Committee, a motion was made by Legislator Maio seconded by Legislator Gregorius and carried to adjourn the meeting at 8:10 PM.**
-

Dated the 14th day of August, 2012

Franklin R. Reggero, Legislative Staff

Minutes Approved On: September 11, 2012