

ULSTER COUNTY LEGISLATURE

TERRY L. BERNARDO, Chairman
JAMES F. MALONEY, Vice Chairman
KENNETH J. RONK, JR., Majority Leader
DAVID B. DONALDSON, Minority Leader
VICTORIA A. FABELLA, Clerk



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MINUTES

JULY 23, 2013

PUBLIC HEARINGS &

REGULAR MEETING

**Legislative Chambers, 6th Floor, County Office Building; and
Via Video Conference at St. Regis Monarch Beach, Lobby,
One Monarch Beach Resort, Dana Point, CA 92629***

7:00 PM EST/4:00* PM PDT

MEETING CALLED TO ORDER BY CHAIRMAN: 7:08 PM

PLEDGE OF ALLEGIANCE TO THE FLAG: Chick and Trudy Logan and Doris and Gary Miller

MOMENT OF SILENT MEDITATION:

ANNOUNCEMENTS

FIRE EVACUATION PLAN

PLEASE NOTE THAT IN THE EVENT OF AN EMERGENCY THE FIRE DEPARTMENT HAS REQUESTED THAT LEGISLATORS AND ALL OTHERS MOVE AT LEAST ONE BLOCK AWAY FROM THE COUNTY OFFICE BUILDING IN ORDER NOT TO IMPEDE THE FIREFIGHTERS IN THEIR DUTIES

CELL PHONES

Please silence cell phones and refrain from texting for the duration of Session.

MICROPHONES

Please be reminded to use your microphones when speaking so that you are recorded for the official record.

ROLL CALL: Present: 22 Absent: 1 (Legislator Robert Parete arrived 7:45 p.m.)

CALL OF THE 1st PUBLIC HEARING BY CLERK: Ulster County 2013 Annual Agricultural District Inclusions

PUBLIC COMMENT: 7 commentators signed for public comment.

- 1) **Stanley Makita:**
Mr. Makita lives on property bordering property being considered for inclusion in the 2013 Agricultural District. He stated that there are issues involving the property in question which included access, usage, building permit and that the Town is in the process of getting answers to these issues.
- 2) **Mike Moriello, Esq.:**
Mr. Moriello stated he is the attorney for Terry Valenti and the Tollgate/Route Farm. He presented a memorandum setting forth his client's position (on file with the Clerk of the Legislature). Mr. Moriello stated whether his client's farm is included into the Agricultural District or not, does not have a bearing on whether it is lawfully existing/operating or not. He stated he doesn't see the two uses being in discord.
- 3) **Sam Bryant:**
Mr. Bryant stated every action by the farm has violated the law first and has had to correct the violations retroactively. Mr. Bryant stated the farm access is through a residential neighborhood which is not zoned commercial and questioned the impact of increased traffic and insurance coverage.
- 4) **Bill Quinn:**
Mr. Quinn deferred his time to Geoffrey Ring.

- 5) **Mark Ennis:**
Mr. Ennis made reference of misuse of animals presently on the property, stated the property is not a “farm,” and that the owners care only for themselves.
- 6) **Geoffrey Ring:**
Mr. Ring reiterated the comments previously stated by his neighbors and added that the Valentis were trying to circumvent ordinances and covenants that ran with the property.
- 7) **Terry L. Valenti:**
Ms. Valenti stated that her animals weren’t mistreated and remarked it odd that the neighbors knew the hour that her horse escaped. She stated that there had been trespassing on her property, she had installed cameras and that they had been taken down. She stated that, although she may rent the property, she does pay taxes, has a 5-year lease and plans on purchasing the property. Ms. Valenti extended an invitation to visit and see the animals personally.
- 8) **Bonnie Wall:**
Ms. Wall countered Ms. Valenti’s remarks that neighbors trespassed on the property. Ms. Wall was concerned with the environmental and water usage issues attached to the property. She suggested that a bear could possibly be mistaken as the neighbors entering the premises.

PUBLIC HEARING ADJOURNED: Motion to adjourned public hearing made by Minority Leader Donaldson, seconded by Majority Leader Ronk, and with all Legislators voting in favor, adjourned at 7:27 p.m.

CALL OF THE 2nd PUBLIC HEARING BY CLERK: Proposed Local Law No. 4 of 2013 (A Local Law Amending Local Law No. 8 of 2012 “A Local Law Of The County of Ulster Entitled ‘Mandate and Taxation Information Act’”)

PUBLIC COMMENT: There were no commentators signed up to speak.

PUBLIC HEARING ADJOURNED: 7:28 p.m.

BIRTHDAYS: Jeanette Provenzano, August 5

MOTION TO DISPENSE WITH THE READING OF THE MINUTES OF THE PREVIOUS MEETING

COMMUNICATIONS FROM:

Legislator Mary Wawro
Ulster County Resource Recovery Agency

Empire State Development Director

Fulton County
New York State Assemblyman Cahill

Wallkill Hook, Ladder & Hose, Co.
Ulster County Attorney

New York State Assemblyman Kolb

President New York State Union of Police
Associations, Inc.
New York State Senator DeFrancisco

Mid-Hudson Library System

Bard College

NYSAC

New York State Senator Tkaczyk

Skype Request July 23, 2013 Session
June 17, 2013 Regular Board Meeting
Agenda, May 2013 Recycling Report,
& Recycling Commodities, Leachate
Report and MSW Report
July 15, 2013 Regular Board Meeting
Agenda, June 2013 Recycling Report
& Recycling Commodities, Leachate
Report and MSW Report, July 15,
2013 Agenda and June 17, 2013
Minutes
RFP Issued by Mid Hudson Regional
Council Seek Applications w/ Cover
Letter
Resolution No. 188
Letter with Bill A.7948-A re: Sales
Tax
75th Convention and Parade Invitation
County Actions Report Month of May
2013
Confirmation of Receipt of Resolution
No. 120
Confirmation of Receipt of Resolution
Nos. 121, 132, 133, 135-137
Ulster County Law Enforcement
Commission
Acknowledgment of Receipt of
Resolution No. 120
Certificates of Insurance; 2012 Year-
end Financial Report
Bardsummerscape, July 11-21, 2013;
American Symphony Orchestra
Acknowledgment of Receipt of
Resolution No.133
Acknowledgment of Receipt of
Resolution Nos. 120, 121, 132, 133,
135 – 137

COMMUNICATIONS (continued):

NACo	<i>County News</i> , Vol. 45, No. 12; June 17, 2013
Ulster County Department of Mental Health	2012 Agreed-Upon Procedures Report
Ulster County Workforce Investment Board	April 29, 2013 Minutes
Ulster County Tourism	Kingston's Independence Three –Day Weekend Celebration
	<i>Trending</i> , July 2013
Anderson Center for Autism	<i>LifeLong Learning</i> , 2013 Volume 2
New York State Senator Seward	Acknowledgment of Receipt of Resolution Nos. 121, 132, 133, 135-137)
	Acknowledgment of Receipt of Resolution No. 159
New York State Senator DeFrancisco	Memorandum re: Local Roads Program
Cornell University	Memorandum of Receipt re: Resolution No. 88
Mid-Hudson Library System	Annual Response
UCIDA	Sanitary Code
Ulster County Health Department	July 19, 2013 Reception for John McHugh, CFO
Ulster Greene ARC	Change of Address
SMRT Architects and Engineers, PC	<i>Chamber News</i> , July 2013; Buy Local Expo, September 18, 2013; A&T Healthcare Pamphlet; 2013-2014 Leadership Class Application
Ulster County Chamber of Commerce	Announcement
HealthAlliance Foundation	Letter re: Organizational Transition to HealthAlliance Foundation
Concerned Citizen	(1) Letter in Support – Rail w/Trail
Concerned Citizen	(1) Railroad
Coalition Watershed Towns	Letter re: New Officers
Ulster County Attorney	April 2013 County Actions Report
	June 2013 County Actions Report
Olive Town Clerk Rozzelle	Letter re: Town Resolution No. 11 of 2013
Riseley & Moriello, Esqs.	Memorandum re: Farmland of Valenti et. al. as Proposed for Inclusion Within an Agricultural District Situate Within the Town of Ulster

COMMUNICATIONS (continued):

C&S Companies NaCO	<i>Advances</i> , Spring 2013 <i>County News</i> , Vol.45, No.13, July 1, 2013
Concerned Resident of Delaware County	Fracking Intervention Link, Photo, Huston's Blog Spot
Ulster County Planning Department	2013 Annual Agricultural District Inclusions
Ulster Deputy Comptroller Eriole Anderson Center for Autism Nathan Jessop NYSAC UCCC	April Take Home Vehicle Report 12 th Annual Gala, October 5, 2013 Notice for Inquires 2013 Fall Seminar, Saratoga Springs 32 nd RSVP Luncheon and Awards Ceremony, August 14, 2013, Hillside Manor
American Cancer Society	Making Strides Against Cancer, August 15, 2013 Kickoff Breakfast
Central Hudson Christopher M. Martell, Hodgson, Russ LLP	<i>Energy Bulletin</i> , July 2013 Ulster County IDA, Golden Hill Acquisition LLC Project PILOT
New York State Senator Bonacic	Acknowledgment of Receipt of Res Nos. 158 & 159
New Horizons	<i>New Horizons Resources, Inc.</i> , Summer 2013
Catskill Forest Association	<i>CFA News</i> , Volume 31, Number 2, Spring 2013
League of Women Voters	<i>Commentator</i> , July/August 2013

COUNTY EXECUTIVE COMMUNICATIONS:

Notice of Appointment to Environmental Management Council – Anissa Bejaoui and Mary O'Donnell
Notice of Appointment to Office of the Aging Advisory Council – R. Michael Lamoree
Notice of Appointment to Director of Ulster County Real Property Tax Service Agency – Thomas H. Jackson, Jr.

COUNTY EXECUTIVE COMMUNICATIONS (continued):

June 2013 Budgetary Transfers
Law Enforcement Sustainability
Commission Declination
July 3, 2013 Corporate Compliance
Minutes
Notice of Appointment – John H.
Dwyer, Sr.
Board of Ethics April 2013 Report
Statement of Expenditures,
Encumbrances & Unencumbered
Balance, Statement of Revenues
Earned & Unearned Balance Year to
Date June 30, 2013

COMMITTEE REPORTS:

DATE:

Economic Development & Tourism	June 5, 2013
Environmental, Energy & Technology	June 6, 2013
Law Enforcement & Public Safety	June 4, 2013
Laws & Rules, Governmental Services	May 13, 2013
	May 21, 2013
	June 17, 2013
Legislative Programs, Education and Community Services	June 5, 2013
	June 11, 2013
Public Works & Capital Projects	June 5, 2013
Ways and Means	June 11, 2013
	June 18, 2013

PRESENTATIONS:

Vice-Chairman James Maloney took the Chair in order that the Chairman Terry Bernardo could present a Pride of Ulster County Award to Rochester residents Trudy and Charles “Chick” Logan in recognition of their dedication and hard work in restoring the Palentown Schoolhouse. Mr. Logan introduced his wife Trudy and good friends Doris and Gary Miller. Mr. Logan gave a brief history and location of the Schoolhouse. Mr. Logan thanked Deputy Fawn Tantillo for her donation of a bell and presented Chairman Bernardo with a photograph of the Palentown Schoolhouse for the archives.

PUBLIC COMMENT: There were 10 public commentators.

1. **Gloria Waslyn:**

Ms. Waslyn indicated that she had been invited to the Palentown School with her “Parrots of Peace.” She wished to comment personally on what a difficult issue existed with the different viewpoints held by the supporters of the railroad and the supporters of the rail trail. Ms. Waslyn supported vigorous use of land to support hiking and biking.

2. **Patty Goodwin:**

Ms. Goodwin stated she was a resident of Glenford who wished to speak on the economic impact of the proposed Catskill Mountain Rail Trail. Ms. Goodwin referenced a study completed by Kamoin Associates which projected \$3.1 million being brought into Ulster County as a result of the rail trail. To substantiate that finding, Ms. Goodwin recounted a conversation that had taken place with Deb Harris, sales director at the Garden Plaza Hotel which hosted 225 cyclists the prior Wednesday who were completing a benefit ride from Albany to Trenton, New Jersey. Ms. Goodwin stated a long trail would encourage the return of riders with their families who disliked the dangers of road riding.

3. **Tyler Carelli:**

Mr. Carelli stated he was a new volunteer, also known as the “enthusiastic kid”, with the Catskill Mountain Rail Road and recounted his experience of riding train with same engineer that he had ridden with 14 years prior as a child. He supported a rail trail without having to rip up the tracks.

4. **Alan Kordzikowski:**

Mr. Kordzikowski stated he would provide written statement.

5. **Matt Diamond:**

Mr. Diamond spoke in support of the CMRR and believed that the rail had the potential to bring in more revenue to areas such as Phoenicia; more so that a rail trail. He stated that as a result of the thesis he had written in college on the CMRR, four professors and their families traveled to Ulster to ride the train. He urged the Legislative body to take more time and develop a comprehensive plan.

6. **Kelly Myers:**

Town of Saugerties Supervisor Myers indicated she was speaking at the request of the Supervisors & Mayors Association. She stated, together with Supervisors Carlsen and Chipman, she attended the Ways & Means Committee meeting the prior month to advocate the County takeover of the Safety Net charges. Supervisor Myers reflected upon the lack of control the Towns have, that the County passes the expense back to the Town of origination and that the County fully administrates the program without any input from the Towns that are affected. She noted this in turn creates a huge burden on those Towns.

7. **Jennifer Berky:**

Ms. Berky stated she was a member of the Hudson River Valley Greenway Conservancy Board and provided information to those present with regard to a trails Summit that was hosted on July 20th. She distributed a map showing the a proposed “greenline”. (Distributed information on file with the Clerk of the Legislature). She noted City of Kingston Mayor Gallo, Ulster County Department of Planning Representative Chris White, and members of the Marbletown Rail Trail Committee were among the 50 participants that attended.

8. **Helen Chase:**

Ms. Chase stated she was a resident of the Town of Olive, an officer of the Friends of the Catskill Interpretive Center and representative to the Central Catskills Collaborative. Ms. Chase mentioned a number of events, activities and programs that had taken place for the well-being of the Catskills and that would be taking place in the future.

9. **Kathy Nolan:**

Ms. Nolan spoke as Vice-President of the Catskill Mountain Interpretive Center and wished to thank the Legislature for their support in the passage of Resolution 193.

10. **George Bain:**

Mr. Bain provided a statement that the County Executive had withdrawn support of Catskill Mountain Railroad in a four-month period and surmised as to what had occurred. Mr. Bain stated that there was not an open and transparent operation of government on the Executive’s behalf. He expressed the CMRR being exasperated by lack input from the County Executive.

CONSENT RESOLUTIONS:

***RESOLUTION NOS: 155A, 176, 183-185, 188-216, 218 & 219 (174 & 186-Withdrawn; 182, 187
217 – Postponed)***

DISCUSSION:

Legislator Donaldson requested that confirmation of the removal of Resolution No. 216 from the Consent packet to which Chairman Bernardo confirmed that it had been.

RESOLUTION NOS: 155A, 176, 183-185, 188-215, 218 & 219

ADOPTED BY THE FOLLOWING VOTE:

AYES: 23 NOES: 0
(Legislator Robert Parete arrived at 7:45 PM)

NON-CONSENT RESOLUTIONS:

Resolution No. 155A - Setting A Public Hearing On Proposed Local Law No. 3 Of 2013 (A Local Law Amending Local Law No. 5 of 1989 (A Local Law Requiring Regulations Regarding The Sale Of Motor Vehicle Fuels) To Establish Certain Consumer Protection Practices In Ulster County), To Be Held On Tuesday, August 13, 2013 At 7:00 PM

ADOPTED BY THE FOLLOWING VOTE:

AYES: 22 NOES: 1
(Noes: Legislator Gerentine)
(Legislator Robert Parete arrived at 7:45 PM)

Resolution No. 176 - Second reading and vote moved to the end of the Non-consent Resolutions.

Resolution No. 183- Adopting Proposed Local Law No. 1 of 2013, A Local Law Establishing The Ulster County School-Based Mental Health and Safety Act of 2013

ADOPTED BY THE FOLLOWING VOTE:

AYES: 17 NOES: 6
(Noes: Legislators Aiello, Briggs, Gregorius, Harris, Provenzano and Ronk)
(Legislator Robert Parete arrived at 7:45 PM)

Resolution No. 184- Setting a Public Hearing On Proposed Local Law No. 5 of 2013, A Local Law Amending Local Law No. 5 of 1989 (A Local Law Requiring Regulations Regarding The Sale Of Motor Vehicle Fuels), To Provide Consumers With A Convenient And Accessible Way To File Complaints Regarding The Practices Of Motor Fuel Dealers To Be Held On Tuesday, August 13, 2013 At 7:05 PM

ADOPTED BY THE FOLLOWING VOTE:

AYES: 23 NOES: 0
(Legislator Robert Parete arrived at 7:45 PM)

Resolution No. 185- Authorizing The County To Pay For The Cost Of The Safety Net Program Thereby Relieving The Various Municipalities Of Responsibility For Payment

DISCUSSION:

Majority Leader Ronk indicated that although he had been against Resolutions such as this in the past, he was voting affirmatively on the Resolution with the belief that it was the only option in this instance. Minority Leader Donaldson explained his affirmative vote indicating that he was glad this legislation was going to be passed. Legislator Rodriguez stated that the Legislature was codifying a policy that the Legislature had already committed to; stating that without a State special session, massive cuts would be needed. Legislator Provenzano indicated that there were other Legislators in addition to Minority Leader Donaldson that had supported the County takeover of Safety Net costs in the past, including Legislator Loughran and herself. Further discussion transpired including Legislators Wishnick, Richard Parete, John Parete, and Majority Leader Ronk. Legislator Gerentine emphasized point that Legislature is the policy-making body and hopes for more policy setting in the future.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 23 NOES: 0
(Legislator Robert Parete arrived at 7:45 PM)

Resolution No. 195- Authorizing The Issuance Of An Additional \$1,500,000 Bonds Of The County Of Ulster, New York, To Pay Costs Related To The Acquisition Of Land For Flood Remediation, Open Space, Wetlands Or Recreational Purposed, In And For Said County (CAPTIAL PROJECT NO. 356)

ADOPTED BY THE FOLLOWING ROLL CALL VOTE:

AYES: 23 NOES: 0
(Legislator Robert Parete arrived at 7:45 PM)

Resolution No. 199 - Postponed in the Ways and Means Committee.

Resolution No. 215 - Approving The Execution Of A Contract In Excess of \$50,000 Entered Into By The County – Department Of Planning

ADOPTED BY THE FOLLOWING VOTE:

AYES: 22 NOES: 0
(1 Abstention: Legislator Gerentine)
(Legislator Robert Parete arrived at 7:45 PM)

Resolution No. 216 - Establishing And Reporting The Standard Work Day For Elected And Appointed Officials

Legislator Rodriguez motioned to refer Resolution back to Health & Personnel Committee, seconded by Legislator Wishnick.

DISCUSSION:

Majority Ronk asked if there would be a violation of the State Order by holding Resolution over. Deputy Clerk Tantillo explained that the purpose of the Resolution was to make correction to prior years' Resolutions pursuant to the request of the New York State Comptroller's office. Legislator Aiello voiced his displeasure with the Resolution being referred back to Committee.

MOTION ADOPTED BY THE FOLLOWING LONG ROLL VOTE:

AYES: 15 NOES: 8
(NOES: Legislators Aiello, Belfiglio, Bernardo,
Fabiano, Gerentine, Lopez, Maloney, and Roberts)
(Legislator Robert Parete arrived at 7:45 PM)

Resolution No. 218 - Supporting Governor Cuomo's Proposed Amendment To Article 29 Of The Tax Law, Allowing A Local Sales Tax Extension By Vote Of The Local Governing Body And Urging The New York State Legislature To Act Upon And Approve Such Amendment

DISCUSSION:

Legislator Belfiglio noted that although this was a memorializing Resolution, it was necessary to solidify actions in the future, in that there should have been discussion between the County Executive and the State Assembly, and putting pressure on Albany. Legislator Provenzano indicated her displeasure in the lack of communication between the State Assembly and the Ulster County Legislature; hoping that the Assembly is able to correct the wrong done to the Ulster County taxpayers. Legislator Richard Parete reflected that County government was basically an extension of State government and approved of the proposed Legislation. Legislator John Parete agreed with the sentiments of Legislator Richard Parete, referencing a book given to him by Peter Craft which supported the process by which County answers to State government and provides checks and balances. Majority Leader Ronk disagreed that the State was the best entity to know what was best for the Ulster County, believing that it was the taxpayers themselves who would know what would be best.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 20 NOES: 3
(Noes: Legislators John Parete, Richard Parete and Robert Parete)
(Legislator Robert Parete arrived at 7:45 PM)

Resolution No. 219 - Establishing Capital Project No. 363 – Remodeling Of The Veterans’ Transitional Housing Building – Amending The 2013–2018 Capital Program And Capital Fund Budget - Veterans’ Service Agency

DISCUSSION:

Minority Leader Donaldson commended the County Executive for the initiative and that the program will bring many volunteers together and provide housing for veterans when needed.

Legislator Ronk motioned, seconded by Legislator Donaldson, to insert an additional WHEREAS, after the 6th WHEREAS, to read as follows:

“WHEREAS, the County anticipates receiving donations, both tangible and intangible, in an amount up to \$246,000; and”

And, to change the 4th RESOLVED to include additional language as indicated in bold font:

RESOLVED, that the Ulster County Commissioner of Finance is hereby authorized to accept any and all donations, both tangible and intangible, **in an amount up to \$246,000, that are** associated with this project; and, be it further

MOTION ADOPTED BY THE FOLLOWING VOTE:

AYES: 23 NOES: 0
(Legislator Robert Parete arrived at 7:45 PM)

DISCUSSION:

Legislators Robert Parete and Legislator Belfiglio added remarks in support of the project and the Resolution.

MINUTES
PAGE 14
JULY 23, 2013

ADOPTED BY THE FOLLOWING VOTE:

AYES: 23 NOES: 0
(Legislator Robert Parete arrived at 7:45 PM)

Resolution No. 176 – Rescinding The Rules Of Order Of The Ulster County Legislature Adopted On January 3, 2012 And Establishing New Rules Of Order Of The Ulster County Legislature

DISCUSSION:

Legislator Bartels wished to publicly thanked Committee Chairman Roberts for the work done.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 23 NOES: 0
(Legislator Robert Parete arrived at 7:45 PM)

MEETING ADJOURNED IN MEMORY OF:

Joseph D. Hill, Esq., Kingston	Gina M. Ferraro, Saugerties
Mary Spada DuBois, Kingston	Michael J. Canosa, Milton
Orville W. Whitaker, Saugerties	James H. Steffens, New Paltz
Ralph M. Lachmann, Saugerties	Horace Elliot, New Paltz
Paul Steinmiller, Kingston	LeRoy Winchell, Phoenicia
Gladys Gray, Accord	Robert Quick, Saugerties
Regina A. Salvatore-Marcucci, Smith's Landing	John Prizzia, Marlboro
Lillian Coddington, Accord	James Lee Kaman, Hurley
Marion Pine, New Paltz	Kathy Nadalin, Fort Plain
Dexter Doyle, Saugerties	Joseph Kelly, III, Lake Katrine
Elizabeth "Bess" Majestic, Gardiner	William Conklin, Florida
Ernest Dunn, Saugerties	Matthew Murphy, Highland

MEETING ADJOURNED: 8:55 p.m.

NEXT MEETING:

MINUTES
PAGE 15
JULY 23, 2013

The next Regular Meeting of the Ulster County Legislature will be held on **Tuesday, August 20, 2013 at 7:00 PM** in the Legislative Chambers, Sixth Floor, Ulster County Office Building, 244 Fair Street, Kingston, New York.

Resolution deadline is **Wednesday, July 31, 2013 at 12 Noon.**