

# 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

MAY 14, 2013

## REGULAR MEETING

7:00 PM

**MEETING CALLED TO ORDER BY CHAIRMAN: 7:07**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**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.

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**ROLL CALL:** Present: 22 Absent: 1  
(Legislator Gregorius)

**BIRTHDAYS:** Carl Belfiglio, May 1st

**MOTION TO DISPENSE WITH THE READING OF THE MINUTES OF THE PREVIOUS MEETING** Legislator Ronk motioned, seconded by Legislator Donaldson.

**COMMUNICATIONS FROM:**

Concerned Citizens	23 Letters in Support Trails and Rails
Concerned Citizens	4 Letters Support of Railroad
Concerned Citizens	1150 Signatures in Support Rail Trail
Concerned Citizens	Letter in Support of Rail Trail
Ulster County Planning Department	Memorandum re: Catskill Mountain Railroad Corridor Planner's Memorandum Planner's Memorandum
Dutchess County Arts Council	1 <sup>st</sup> Annual Ulster County Executive's Arts Awards – 2013
New York State Office of Children & Family Services	Fatality Report #96-12-040
New York State Senator Bonacic	Resolution No. 82 of 2013 Acknow- Lodgment of Receipt
Ulster County IDA	Notice of Public Hearing – Proposed Viking Industries, Inc. Refunding Project <i>Trending</i> , May 2013
Ulster County Tourism	Letter with Certified Copy of
Town of Marbletown Clerk	Resolution in Opposition to Central Hudson/Fortis Merger
Town of Rochester	Calendar of Events – May, June, July & August 2013
NACO	<i>County News</i> , Vo. 45, No.8, April 22, 2013
Central Hudson	<i>Energy Bulletin</i> , April 2013
T/O Olive Resident	Letter in Support of Belleayre Resort
Ulster County Area Transportation	Federal Drawdown #NY-90-668

**COMMUNICATIONS (continued):**

United Way	MHA's Annual Open House Reception – May 14, 2013
Community Foundations	2013 Garden Party, Sunday, October 6 <sup>th</sup>
Ulster County Fire Advisory Board	April 24, 2013 Minutes
NYS Assemblyman Brian Kolb	Receipt of Resolution No.66
Ulster County Board of Ethics	Legislator Rodriguez and Minority Caucus – Advisory Opinion
	Chair Bernardo and Ulster County Legislature – Advisory Opinion
Ulster County Department of Finance	Annual Financial Report Year Ended December 31, 2012
Town of Woodstock	May 1, 2013 Letter re: 2013 Tax Bills
NYS Department Taxation & Finance	4/30/2013 List of Certified 2013 State Equalization Rates
Ulster County Clerk	Semi-Annual Mortgage Report
HVEDC	May 30, 2013 Breakfast Series
Ulster County Comptroller	Quarterly Report for 1 <sup>st</sup> Quarter of 2013
Hudson Valley Patterns for Progress	May 2013 Monthly Bulletin
Bard College	<i>Bard Summerscape</i> , July 5 – August 18, 2013

**COUNTY EXECUTIVE COMMUNICATIONS:**

Notice of Appointment to UC  
Commission on Human Rights –  
Maria Elena Ferrer-Harrington  
Notice of Appointment to UC  
Environmental Management Council –  
Henry Bartosik, Ann Brandt, Joseph  
Damrath and William More  
Notice of Appointment to  
Environmental Management Council –  
Jim Littlefoot  
April 2013 Budgetary Transfers

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**COUNTY EXECUTIVE COMMUNICATIONS (continued):**

2014 Executive Budget/Schedule  
Notice of Appointment to Community  
Services Board – Mary Netter and  
Susanne Palmer

**COMMITTEE REPORTS:**

**DATE:**

Economic Development & Tourism	April 3, 2013
Environmental, Energy & Technology	April 4, 2013
Health & Personnel Committee	April 8, 2013
Law Enforcement & Public Safety	April 2, 2013
Laws & Rules, Governmental Services	April 15, 2013
	April 22, 2013
Legislative Programs, Education and Community Service	April 10, 2013
Public Works & Capital Projects	April 3, 2013
Social Services	March 4, 2013
Ways and Means	April 16, 2013

**PRIVILEGE OF THE FLOOR:**

Chairman Terry L. Bernardo granted Privilege of the Floor to Father John Nelson of the Unity Riders who discussed the 2013 events surrounding a Summer of Unity, spreading a message of peace and reconciliation. Father Nelson provided a brief pictorial presentation (Informational flyers and DVD on file with the Clerk of the Legislature) and the history of the project. Father Nelson asked that individuals supporting the project in the audience be allowed to introduce themselves, Tania Barricklo, Hennrietta and David Weiss from the Association of Native Americans of the Mid Hudson Valley, Terry and Pierre Leroy of the Haitian Peoples Support Project, City of Kingston Alderman Elisa Ball representing Senator Tkaczyk's office, Gail Tweeds, Myra Long, Severn Winter, and Heather Hatley. Father Nelson asked that the Legislature endorse the "2013 Summer of Unity" name and its purpose.

**PRESENTATIONS:**

Chairman Terry Bernardo recognized District 4 Legislator & Vice-Chairman James Maloney, District 1 Legislator Mary Wawro, District 2 Legislator Robert Aiello and District 3 Legislator Dean

Fabiano who presented a Pride of Ulster County to Saugerties resident Donna Rogers in recognition of her photographic talent and generosity. Ms. Rogers took the photograph that appeared on the cover of the 2013 Ulster County Directory. Vice-Chairman Maloney welcomed Donna Rogers and recounted various events and destinations worth of notice in Ulster County. Legislator Aiello noted the cover photo was taken in Saugerties and was one of the nicest that he had seen in his 19 years as a Legislator.

**PUBLIC COMMENT:** There were 10 public comment speakers.

1. **Peter Fluchere:**

Mr. Fluchere indicated he is a Marlborough resident and spoke on behalf of the Catskill Mountain Railroad (CMRR). He was hoping the railroad would be able to access tourism funds from Governor Cuomo. Mr. Fluchere stated he traveled to Grand Central Station in NYC, obtained a mailing list of individuals to receive Ulster County tourism information and intended to visit Penn Station to distribute brochures.

2. **Ernie Hunt:**

Mr. Hunt stated he is the President of the CMRR and thanked the Legislature for supporting the Resolution regarding the Railroad Advisory Committee that was before them. Mr. Hunt welcomed all Legislators to join them on the train on the 25<sup>th</sup> of May at 11:00 a.m.

3. **Walter Otto:**

Mr. Otto stated he enjoyed the use of trails and commented that Ulster was blessed with the existing trails. He stated he also enjoyed the unique experience of riding the trains operating within the County. Mr. Otto urged the Legislature to consider, during deliberations, that the County does what it could to preserve, encourage and embrace the railroad.

4. **Ryan Lennox:**

Mr. Lennox worked with Gerald Celenti at the Trends Research Institute which was making progress in bringing back history and in his opinion, the railroad was an important part of that history. Mr. Lennox referred to Belleayre project and felt the railroad should be reopened to accommodate Highmount. He stated ripping up the tracks was ripping up history.

5. **Dakin Morehouse:**

Mr. Morehouse stated he is the President of the Empire State Railway Museum in Phoenicia and was looking forward to the reinstatement of the Railroad Advisory Committee. He stated the museum hadn't seen a train or rail tourists for two years; since Hurricane Irene and felt the missing visitors would come by tourist rail. Mr. Morehouse questioned the lack of use of the FEMA funds. Mr. Morehouse beseeched the Legislature to put the funds to use.

6. **Kevin Smith:**

Mr. Smith stated he is the Chairman of the Board of the Woodstock Land Conservancy and co-founder of the Catskill Mountain Railtrail. He spoke about the positive happenings in the County such as the 1,300 people comprising the chorus line on the Walkway Over the Hudson, which brought money to the City of Poughkeepsie, the D& H Corridor agreement between the new owners of the Nevele and the County of Ulster and the Wildcat 100. He noted the trail projects are helping to bring tourism into the County.

7. **Kathy Nolan:**

Ms. Nolan thanked the Legislators for all the time given to the rail-trail topic and noted a document from the National Parks Service that answered all the questions regarding rail and trail coming into the County. She summarized the benefits of why long and good trails matter and noted the report was available on the Ulster County website.

8. **John Patane:**

Mr. Patane stated ordinary citizens favored rail and trail, not trail alone. He continued in stating that great projects such as the Walkway Over the Hudson took time, time and money which hasn't been afforded to the CMRR.

9. **George Bain:**

Mr. Bain presented a poster board displaying photographs of the progress made in the restoration of the cars and rail corridors within Kingston and surrounding areas.

10. **Phil Guarrari:**

Mr. Guarrari presented a quick history lesson and noted "Satan's blinding light became the center of the universe."

Chairman Bernardo noted, at the bipartisan request of both caucuses, the Legislature would be returning to the Consent and Nonconsent format for voting on Resolutions.

**Resolution Nos. 118-132, 134-137** voted on as part of the Consent agenda:

ADOPTED BY THE FOLLOWING VOTE:

AYES: 22                      NOES: 0  
(Absent: Legislator Gregorius)

**Resolution No. 65-** On Proposed Local Law No. 1 Of 2013 (A Local Law Of The County Of Ulster, New York, Known As The "The Ulster County School-Based Mental Health and Safety Act of 2013"), To Be Held On Tuesday, June 11, 2013 At 6:45 PM

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**Legislator Harris motioned, seconded by Legislator Provenzano, to refer Resolution No. 65 back to the Health and Personnel Committee.**

**DISCUSSION:**

Legislator Provenzano explained her second of the motion to referral back to the Health and Personnel Committee.

Legislators Provenzano, Aiello, Richard Parete, Donaldson, John Parete, Wishnick, Robert Parete and Harris were recognized to explain their vote on the motion to refer.

**MOTION DEFEATED BY THE FOLLOWING VOTE:**

AYES: 11            NOES: 11  
(Ayes: Legislators Aiello, Bartels, Briggs,  
Donaldson, Fabiano, Harris, Loughran,  
Maloney, Provenzano, Rodriguez and  
Wishnick)  
(Absent: Legislator Gregorius)

**Legislator Harris motioned, seconded by Legislator Ronk, to change Section 4(a) 1 of the Proposed Local Law to require a needs assessment be conducted every three years as opposed to annually.**

**DISCUSSION:**

Legislators Provenzano, Aiello, and Belfiglio were recognized to explain their vote on the motion to amend.

**MOTION ADOPTED BY THE FOLLOWING VOTE:**

AYES: 20            NOES: 2  
(Noes: Legislators Aiello and Maio)  
(Absent: Legislator Gregorius)

**DISCUSSION:**

Legislators Ronk, Wishnick and Donaldson were recognized for the purposes of discussion.

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MOTION ADOPTED BY THE FOLLOWING VOTE:

AYES: 21            NOES: 1  
(Noes: Legislators Aiello)  
(Absent: Legislator Gregorius)

**Resolution No. 87** - Amending The Rules Of Order Of The Ulster County Legislature To Require the Recording of Legislative Meetings and Standing Committee Meetings

**SECOND READING**

**Resolution No. 87**- Amending The Rules Of Order Of The Ulster County Legislature To Require the Recording of Legislative Meetings and Standing Committee Meetings

ADOPTED AS AMENDED BY THE FOLLOWING VOTE:

AYES: 18            NOES: 4  
(Noes: Legislators Belfiglio, Gerentine,  
Harris and Roberts)  
(Absent: Legislator Gregorius)

**Resolution No. 115**- Rescinding Resolution No. 410 Of December 6, 2006 And Authorizing Ulster County To Pay For The Cost of Election Expenses Thereby Relieving The Various Municipalities Of Responsibility For Payment

**DISCUSSION:**

Legislator Provenzano, John Parete, Ronk, Gerentine, Richard Parete, Rodriguez, Wishnick, and Belfiglio were recognized for the purposes of explaining their vote.

DEFEATED BY THE FOLLOWING ROLL CALL VOTE:

AYES: 11            NOES: 11  
(Ayes: Legislators Aiello, Bernardo, Briggs,  
Donaldson, Fabiano, Maloney, John Parete,  
Richard Parete, Robert Parete, Wawro and  
Wishnick)  
(Absent: Legislator Gregorius)

**Resolution No. 119** - Supporting The Passage Of United States Senate And United States House Of Representatives Resolution Entitled “Democracy Is For People Amendment” Which Seeks To Prohibit Private Business Entities From Contributing To Public Election Campaigns

**DISCUSSION:**

Legislators Ronk, Donaldson, Provenzano, Rodriguez were recognized for the purposes of explaining their vote.

**DEFEATED BY THE FOLLOWING VOTE:**

AYES: 11            NOES: 11  
(Ayes: Legislators Aiello, Bartels, Briggs, Donaldson, Loughran, John Parete, Richard Parete, Robert Parete, Provenzano, Rodriguez and Wishnick)  
(Absent: Legislator Gregorius)

**Resolution No. 128-** Authorizing The Chairman Of The Ulster County Legislature To Enter Into A Lease Renewal Agreement With Bernard A. Smith d/b/a/ Van Dale Properties For A Fabrication Facility To Be Used By The Ulster County Department Of Public Works – Department Of Public Works (Buildings and Grounds)

**Legislator Gerentine motioned, seconded by Legislator Maio, to add as a second RESOLVED the following, “RESOLVED, the County Executive shall do due diligence in the examination of the possibility of placing this operation at another location, County-owned or leased, and shall provide a cost/benefit analysis therefor and file the report with the Clerk of the Legislature; and, be it further”.**

**MOTION ADOPTED BY THE FOLLOWING VOTE:**

AYES: 21            NOES: 1  
(Noes: Legislator Aiello)  
(Absent: Legislator Gregorius)

**Legislator Gerentine motioned, seconded by Legislator Maio, to add the third and fourth RESOLVED to read as follows, “RESOLVED, that the compensation to the Landlord may be increased pursuant to lease terms satisfactory to the County Attorney by not more than \$6,000.00 per year to cover the additional cost incurred by the Landlord to provide an**

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insurance policy (hereinafter known as “additional insurance costs”), which names the County of Ulster as an additional insured; and, be it further

**RESOLVED**, that the aforesaid \$6,000 shall be the maximum annual additional cost but shall not be cumulative per year (by way of illustration, if the first year’s payment for the County’s required insurance is \$3,811.00 and the second year’s costs increase a further \$1,000.00, the County shall pay \$3,811.00 in the first year and \$1,000.00 in the second year as additional insurance costs and if in the third year the additional insurance costs rise from \$4811 to \$7811, the County shall pay \$3,000 in the third year as additional insurance costs; and in the fourth year the additional insurance costs rise from \$7811 to \$20,000, the County shall pay \$6,000.00 in additional insurance costs; and in the fifth year the additional insurance costs to not increase beyond the aforesaid \$20,000, the County shall pay nothing in additional insurance costs),”.

**DISCUSSION:**

Legislator Aiello asked for explanation of whether the Lease was a triple-net and the difference with net-net to which Legislative Counsel Guerin responded.

**MOTION ADOPTED BY THE FOLLOWING VOTE:**

AYES: 21            NOES: 1  
(Noes: Legislator Aiello)  
(Absent: Legislator Gregorius)

**ADOPTED AS AMENDED BY THE FOLLOWING VOTE:**

AYES: 20            NOES: 2  
(Noes: Legislators Aiello and Richard Parete)  
(Absent: Legislator Gregorius)

**Resolution No. 131-** Rescinding Resolution No. 30 of 2013 And Appointing And Re-appointing Members To The Ulster County Railroad Advisory Committee – Ulster County Legislature

**Legislator Maloney motioned, seconded by Legislator Ronk, to add the word “corridor” to the end of the first WHEREAS, and to strike two names, as indicated above, therefore appointing 2 community members to the Committee instead of 4.**

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**DISCUSSION:**

Legislator Bartels requested a re-reading of the first amendment to which Legislator Maloney complied.

MOTION ADOPTED BY THE FOLLOWING VOTE:

AYES: 22            NOES: 0  
(Absent: Legislator Gregorius)

ADOPTED AS AMENDED BY THE FOLLOWING VOTE:

AYES: 22            NOES: 0  
(Absent: Legislator Gregorius)

***Resolution No. 132*** - Opposing The Passage Of State Legislation To Allow Early Voting, Or To Allow Counties To Opt-In To Early Voting Opportunities, And For The State To Fully Fund Any And All Increased Costs Associated With Early Voting

**DISCUSSION:**

Legislators Bartels, Donaldson, Aiello, and Ronk were recognized for the purposes of explaining their vote.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 14            NOES: 8  
(Noes: Legislators Bartels, Donaldson, John Parete, Richard Parete, Robert Parete, Provenzano, Rodriguez and Wishnick)  
(Absent: Legislator Gregorius)

***Resolution No. 133***- Declaring May 15, 2013 “Mayday for Mandate Relief” And Urging The State To Adopt Laws That Do Not Impose Further Fiscal Stress On Local Governments And Taxpayers And Build Upon Recent Efforts To Reform Costly Unfunded Mandates

**DISCUSSION:**

Legislator John Parete provided statement with regard to consistency in regard to his vote.

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ADOPTED BY THE FOLLOWING VOTE:

AYES: 22            NOES: 0  
(Absent: Legislator Gregorius)

*Resolution No. 135* - Supporting A Product Stewardship Program For Paint

**Legislator Belfiglio motioned, seconded by Legislator Harris, to add the corresponding NYS Bill numbers to the first RESOLVED, and to add the respective State Committee Chairs to the last RESOLVED.**

AMENDMENT ADOPTED BY THE FOLLOWING VOTE:

AYES: 22            NOES: 0  
(Absent: Legislator Gregorius)

ADOPTED AS AMENDED BY THE FOLLOWING VOTE:

AYES: 22            NOES: 0  
(Absent: Legislator Gregorius)

*Resolution No. 136* - Urging State Representatives To Enact Producer Responsibility Legislation For Mercury Thermostats Sold In New York State

**Legislator Belfiglio motioned, seconded by Legislator Bartels, to add the corresponding NYS Bill numbers to the first RESOLVED, and to add the respective State Committee Chairs to the last RESOLVED, as indicated above in bold font.**

AMENDMENT ADOPTED BY THE FOLLOWING VOTE:

AYES: 22            NOES: 0  
(Absent: Legislator Gregorius)

**DISCUSSION:**

Legislator Richard Parete addressed the Legislature through the Chairman with respect to his position concerning memorializing resolutions. Legislators Ronk, Belfiglio, John Parete and Wishnick provided statement the purpose of stating their opinions in regards to memorializing resolutions.

ADOPTED AS AMENDED BY THE FOLLOWING VOTE:

AYES: 22                      NOES: 0  
(Absent: Legislator Gregorius)

***Resolution No. 137*** - Supporting Extended Producer Responsibility

ADOPTED BY THE FOLLOWING VOTE:

AYES: 22                      NOES: 0  
(Absent: Legislator Gregorius)

**Legislator Ronk was recognized for the purpose of a motion to reconsider Resolution No. 86 from the April 6, 2013 Legislative Session, seconded by Legislator Belfiglio.**

**DISCUSSION:**

At the request of Legislator Provenzano, Legislator Ronk provided clarification regarding the motion to reconsider the vote on Resolution No. 86. Legislators Richard Parete and Harris provided viewpoints with Legislator Harris requesting clarification from Legislative Counsel Chapman. Legislator Belfiglio called the question. Further discussion transpired. Legislator Donaldson requested long roll vote with regard to the motion to reconsider Resolution No. 86.

MOTION ADOPTED BY THE FOLLOWING ROLL CALL VOTE:

AYES: 17                      NOES: 5  
(Noes: Legislators Loughran, John Parete, Richard Parete, Robert Parete and Provenzano)  
(Absent: Legislator Gregorius)

**Legislator Ronk motioned, seconded by Legislator Belfiglio, to amend Resolution No. 86 by adding a Section “D” to the Resolution. The motion was withdrawn by Legislator Ronk.**

**Legislator Ronk motioned, seconded by Legislator Fabiano, to refer the resolution back to the Environmental, Energy, and Technology Committee.**

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MOTION ADOPTED BY THE FOLLOWING VOTE:

AYES: 19                      NOES: 3  
(Noes: Legislators Belfiglio, Roberts and  
Wawro)  
(Absent: Legislator Gregorius)

**MEETING ADJOURNED IN MEMORY OF:**

Charles Gambino, Saugerties  
Shirley Laura Aurigemma, Lake Katrine  
Frank Sinnott, Sr., Glasco  
Frank Spinelli, Woodstock  
Vincent Loughlin, Ulster Park  
Adrian Verdier, New Paltz  
Richard W. Chambers, Sr., Lake Katrine  
Barbara Bozydaj, Highland  
Clifford Booth, Clayton, N.C.  
  
Agnes M. VanBlarcum, Daytona Beach, Fla.

Eleanor Rose Werbalowsky, Boynton Beach, Fla.  
Paul Bresciani, West Shokan  
William VanVliet, Sleightsburgh  
Emma Theresa Sumpter, Saugerties  
Barbara Patrick, Port Ewen  
Betty J. Lorenzen, New Paltz  
Frank Passante, Ulster Park  
Lloyd P. Findholt, Kingston  
John Mull Robbins, Saugerties (past Village  
Saugerties Mayor)

**Legislator Ronk motioned, seconded by Legislator Donaldson, to adjourn. All in favor.**

**MEETING ADJOURNED: 9:55 PM**

**NEXT MEETING:**

A public hearing on the Tentative Budget of the Ulster County Community College for the year 2013 - 2014 will be held on **Tuesday, June 11, 2013 at 6:30 PM** in the College Lounge, Vanderlyn Hall, **Ulster County Community College, Stone Ridge, New York.**

The next Regular Meeting of the Ulster County Legislature will be held on **Tuesday, June 18, 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, May 29, 2013 at 12 Noon.**