

ULSTER COUNTY LEGISLATURE

TERRY L. BERNARDO, Chairman
KENNETH J. RONK, JR., Majority Leader
DAVID B. DONALDSON, Minority Leader
KAREN L. BINDER, Clerk



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MINUTES

JUNE 19, 2012

PUBLIC HEARING AND REGULAR MEETING

7:15 PM

SUNY NEW PALTZ LECTURE CENTER 102

PUBLIC HEARING CALLED TO ORDER BY CHAIRMAN: 7:20 PM

PLEDGE OF ALLEGIANCE TO THE FLAG: Led by Chairman Terry Bernardo

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 EXIT AND MOVE AWAY FROM THE BUILDING

CELL PHONES: Please silence cell phones 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 Aiello)

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

Legislator Ronk motioned, seconded by Legislator Donaldson to dispense with the reading of the minutes of the previous meeting. All in favor.

COMMUNICATIONS FROM:

Ulster County Human Rights
Town of Poughkeepsie

Stewart Airport Commission
Ulster County Community Services Board

Ulster County Attorney
New York Public Transit Association, Inc.
Ulster County Resource Recovery
Fulton County Board of Supervisors

Ulster County Clerk

Naco
Family of Woodstock, Inc.
United States Department of Interior
New York State Office of Children & Family Services
State of New York Real Property Tax Services

April 5, 2012 Committee Minutes
June 6, 2012 Public Hearing re:
Amendments to Zoning Law
May 22, 2012 Meeting Agenda
February 13, March 12 and April 9,
2012 Minutes
Notice of Public Hearing/Sanitary Code
Membership Newsletter
UCRRA Reports, May 14, 2012
Resolution No. 182 – Calling Upon The
Governor’s Mandate Relief Council To
Submit A Package Of Mandate Relief
Proposals To State Legislators
Letter re: Local Law 1 of 2011
Resolution No. 228 – Supporting
S.5509B/A.8489A To Revise The
Sharing Formula For Wireless
E911 Surcharge Monies
Archives Gallery Exhibit – Person
House Progress
Telephone/Web Survey Notice
Family’s Big \$\$\$ Raffle
Request for input
Fatality Report #96-11-044
List of Certified 2012 State
Equalization Rates

COMMUNICATIONS (CONT.)

Citizens In Support of Resolution #71 Aline Waters Mayor Shane Gallo, C/O Kingston Ulster County Tourism	1 E-mail Thank You Card Resolution No. 128 of 6/5/12 What's Happening in Ulster County June 2012
Catskill Watershed Corporation	Notice of Preliminary Decisions , June 5, 2012
New York State Department of Transportation	BIN 3346530 CR 77 (MAIN Street) Rondout Creek, Town of Wawarsing
Ulster County Department of Public Works New Horizons Resources, Inc. United States Department of Justice	Letter re: Kerhonkson Bridge Spring 2012 Newsletter Case #2010R00382/Court Docket No. 10-CR-00320
Community Foundations of the Hudson Valley	Community Foundation Annual Garden Party – Sept 30, 2012 Volume 33, Issue 2 – Spring/Summer 2012
NYSAC News	<i>Foundations</i> , Spring 2012
Rural Ulster Preservation Company Town of Poughkeepsie	Notice of Public Hearing, Wednesday, July 11, 2012 @ 7:00 p.m.
Walkway Over the Hudson Ulster County Planning Department	Membership Invitation Annual Agricultural District Inclusions
NYS Conservationist Ulster County Fire Advisory Board Town of Shandaken SUNY Ulster Ulster County Department of Public Works	Volume 66, Number 6, June 2012 May 23, 2012 Meeting Request for Extension Proposed 2012-2013 Budget Sawkill-Ruby Road, Co Rd #90 Culvert Replacements
Mount Tremper Arts	Benefit for Mount Tremper Arts' 5 th Season
Ulster County Attorney	County Action Report, Month of May, 2012
Ms. Gabriele E. Margules	Thank You Note

COUNTY EXECUTIVE COMMUNICATIONS

Statement of Expenditures,
Encumbrances & Unencumbered
Balance & Statement of Revenues
Earned & Unearned Balance as of April
30, 2012
UC Corporate Compliance Minutes Of
April 18, 2012
2013 Executive Budget Memorandum
Order of Succession
Intermunicipal Collaboration Council
Minutes – Thursday, December 15,
2011
Budgetary Transfers May 2012
Notice of Appointment to Board of
Health – Peter Case Graham, Esq.
Statement of Expenditures,
Encumbrances & Unencumbered
Balance & Statement of Revenues
Earned & Unearned Balance as of May
31, 2012
Notice of Appointment to Ulster
County Youth Board – Loretta
Cherryann Norfleet, Yvette Armstead,
James M. Porter, MA., CPC and Marco
Ochoa
Notice of Appointment to Ulster
County Board of Health – Dr. Walter
Woodley

COMMITTEE REPORTS:

Economic Development & 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 and Means

DATE:

June 6, 2012
June 7, 2012
June 4, 2012
June 5, 2012
June 18, 2012
June 5, 2012
June 6, 2012
June 4, 2012
June 12, 2012
June 19, 2012

ANNUAL REPORTS:

DATE:

Ulster County Mental Health Department
Ulster County Environmental Management Council

2011 Annual Report
2011 Annual Report

CALL OF THE PUBLIC HEARING BY CLERK:

TO HEAR COMMENT ON PROGRAMS CONTAINED AS PART OF THE NEW YORK STATE CONSOLIDATED FUNDING APPLICATION PROCESS AS OFFERED UNDER THE JURISDICTION OF THE NEW YORK STATE HOMES AND COMMUNITY RENEWAL OFFICE FOR THE YEAR 2012

PUBLIC COMMENT:

1. Kevin O'Connor- Chief Executive Officer of RUPCO from Kingston, York. Present to make comment on the CDBG application. Stated that there was an opportunity for County to apply for \$750,000.00 for single family repair program in Ulster County. Over past two years, using grants County has applied for through CDBG and other grants secured by RUPCO, helped 100 first time homebuyers in Ulster County and 150 rehabs on owner-occupied homes. RUPCO worked broadly with housing and community development. Mr. O'Connor was happy to say that less than a handful of individuals have been foreclosed upon to date. Through partnership with Family of Woodstock, prevented homelessness and eviction for over 500 individuals. Indicated that the County had done a needs assessment review requested by the State, and there were still damaged households in the County as a result of floods from Hurricane Irene and Tropical Storm Lee. Mr. O'Connor stated that this was a good opportunity to bring funds from the State to Ulster County and he urged the Legislature support application next month.

2. Dennis Doyle – Ulster County Planning Board Director – Presented overview of the amounts received by the Community Development Block Grant Program has been in the County and its importance. Mr. Doyle indicated the good fortune to work with RUPCO and Cornell Cooperative Extension. Encouraged approval of late Resolution to deal with budget amendment to get capital working dollars to farmers in the amount of approximately \$16,000.00.

PUBLIC HEARING ADJOURNED: 7:32 PM

CALL OF THE PUBLIC HEARING BY CLERK:

TO HEAR COMMENT AS REQUIRED UNDER ARTICLE 25AA OF THE AGRICULTURAL AND MARKETS LAW, ON THE ADDITION OF LANDS TO AGRICULTURAL DISTRICTS.

PUBLIC COMMENT:

Dennis Doyle – Ulster County Planning Board Director - referred to copies of report to the Legislature which contained recommendations of the Farmland Protection Board. This year the County received 10 applications involving 12 parcels (approximately 652 acres) to add to agriculture in the County. The Farmland Protection Board has recommended total of 11 parcels be added to Agricultural Districts within the County. Hopes the recommendation is taken under advisement. Main point was that agricultural is alive and well in Ulster County and is an important part of the economy.

PUBLIC HEARING ADJOURNED: 7:35 PM

CALL OF THE PUBLIC HEARING BY CLERK:

TO HEAR COMMENT ON PROPOSED LOCAL LAW NO. 3 OF 2012 (A LOCAL LAW ENTITLED “MANDATE AND TAXATION INFORMATION ACT”).

PUBLIC COMMENT:

There were no speakers present.

PUBLIC HEARING ADJOURNED: 7:36 PM

MEETING CALLED TO ORDER BY CHAIRMAN: 7:37 PM

PLEDGE ALLEGIANCE TO THE FLAG: Led by Eagle Scout Nicholas Pagendarm together with Legislator Gerentine.

CHAIRMAN BERNARDO acknowledged the birthdays of Deputy Sandy Mathes and Legislative Clerk Karen Binder.

PRIVILEGE OF THE FLOOR:

Chairman Bernardo granted privilege of the floor to Legislator Roberts to provide an update with regard to Legislative Clerk Karen Binder. Legislator Roberts indicated that Ms. Binder was doing as well as could be expected and to keep her in our prayers.

PRESENTATIONS: There were no presentations scheduled for tonight’s meeting.

PUBLIC COMMENT:

1. Paul Fowler - Introduced himself as representing Fowler Advocacy. Mr. Fowler indicated he had been contacted by an attorney from PETA. Mr. Fowler provided informational pamphlets on behalf of PETA – “Peta Factsheet – Elephant Incidents in the United States,” “Cole Bros. Circus Factsheet,” “Kelly Miller Circus Factsheet” and “Draft Ordinance Prohibiting Exhibitions of Animals by Exhibitors that have Violated Animal Protection Law.” Mr. Fowler indicated that the police departments have no standard procedures in place with regard to circus animals and recapture plans. (Documents on file with the Clerk).
2. Daniel Cardinella – President of Four Paws of Ulster, Inc., a group that had been attempting to bring a dog park to Ulster County. She wished to thank Legislators Dean Fabiano and Jeanette Provenzano, and Frank Felicello for supporting them from the start. She also thanked Supervisor Zimet and County Executive Michael Hein. She concluded by asking that the amendment to the lease agreement be approved for the dog park “Field of Dreams.”
3. Supervisor Zimet spoke in support of the Field of Dreams, indicating that the area had become popular for sports groups, etc. Supervisor encouraged approval of the dog park.

RESOLUTION NOS: 125, 131-171

Legislator Ronk motioned, seconded by Legislator Donaldson to suspend the Rules of Order to take Resolution 154 out of order.

MOTION ADOPTED BY THE FOLLOWING VOTE: AYES: 22 NOES: 0
(Absent: Legislator Aiello)

1. ***Resolution No. 154*** - In Support Of Building And Operating A Class III Gaming Casino At The Nevele Hotel Site In The Town Of Wawarsing And The Inclusion Of The Nevele Hotel Site In Any State Constitutional Amendment, Law, Regulation Or Policy Which Lists Or Proposes Sites Eligible For The Operation Of Casino Gaming

Legislator Ronk moved to delete the 6th Whereas (~~WHEREAS, the Nevele Hotel as a resort with no additional revenue stream is not economically viable and the business plan of the Nevele Investors, LLC, is dependent upon Class III Las Vegas style casino table gaming, and~~)

And delete the 1st Resolved (~~RESOLVED, that the Ulster County Legislature hereby supports the building and operation of a class III gaming casino at the Nevele Hotel site in the Town of Wawarsing, and be it further~~)

And to add the words “a Class III Gaming” Casino to the second Resolved (RESOLVED, that the Ulster County Legislature hereby supports the inclusion of the Nevele Hotel site in any State Constitutional Amendment, law, regulation or policy which lists or proposes sites eligible for the operation of a **Class III Gaming** casino gaming, and be it further)

And to substitute the revised second resolved as the title to the resolution.

Amendment Seconded by Legislator David Donaldson

MOTION ADOPTED BY THE FOLLOWING VOTE: AYES: 22 NOES:0
(Absent: Legislator Aiello)

Resolution No.154:

ADOPTED AS AMENDED BY THE FOLLOWING VOTE:
AYES: 22 NOES: 0
(Absent: Legislator Aiello)

Legislator Ronk motioned, seconded by Legislator Donaldson for the purposes of taking Resolutions 125 through 134 as a block. All in favor.

Resolutions 125 – 134 were adopted unanimously by the following vote:

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

Resolution 135 -Authorizing The Reconstruction Of Various Roads Throughout And In And For The County Of Ulster, New York, At A Maximum Estimated Cost Of \$400,000.00, And Authorizing The Issuance Of \$400,000.00 Bonds Of Said County To Pay The Cost Thereof

Long Roll: Legislators Bartels, Belfiglio, Bernardo, Briggs, Donaldson, Fabiano, Gerentine, Gregorius, Harris, Lopez, Loughran, Maio, Maloney, J. Parete, Richard Parete, Robert Parete, Provenzano, Roberts, Rodriguez, Ronk, Wawro and Wishnick

ADOPTED BY THE FOLLOWING VOTE: AYES: 22 NOES: 0
(Absent: Legislator Aiello)

Legislator Ronk motioned, seconded by Legislator Donaldson for the purposes of taking Resolutions 136 through 144 as a block. All in favor.

ADOPTED BY THE FOLLOWING VOTE WITH EXCEPTION OF RESOLUTION 139:

AYES: 22 NOES: 0
(Absent Legislator Aiello)

RESOLUTION 139 – ADOPTED BY THE FOLLOWING VOTE:

AYES: 21 NOES:0
1 ABSTENSION – Legislator Wawro
(Absent Legislator Aiello)

Resolution 145 - Authorizing The Purchase And Implementation Of A County-Wide Financial Management System In And For The County Of Ulster, New York, At A Maximum Estimated Cost Of \$1,125,000.00, And Authorizing The Issuance Of \$1,125,000.00 Bonds Of Said County To Pay The Cost Thereof

Long Roll: Legislators Bartels, Belfiglio, Bernardo, Briggs, Donaldson, Fabiano, Gerentine, Gregorius, Harris, Lopez, Loughran, Maio, Maloney, J. Parete, Richard Parete, Robert Parete, Provenzano, Roberts, Rodriguez, Ronk, Wawro and Wishnick

ADOPTED BY THE FOLLOWING VOTE:

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

Legislator Ronk motioned, seconded by Legislator Donaldson for the purposes of taking Resolutions 146 through 153 as a block. All in favor.

Resolution Nos. 146 through 153 were adopted unanimously by the following vote:

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

Resolution 155: Establishing And Reporting The Standard Work Day For Elected Or Appointed Officials

ADOPTED BY THE FOLLING VOTE:

AYES: 21 NOES: 1
(NOES: Legislator Robert Parete)
(Absent: Legislator Aiello)

Legislator Ronk motioned, seconded by Legislator Donaldson for the purposes of taking Resolutions 156 through 159 as a block. All in favor.

Resolution Nos. 156 through 159 were adopted by the following vote:

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

Resolution 160: Adopting Introductory Local Law No. 4 Of 2012 [A Local Law Amending Local Law No. 5 Of 2008 (A Local Law Amending Local Law No. 5 Of 1999 To Increase The Income Range By Which Senior Land Owners With Limited Income Are Eligible For A Partial County Tax Exemption On Their Residence.)] Hereinafter Known As Local Law No. 4 of 2012

ADOPTED BY THE FOLLING VOTE:

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

Resolution 161: Adopting Introductory Local Law No. 5 Of 2012 (A Local Law Amending Local Law No. 6 of 2008 To Increase the Allowable Income Range Providing For A Partial County Tax

Exemption Of Real Property Owned By Certain Persons With Disabilities And Limited Income) Hereinafter Known As Local Law No. 5 of 2012

ADOPTED BY THE FOLLING VOTE:

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

Resolution 162: Adopting Introductory Local Law No. 6 Of 2012 (A Local Law Amending Local Law No. 7 of 2008 (A Local Law To Provide For An Exemption From Real Property Taxes For Real Property Owned By Veterans Who Rendered Military Service To The United States During the “Cold War”)] Hereinafter Known As Local Law No. 6 Of 2012

ADOPTED BY THE FOLLING VOTE:

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

Resolution 163: Adopting Introductory Local Law No. 7 Of 2012 (A Local Law To Increase The Maximum Allowable Real Property Tax Exemption Pursuant To Section 458-A of the Real Property Tax Law Entitled “Veterans’ Alternative Exemption”- Hereinafter Known As Local Law No. 7 of 2012

ADOPTED BY THE FOLLING VOTE:

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

Resolution 164: Adopting Introductory Local Law No. 8 Of 2012 (A Local Law Enacting A First Time Homebuyer County Property Tax Exemption) Hereinafter Known As Local Law No. 8 of 2012

Discussion: Legislator Ronk indicated that he was a “Noe” on Local Law. Wanted it clear that he wasn’t against first-time home buyers but didn’t think this law provided help to first-time home

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buyers. Legislator Ronk believed that it could cause problems with escrow accounts, may cause confusion as to what taxes would be due, and didn't believe that the Law went far enough.

ADOPTED BY THE FOLLING VOTE:

AYES: 19 NOES: 2
(NOES: Legs. Ronk and Bernardo)
(Abstention: Legislator Wishnick)
(Absent: Legislator Aiello)

Legislator Ronk motioned, seconded by Legislator Donaldson for the purposes of taking Resolutions 165 through 171 as a block. All in favor.

ADOPTED BY THE FOLLING VOTE:

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

MEETING ADJOURNED IN MEMORY OF:

Philip Bernhardt Boice, Ulster, NY
Carole Marie Banks, Accord, NY
Arnold Jay Gottesman, Kerhonkson, NY
Robert Madsen, Saugerties, NY
Arlene Wrixon, Kingston, NY
Dominick J. Gambino, Saugerties, NY
M. Colleen Boice, Saugerties, NY
Theresa Leeds, Loudonville, NY
Nathan Mittenberg, New Paltz, NY
Frances M. Terwilliger, Kingston, NY

Emily Evelyn DuBois, Tallahassee, Fla.
Marjorie Roberti, Kingston, NY
Stephan A. Szymkowicz, West Hurley, NY
Barbara A. Griffis, Saugerties, NY
Lorraine Whitaker, Saugerties, NY
Donald A. MacIsaac, Kingston NY
Clara G. Thornton, Saugerties, NY
Maureen L. Ashdown, Kingston, NY
Eugene "Moose" Sheeley, Highland, NY

Legislator Provenzano wished to add the name of Gregg Moon and Legislator Wawro asked that the meeting also be adjourned in memory of Anna Goodwin Gremer, Steven J. Martin, Donald Briggs, III, Orville Norman and Joan Tratnack.

Chairman Bernardo announced that Legislator John Parete was to be appointed by Governor Cuomo to the ORDA Board and would be confirmed by the NYS Senate. Chairman Bernardo and Legislator J. Parete would be traveling to Albany the following day to thank the State Legislature.

NEXT MEETING:

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The next Regular Meeting of the Ulster County Legislature will be held on **Tuesday, July 17, 2012 at 7:00 PM** in the Legislative Chambers, Sixth Floor, Ulster County Office Building, 244 Fair Street, Kingston, New York.

Resolution deadline is **Wednesday, June 27, 2012 at 12 Noon**.

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

MEETING ADJOURNED: 8:02 PM