

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

SEPTEMBER 19, 2012

REGULAR MEETING

7:00 PM

MEETING CALLED TO ORDER BY CHAIRMAN: 7:35 PM

PLEDGE OF ALLEGIANCE TO THE FLAG: Led by Chairman 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: 21 Absent: 2
(Legislators Donaldson and Harris)

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

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

COMMUNICATIONS FROM:

Terry Bernardo, Chairman

Appointments to Special Committee of the Future of RRA – Legs. Wawro, Belfiglio, Ronk, Bartels, Wishnick, Provenzano, Rodriguez, Gregorius, Maloney, Maio, Harris, Gerentine, J. Parete and Lopez

Ulster County Resource Recovery Agency

UCRRA 2013 Proposed Operating Budget

UCRRA 2013 Proposed Operating Budget Memorandum

Regular Board meeting Agenda, September 17, 2012

Draft Minutes of the Regular August 20, 2012 Board Meeting

Town of Poughkeepsie

Notice of Hearing, Wednesday September 5, 2012 @ 7:00 pm – Amending definitions in Town Zoning Law

Dutchess County Arts Council

Awards Ceremony 8/30/12 – Letter County Action Report, Month of July, 2012

Beatrice Havranek, Esq., Ulster County Attorney

Ulster County Charter Revision Commission Report 8/28/12

Leg. Kenneth Ronk, Jr., Minority Leader

Leg. Kevin Roberts Appointment – Transportation Evaluation Task Force

Gaetana Ciarlante, LCSWR

UCIDA Pilot Proposal – Letter

Ulster County Staff Association

UCSA Executive Board Member

NYS Department of Agriculture & Markets

Letter of Inclusion of Agricultural Land Legislative Report

NYS Assembly Committee on Environmental Conservation

UC Periodic Compensation Review Committee

July 25, 2012 Minutes

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COMMUNICATIONS (continued):

State of New York Real Property Tax Services

Saugerties Historical Society
NYSAC

NYS Solid Waste
Epilepsy Foundation, Northeastern New York

Robert DiBella, Director, UC Public Transportation

Ulster County Tourism

Ulster County Sheriff
Ulster County Association of Supervisors & Mayors

Community Foundations of the Hudson Valley
Anderson Center for Autism
New Horizons Resources, Inc.
Cornell Cooperative Extension

Judy Mletzko
Ulster County Dept. Public Works

Ulster County Clerk of the Legislature

NYS Dept. Environmental Conservation

CareerTrack
Catskill Watershed Corp.

NYS Rural Resources Commission
Office of the Ulster County Comptroller

List of Certified 2012 State
Equalization Rates – 8/21/12
Summer 2012 Newsletter
Syracuse/Liverpool Fall Seminar, Sept.
12 – 14
Examiner – Summer 2012
Epilepsy Awareness Newsletter –
Summer 2012
Federal Drawdown – UCAT Grant
#NY-96-X021-00
Trending, September 2012 Newsletter
Woodstock Film Festival 10/10-14
Taste of New Paltz, 9/16
9th Annual Bike for Cancer Care 9/16
Re: URGENT MOU
8/28/12 Request re: Budget Financial
Impact
9/30/12 Garden Party
11th Annual Gala, 10/6/12
Summer 2012 Newsletter
Autumn 2012 Newsletter
Summer/Fall 2012 Legislative Update
Thank You Card
Bearsville-Wittenberg Rd., Co. Rd
#46 Box Culvert Replacement
Orchard Drive, Co Rd#24 Culvert
Replacement
Proposed Local Law 11 Submission to
Board of Elections
Rosendale Citgo Station Environmental
Study
Human Resource Training Seminars
Adoption of Resolutions 2157, 2159 –
2169 and 2171-2173
Summer 2012 Newsletter
Draft Resolution No. 237 –
Memorandum

COMMUNICATIONS (continued):

Periodic Compensation Review Committee

August 20, 2012 Minutes
September 5, 2012 Minutes, July 25,
2012 Notes

Ulster County Chamber of Commerce

Free Recycling Old Computers &
Electronics
Hits Triathlon Series, September 21-
23, 2012

Ulster County Community Action Committee

August 2012 UC Disaster Recovery
Committee Newsletter
SCORE Newsletter
Artists for Autism 2012, September 29,
2012 Benefit Concert
1st Annual Chicken BBQ, October 10,
2012, 4-7 p.m.

Ulster County Human Rights

Chamber Members November 15, 2012
NYC Bus Trip
HealthAlliance – Emergency and
Continuing Care Pamphlet
Ulster BOCES Newsletter – Chris
Mergendahl

Robert DiBella, Director UC Transportation

June 7, 2012 Commission Meeting
Minutes

Ulster County Board of Health

Federal Drawdown- UCAT
Grant #NY-96-X021-00, AARA
Federal Drawdown – UCAT Grant
#NY-90-X682-00

Orange County Legislature

Ulster County Planning Department

May 14, 2012 Agenda
June 11, 2012 Sanitary Code Public
Hearing

New York State Comptroller

2013 National Hurricane Conference

Catskill Ballet Theatre

April 9, 2012 Agenda
Resolution No. 216 of 2012
Notice of Appointment, Deputy
Planning Director Christopher White
Receipt of Resolution No. 82 of 2012
March 25-28, 2013, New Orleans, LA
Second Annual Nutcracker Open
Miniature Golf Event, October 12,
2012

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COUNTY EXECUTIVE COMMUNICATIONS

Appointments to Workforce Investment Board – Erika Kastel, Dr. Charles Khoury, Daniel O’Shea, Michael Iapoce & Carole Furman.
Reappointments to Workforce Investment Board

August 2012 Budgetary Transfers
Ulster County Corporate Compliance Committee Minutes – May 16 & June 12, 2012

Department of Employment & Training – Annual Performance Outcome Report Notification

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:

August 6, 2012
August 2, 2012
August 9, 2012
July 30, 2012
July 31, 2012
July 23, 2012
July 25, 2012
July 31, 2012
August 1, 2012
July 30, 2012
August 7, 2012
August 14, 2012

BIRTHDAYS:

Legislator Ken Wishnick – September 19
Legislators James Maloney and Ken Ronk – September 26
Legislative Office - Frank Reggero – September 29
Legislative Office -Lisa Mance – October 6

PRIVILEGE OF THE FLOOR:

Chairman Terry L. Bernardo recognized Sheriff Paul VanBlarcum to discuss issues pertaining to Resolution No. 237. Sheriff VanBlarcum thanked the Legislature for the opportunity to speak. Sheriff VanBlarcum indicated that he, along with the County District Attorney, had withdrawn Resolution No. 237 and asked that it be placed on next month's Agenda. The Sheriff had done this out of respect for the County Legislature, not out of respect for the Ulster County Comptroller. Sheriff VanBlarcum criticized the communication (lack of) between himself and the Comptroller. The Sheriff indicated that he had come up with a plan with the Chief of Police and the Deputy of Chief of Police; a plan which didn't include the Ulster Comptroller. The Sheriff went on to address issues with regard to the content of the Comptroller's Memorandum. The Sheriff commented on the Comptroller's freezing of funds and that the Comptroller has no such authority to freeze Federal funds. The Sheriff was awaiting a meeting with the Dept. of Justice and the NYS Sheriff's Association with regard to the matter.. Sheriff VanBlarcum felt that the Legislature should have opportunity to read the Sheriff's, Kingston City Corporate Counsel and the District Attorney's comments before voting on Resolution. The Resolution was pulled out of respect for the Legislature. All three are in agreement that the Comptroller's office has no legal jurisdiction over the URGENT team or the MOU. Sheriff's believed that the Legislators should have been given the opportunity to read the draft report. He asked that they contact the Legislative Clerk and the Sheriff would provide the document (through the Freedom of Information Act) to the Clerk.

Chairman Terry L. Bernardo recognized Timothy B. Rose, Executive Director of the Ulster County Resource Recovery Agency (UCRRA), and Agency Recycling Coordinator, Michelle Bergkamp, to discuss the UCRRA composting efforts and the opening of the new composting facility. Timothy Rose discussed components of the composting initiative which was modeled after one existing in Onondaga County. His opinion was that it would be a revenue generating machine. Mr. Rose introduced Ms. Bergkamp who addressed Legislature on the new waste diversion initiative, which was the organics recovery facility. Ms. Bergkamp recounted the effects of food waste and yard waste on landfills and waste disposal. Ms. Berkamp went on to review the benefits of composting. She stated that Ulster County and the Agency were demonstrating leadership in the field of composting. Ms. Berkamp further stated that composting would provide a valuable product that would provide a valuable product and save money in waste disposal costs.

Tim Rose extended an offer to the Legislators to tour the facility. A composting guide was presented which is on file with the Clerk of the Legislature.

Chairman Bernardo commended Mr. Rose and Ms. Bergkamp and recounted her visit, together with Leg. Wishnick, to the opening of the facility.

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Deputy Legislative Clerk Krista Barringer was introduced by Chairman Bernardo to inform Legislature regarding NYSAC Fall Seminar in Syracuse, New York. Deputy Barringer recounted visit, accompanied by Legislators Maloney and Loughran and Chairman Bernardo. Ms. Barringer recapped various presentations and activities including a presentation by Gerald Benjamin of SUNY New Paltz on a collaborative approach on County jailing in the Hudson Valley, a panel presentation on solid waste management, County Executive Michael Heins' presentation on the STRIVE initiative, a joint meeting highlighting public safety and public preparedness activities of the NYS Dept. of Homeland Security as well as local concerns regarding Bath Salts (synthetic marijuana). Chairman Bernardo attended a private meeting with Commissioner of Homeland Security, Jerome Hower, regarding the Emergency Communications issue faced by Ulster County and the Commissioner Hower requested to follow up with regard to the issue in Ulster County. Chairman Bernardo met with NYSAC executive Steve Aquario, at the request of Legislators Maloney and Loughran, regarding nominations to NaCo committees, regarding additional appointments to NYSAC Committees, and asked that any Legislators interested in joining NYSAC Committees contact Chairman Bernardo to help fill available positions. Deputy Barringer stated that the four Ulster County representatives returned with copies of NYSAC Resolution books, the NYSAC Report to the Governors' Mandate Relief Council and the NYSAC 2012 Legislative Summary provided to all Legislators.

PRESENTATIONS:

Chairman Terry L. Bernardo called upon District No. 2 Legislator Robert Aiello, Chairman of the Health and Personnel Committee, District No. 1 Legislator Mary Wawro, and District 3 Legislator Dean Fabiano who presented a Pride of Ulster County Award to Doreen Peone, in special recognition of her dedication and service to the community. Leg. Aiello acknowledged Leg. Provenzano and her extensive involvement in the Lymes Disease Committee. Leg. Aiello went on to commend Ms. Peone for her steadfast support of her family in times of crisis and her involvement as an advocate for the Lymes Disease awareness. Ms. Peone accepted the pride and thanked the Legislature and Leg. Aiello.

PUBLIC COMMENT: There were three (3) public speakers:

- 1) **Paul Fowler** addressed the Legislature on the issue of Internet Crimes Against Children and gave a personal example in his dealings with a particular family and their daughters. Addressed the involvement of parents to investigate the activities of their children on the internet.
- 2) **Todd Schmidt**, CSEA President discussed Resolution No. 242 which was before the Legislature for approval. Mr. Schmidt asked the Legislature for support of the Agreement

and that both sides unanimously support the Resolution. Mr. Schmidt also addressed the future of the Mental Health Department and the concerns of the employees of that Department. Mr. Schmidt stated that those individuals were dedicated employees that provided necessary services for the residents of the community.

- 3) **Philip Gurrieri** read a poem entitled “Lack of Organic Meals.”

Legislator Belfiglio made motion to suspend the Rules of Order, to take Resolution No. 245 out of order, seconded by Legislator Wawro.

MOTION ADOPTED BY THE FOLLOWING VOTE: AYES: 21 NOES: 0
(Absent: Legs. Harris and Donaldson)

Legislator Belfiglio made motion to amend Resolution No. 245, on the last “Whereas,” for the purposes of adding a definition, which should read “WHEREAS the Ulster County Legislature does not support the practice of high-volume, hydraulic fracturing; now therefore be it,” instead of simply “hydro-fracking.” Seconded by Legislator Wawro.

Discussion:

Legislator Wishnick ask for clarification as to what was meant by “high-volume, hydraulic fracturing” versus hydraulic fracturing.

Chairman Bernardo recognized Legislator Belfiglio who provided definition taken from Local Law No. 6 as “a natural gas well simulation technique consisting of injection into the earth of the water and chemical mix with the intent of increasing the ability to extract natural gas from a very tight rock.”

Legislator Wishnick was recognized by Chairman who indicated his assent to amending Resolution if that was the definition.

Legislator Ronk asked Leg. Belfiglio to reiterated amendment to last “whereas” clause of the Resolution, to which he complied.

Legislator Gregorius recommended wording “described as” be added to the amendment, stating that it would be helpful to avoid confusion as to what was meant by “high-volume fracturing.”

Legislator Belfiglio asked for clarification of suggestion by Leg. Gregorius as to his exact request.

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Legislator Provenzano questioned the postponement of Resolution pending information from sponsor, Leg. Robert Aiello. Leg. Provenzano questioned vote upon Resolution wherein all information hadn't been provided.

Legislator Richard Parete stated that the Resolution had not passed through the Committee and made Motion to refer back to Committee. Chairman Bernardo advised that a prior Motion was still on the floor and no further Motions could be entertained.

Legislator Aiello recognized by Chairman Bernardo who expressed frustration at being able to pass resolutions through the Legislature without numerous delays. His intent was to simply allow Legislature to voice its position in support or against the practice of fracking.

Legislator Bartels supported Resolution but expressed concern that it was unexpected to be voted upon at the present Session. She stated that she was "no" to the amendment but "yes" to the Resolution.

Minority Whip Robert Parete requested a long roll vote on the Amendment:" WHEREAS the Ulster County Legislature does not support the practice of high-volume, hydraulic fracturing as defined in Local Law No. 6 of 2012.

DEFEATED BY THE FOLLOWING VOTE:

Roll Call Vote - AYES: 10 NOES: 11 (Absent: Legislators Harris and Donaldson)

Motion by Legislator Richard Parete to refer Resolution No. 245 back to Committee, seconded by Legislator Loughran.

Discussion:

Legislator John Parete expressed the need to be consistent.

Legislator Belfiglio responded that the present time was the time to vote on Resolution No.245.

Legislator Wishnick indicated that issue of exactly what is expected of the Clerk of the Legislature has not been addressed and asked if Clerk is being made a monitor of all legal action (in New York, Ulster County...) the Resolution appears to be imposing a research function far beyond what is expected and not yet determined. Leg. Wishnick supported referring back to Committee due to those issues that have not yet been addressed.

Vote to refer back to Committee – Roll Call Vote

MOTION ADOPTED BY THE FOLLOWING VOTE: AYES: 16 NOES: 5
(Absent: Legislators Harris & Donaldson)

Motion by Legislator Robert Parete to take Resolution No. 242 out of order, seconded by Legislator Ronk.

Resolution No. 242 – Authorizing An Agreement Between the County Of Ulster And The Ulster County Unit Of the Civil Service Employees Association, Inc., For The Years 2011 through 2014.

RESOLUTION ADOPTED BY THE FOLLOWING VOTE: AYES: 19 NOES: 0
(Absent: Legislators Harris and Donaldson)

Resolutions No. 195 – Approving Administrative Guidelines For A Performance Based Economic Development Plan Agreement And Base Agreement Between Ulster County Development

Corporation And The County Of Ulster – 2012 Appropriation – Ulster County Development Corporation

RESOLUTION ADOPTED BY THE FOLLOWING VOTE: AYES: 20 NOES: 0
(Abstention: 1 – Legislator Bernardo)
(Absent: Legislators Harris and Donaldson)

Resolutions No. 222 - Urging Governor Cuomo And The Regional Economic Development Council To Provide Funding For The Hudson Landing Development Project

ADOPTED BY THE FOLLOWING VOTE: AYES: 21 NOES: 0
(Absent: Legislators Harris and Donaldson)

Motion by Leg. Ronk to take Resolution Nos. 224 and 225 as a block, seconded by Leg. Parete.

ADOPTED BY THE FOLLOWING VOTE: AYES: 21 NOES: 0
(Absent: Legislators Harris and Donaldson)

Motion by Leg. Ronk to refer Resolution No. 226 back to Ways and Means Committee, seconded by Leg. Parete

ADOPTED BY THE FOLLOWING VOTE: AYES: 21 NOES: 0

(Absent: Legislators Harris and Donaldson)

Motion by Legislator Ronk, seconded by Legislator Parete to take Resolution Nos. 227 – 231 as block.

RESOLUTION ADOPTED BY THE FOLLOWING VOTE: AYES: 21 NOES: 0
(Absent: Legislators Harris and Donaldson)

Point of Order by Leg. Ronk – Resolution No. 242 Abstentions by Legs. Aiello and Wawro.

Resolution No. 232 – (Bond) Authorizing The Construction Of Salt Storage Facilities, In And For The County Of Ulster, New York, At A Maximum Estimated Cost Of \$745,500, And Authorizing The Issuance Of \$745,500 Bonds Of Said County To Pay The Cost Thereof

Roll Call Vote - AYES: 21 NOES: 0
(Absent: Legislators Harris and Donaldson)

Resolution No. 233 – (Bond) Establishing Capital Project No. 375 For The Purchase Of 64 Computerized Salt Spreaders For Snow Plows – Amending The 2012-2017 Capital Program And The 2012 Capital Project Fund – Public Works (Highways and Bridges)

Roll Call Vote - AYES: 21 NOES: 0
(Absent: Legislators Harris and Donaldson)

Resolution No. 234 – (Bond) Authorizing The Purchase of Salt Spreaders, For the County of Ulster, New York, At A Maximum Estimated Cost of \$320,000, And Authorizing The Issuance Of \$320,000 Bonds Of Said County To Pay The Cost Thereof

Roll Call Vote - AYES: 21 NOES: 0
(Absent: Legislators Harris and Donaldson)

Motion by Leg. Ronk, seconded by Leg. Parete to take Resolution Nos. 235 – 241 as a block.

ADOPTED BY THE FOLLOWING VOTE: AYES: 21 NOES: 0
(Absent: Legislators Harris and Donaldson)

Resolution No. 243 – 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 by Legislator Belfiglio to make amendment on the Abstract striking L44-2, seconded by Legislator Fabiano.

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Donna Mae Light, Woodstock

Tillie Tapper, Lake Katrine

Margaret E. Carro, Stone Ridge

Richard Justy, Palenville

Velma Wright, Saugerties

Estelle M. Hafner, Bloomington

Ann F. Fuller, Kingston

John “Buzzy” Walker, Kingston

NEXT MEETING:

The next Regular Meeting of the Ulster County Legislature will be held on **Tuesday, October 16, 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, September 26, 2012 at 12 Noon.**

MEETING ADJOURNED: 9:20 PM