



Ulster County Legislature
Standing Committee Meeting Minutes

October 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: October 3, 2012/6:00 PM
LOCATION: Karen L. Binder Library, 6th Fl., County Office Bldg., Kingston, NY 12402
PRESIDING OFFICER: James Maloney, Chairman
LEGISLATIVE STAFF: Lisa Mance
PRESENT: Legislators Loughran, Roberts, Maio, Wishnick and Bernardo (6:42 PM)
ABSENT: None
QUORUM PRESENT: Yes
OTHER ATTENDEES: Interim Director UCDC Melinda Beef; Legislative Counsel, Langdon Chapman; Senior Legislative Employee, Frank Reggero; Deputy Clerk, Sandy Mathes; Tim Allred, Project Manager; Mike Mason, Visitor,

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

MOTIONS:

MOTION NO. 1
TEXT OF MOTION: RESOLVED to approve the September 5, 2012 Meeting Minutes
MOTION MADE BY: Legislator Loughran
MOTION SECONDED BY: Legislator Maio
ROLL CALL VOTE: No
VOTING IN FAVOR: Maloney, Loughran, Roberts, Maio and Wishnick
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 5
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passes

Chairman Maloney introduced Tim Allred, Project Manager for the Williams Lake Resort Project. Mr. Allred present two (2) topographical maps which were about one (1) year old indicated that some revisions have been made since the original printing of the maps. The Project involved a plan to create a community resort open to the public. Indicated that they were entering into the 6th year of the SEQRA process and expressed that it is helpful to have support. **Chairman Maloney** asked if the company had purchased the property to which Mr. Allred responded in the affirmative.

Mr. Allred reviewed what buildings would be erected on the property, including a spa, trails, single-family homes, townhouses, etc. The desire of the developers was to restore and honor the history of the cement industry of Rosendale. The developers were also in contact with the Anita Peck who was the previous owner of Williams Lake Hotel.

Leg. Wishnick asked if they were anticipating any commercial services to which Mr. Allred responded that Main Street, Rosendale would be the market for the community. There may be a gift shop, café and museum but all other services would be provided by Rosendale.

Leg. Maloney asked how many units total to which the response was hotel units – 130 and housing units were 154.

Leg. Loughran had asked what exactly the "hold up" was with regard to moving forward with the project to which Mr. Allred responded that there were no short answers – it was a complicated process. Leg. Loughran asked if it was a legitimate reason or a political reason to which Mr. Allred replied that it wasn't a legitimate reason. Mr. Allred indicated that it took the SEQRA process 18 months to select a lead agency which was considered "a bad start." The Project has approached the environmental review process trying to respond as accurately as possible to only have the "goal posts moved."

Leg. Loughran asked what position the County Planner has taken. Mr. Allred responded that the County Planner hadn't been as involved as would have liked, Planner should have been more involved. He further indicated that the DEC has kept County at a distance. The Sierra Club is using scientific issues as leverage (whether pertinent to the project or not, ie., the bats, limestone hydrology, water supply). The Planners have attempted to address all legitimate concerns.

Mr. Allred presented a Press Release issued with regard to the Rail Trail, and informational brochure with regard to the Williams Lake Project and article depicting what the HRVR was about (on file with the Clerk of the Legislature).

Leg. Loughran asked what exactly the Project was looking for from the Ulster County Legislature and Town of Rosendale officials to which Mr. Allred responded that they need support in completing the process.

Leg. Roberts asked what the cost of the project would be, how many construction jobs would be created and what jobs would remain after the construction was complete. Mr. Allred replied that the cost would be roughly \$200,000,000.00, 1,300 construction job years with the realty being most of the construction would be at the beginning rather than the end, resulting in 300 permanent jobs upon completion.

Leg. Loughran asked they have had the opportunity to meet with unions and discussed any PLAs. Mr. Allred indicated that they have made commitments in the SEQRA process to local sourcing, including union but they haven't had PLA conversation.

Leg. Maloney indicated that the project had local support in Rosendale but ask if there was any State support to which Mr. Allred responded that he believed they did. Mr. Allred stated there was support from the County Executive, Senator Bonacic among some. The developers were attempting to work with the DEC at the State Level.

Leg. Wishnick asked if any tax exemptions would be sought. Mr. Allred stated that they need to get further into the project to see where the markets are. He indicated that if exemptions made sense, they would go for them. Leg. Wishnick indicated vacation homes were ideal from tax standpoint because less local governmental services were used. Mr. Allred indicated that all of the infrastructure was private and there was no demand on the Town or County. The fire and police department indicated during the SECRA process that they were not significantly impacted in a negative manner.

Leg. Maloney asked for an example of what "goal posts" were being moved by the DEC. Mr. Allred referred to the SECRA environmental impact statement that required permits to be reviewed, backwards because of lack of site plan. He indicated that they had submitted for application in 2011 and inquired item by item, what information was needed. DEC sent letter requesting more information. Frustration experienced in trying to complete permit application process and make sure this is the last time trying to complete this portion of process.

Leg. Maloney proposed and asked for the Committee's to draft a resolution in support of the project, including Tim Allred to make sure all terminology was correct. Seconded by Leg. Loughran. Motion to draft resolution carried 5 – 0.

Discussion: Leg. Wishnick asked that a summary of project financials be included with the Resolution.

Mr. Allred left business cards for all to contact him with further questions.

Leg. Roberts asked what the timeframe of the resolution would be to which Leg. Maloney indicated that he would like to attempt to have it to Laws & Rules Committee and have it to them by the next Committee meeting (3rd Monday of month).

Melinda Beuf commented that the DEC being named as the lead agency was part of the problem. The presence of the bats makes this a State and Federal issue. Ms. Beuf indicated that the second issue was that school students were needed to maintain tax base.

There being no further business before the Committee, a motion was made by Legislator Maloney, seconded by Legislator Loughran. Chairman carried to adjourn the Meeting at 6:42 PM.

Dated the 15th day of October, 2012

Lisa K. Mance, Legislative Employee, Ulster County Legislature

Minutes Approved on October 31, 2012

Environmental, Energy, & Technology Committee

Regular Meeting Minutes

DATE & TIME: October 4, 2012, 5:45 PM
LOCATION: Karen L. Binder Library, 6th Floor, COB, Kingston, NY
PRESIDING OFFICER: Chair Belfiglio
LEGISLATIVE STAFF: Krista J. Barringer, Deputy Clerk
PRESENT: Legislators Tracey A. Bartels, Craig Lopez, Kenneth J. Ronk, Mary Wawro, and Kenneth Wishnick
EXCUSED: Legislator John Parete
QUORUM PRESENT: Yes
OTHER ATTENDEES: Deputy Clerk Fawn Tantillo, RRA Executive Director Timothy Rose, RRA Board Member Charlie Landi, and League of Women Voters Representative Emilie Hauser

- Chair Belfiglio called the meeting to order at 5:52 PM.

MOTION NO. 1 RESOLVED To Table the Minutes of September 6, 2012

Motion Made By: Legislator Ronk

Motion Seconded By: Legislator Bartels

Discussion:

Chair Belfiglio noted the Committee members had just received the meeting minutes hours before the meeting and requested the additional time to allow the Committee to review the minutes. Legislator Wishnick requested the minutes be provided in a bigger font with a larger margin.

Roll Call Vote: No

Voting In Favor: Legislators Belfiglio, Bartels, Lopez, Ronk, Wawro, and Wishnick

Voting Against: None

No. of Votes in Favor: 6

No. of Votes Against: 0

Disposition: Carried

Motion No. 2**Resolution No. 245 – October 16, 2012**

Text of Motion: Resolved to approve Resolution No. 245 - Directing the Clerk of the Legislature To Post Information to Assist Ulster County Municipalities To Enact Local Ordinances Prohibiting Hydraulic Fracturing

Motion Made By: Legislator Bartels, to open it for discussion

Motion Seconded By: Legislator Wawro

Resolution Summary:

This resolution requires the Clerk of the Legislature to obtain copies of the court upheld local laws and other relevant adopted or proposed local laws which, would be helpful to Ulster County localities who are contemplating local laws relative to fracking, and make such local laws and information available to Ulster County municipalities as well as collect information in furtherance of the prohibition of fracking in Ulster County communities and make such information available to interested municipalities by publishing the same on the website of the Ulster County Legislature on the internet. The resolution authorizes the Clerk of the Legislature to consult with the Department of the Environment, the Planning Department, the New York State Secretary of State and others as appropriate to facilitate the collection of court upheld local laws and other relevant adopted or proposed local laws.

Discussion:

Chair Belfiglio noted that the sponsor claims this Resolution has been before the Legislature since the “before the fireworks”. **Chair Belfiglio** noted it first came before the Committee two months ago and it has been changed a little bit within the last two months but not since last month.

Legislator Bartels noted she spoke with Legislator Aiello, who is unable to attend the meeting tonight and he expressed to her, he hopes to see this resolution move out of Committee. She stated Legislator Aiello indicated to her that he articulated in the Republican caucus of last month that he is opposed to fracking and would like this resolution brought forward. She further reported he expressed not being pleased that the first version did not include a statement that the County Legislature does not support the practice of hydraulic fracking and would like to get it to a vote and have it be voted either vote up or down. She noted after the last meeting, she discussed this with Legislator Aiello and with Deputy County Executive Crannell’s suggestions, they agreed they wanted stronger legislation with more teeth but they also agreed that this should be done in separate legislation. She stated she reread some of the prior

discussion with Legislator Aiello and noted with him that Legislator Wishnick discussed changing the title based on the last whereas. She reported Legislator Aiello was amenable to the change in title to include the fact that the Ulster County Legislature does not support the practice of hydraulic fracking. She noted at the last meeting Legislator Wishnick has raised some questions that she felt the Committee should vet out but that this was the summary of her communication with Legislator Aiello.

Legislator Wishnick stated he had also been thinking about the Resolution and felt sometimes movement to get something enacted happens following compromise. He believed in this case, it was worthy to step back and examine what the Resolution attempts to accomplish rather than manipulate and make changes to accommodate the sponsor. He noted for this Resolution, it makes an assumption that local governments would be interested in taking some kind of protective action for their communities against fracking or fracking waste and would contact the County as a source of information. He also noted this Resolution assumes the County has the staff in the Legislative office with the skills and the time to research fracking laws and information and other factors that would then be made available to those in the event that someone happens to call and request the information. He stated this could be an ongoing process, without end, and never have a single person ever request the information that has been accumulated into a whole online library at a cost to the taxpayers. He suggested keeping the key whereas that would put the County Legislature on record on where they stand on hydraulic fracturing and refer links for additional resources for anyone interested would be placed on the County website. He noted these resources could include but not limited to NYSAC, Municipal Town Code to the extent that this is available, or any other factors that are determined to be a onetime effort to provide links to information on the subject of hydraulic fracturing. He stated the likelihood is that municipalities can go to DEC or environmental groups or other organizations to solicit information and will bring it up at their Town Supervisors' Association meetings to network knowledge and procedures on local laws. He felt the intent was good, the practicality in terms of the amount of County resources that would be put to it balanced with the likelihood of the use, does not make the case for engaging in this particular activity.

Chair Belfiglio stated he did have some knowledge of the intent as he sat in on an Environmental Board meeting in the Town of Esopus where the Department Head from the Ulster County Department of the Environment, Amanda LaValle, was discussing this. He reported she stated to the Towns that the County was working on a plan to assist them. He indicated when this Resolution first came out; he thought this was what it was going to be. He noted the Resolution came out with the Department of the Environment doing the research and not the Legislature. He queried what makes the Legislature the experts and that they would be "passing the buck" to somebody else

anyway. **Legislator Wishnick** concurred that the Legislature does not have the skills. **Chair Belfiglio** noted the Legislature is the law making branch of government but it cannot tell the Towns what they must do; they cannot set laws for the Towns as this is their own home rule. He stated it would be acceptable to him to see somehow if the Department of the Environment can assist Towns and do that work to put the links on the website. He noted this was still a lot of work for the Legislature to do. He stated he was in favor of the first version except for a change in small wording for hydro-fracking. He stated he always felt it was part of the Department of the Environment's responsibility to educate the Towns and the populous on environmental issues. He stated this was a Committee and if it was their will, the Committee should undertake a process to do it themselves.

Legislator Wishnick noted if the Committee were to amend the Resolution to say that the Legislature was, as a matter of policy, directing the Department of Environment to provide links to resources related to the regulation of fracking on the County website, it would be a one-time thing that would not be very difficult to do and then it is an accomplishment that the Legislature can point to. **Chair Belfiglio** noted that suggestion is a policy decision that the County Executive cannot make as noted in the minutes of the Committee meeting on September 6, 2012. He noted it was stated at that time by Deputy County Executive Crannell that the reason the County Executive changed the wording was because of legalities in the separation of powers between the two branches. He stated the Legislature could say it is against fracking but it cannot make a law that there is no fracking in Ulster County but the County Executive cannot make such a statement. **Legislator Wishnick** stated the Legislature can direct that the County Executive provide links to all interested parties. **Chair Belfiglio** noted this would be a policy decision by the Legislature directing them to do that.

Legislator Bartels stated she understood the separation of power issue, not to be that the County Executive could not make a statement, because they do make statements all the time, but that the County Executive's position was that the Legislature could not direct the Department of the Environment to do something. **Legislator Ronk** indicated the Administrative Code states at the end of each Department "and any other duties as directed by the County Legislature." **Legislator Wishnick** clarified the County Legislature would direct the Administration without indicating which Department or who or what. **Legislator Ronk** replied the Department of the Environment does specific tasks as specified in the Administrative Code as well as "any other duties as directed by the County Legislature." He went to retrieve a copy of the code.

Legislator Bartels stated she wished a representative from the County Executive's Department was in attendance but understood it to be a question of feeling like the County Executive was being micro-managed because at that that meeting she recalled

Deputy County Executive Crannell indicating they would, of course, make the Department of Environment available to do exactly what they are being asked to do. She further noted that they just did not want the Resolution to direct the Department to do it but that they would have the Department of the Environment work with the Clerk of the Legislature to make it happen. She stated she heard Legislator Wishnick's comments and attempted, within the Clerk of the Legislature, to find the language that makes it less onerous and open ended and more specific, such as posting links. She concurred with the onetime directive that is updated as found important or available. She felt, on the downside, the Legislature was over thinking and while she does not fully give in to Legislator Aiello's opinion that everyone must weigh in on this and that he does not care if Santa Clause does it, she cares about the implementation and would like to see it happen. She felt people will call the County or check the page to see if there are any laws that they can look at to model after. She felt if the County just made a page available of laws of Towns and whatnot, it would make it easier and maybe less work as it may be continuous if the County just put up what was easily accessed and one-time put up as a link.

Legislator Wishnick noted if the County did it today by next month there could be new laws and someone would have to be monitoring this. He stated he understood the Town of New Paltz was doing something tonight. He stated this becomes an ongoing, management of a project that he does not consider the County Legislative office to be a primary source of information. He felt if he was at the municipal level, he would be looking elsewhere.

Chair Belfiglio stated this Resolution is stating the County is going to help the Towns, including all the reasons why the County would want to help the Towns look up information. He reported today in Binghamton, New York, their law wasn't upheld and they were being sued for having a ban on hydro-fracking and they lost their appeal. He did not know the terms of the agreement nor if they had not tied their local law to zoning laws as that is the typical reason for the overturning of these local laws.

Chair Belfiglio stated he agreed with Legislator Wishnick in looking at the Resolution in an authoritative view. He referred to the posted minutes of the Town of Esopus Environmental Committee and felt the intent of the Department of the Environment was to offer the services to the Towns as they were going to the Towns and the first Resolution indicated this. He noted all of sudden some legality issue was raised that to him was not clear. **Legislator Bartels** felt it was really about the separation of powers, as articulated by the County Executive's office, that they felt the Legislature was directing the Departments. She stated they said separation of powers which is different than taking a stand. She reiterated the County Executive can and has taken a stand on things. **Chair Belfiglio** noted the County Executive had not taken a stand on behalf of

the taxpayers of Ulster County. He noted the Legislature takes a stand in the form of a Resolution as they represent the residents of Ulster County while when the County Executive makes a statement, he is not representing the taxpayers. **Legislator Bartels** asked who he would be representing as the County Executive is elected by the residents of Ulster County. **Chair Belfiglio** asked if he took a poll. **Legislator Bartels** asked if the Legislature took a poll and stated the County Executive is absolutely representing the residents of Ulster County and is not an appointed position. She stated she felt this was an issue of who directs the Departments and their work. She noted Legislator Ronk may find information in the Administrative Code that calls that into question, on the reverse but she strongly believed that was the argument that the County Executive's office was making. **Legislator Ronk** concurred with Legislator Bartels that that was the argument that the County Executive was making but did not agree with the argument. **Legislator Bartels** noted the argument had nothing to do with the ability to take a stand or for the Department of the Environment to post anything on hydro-fracking and stated if the County Executive directed them to do that, they would do that.

Legislator Ronk stated he did not find the Department of the Environment in the Charter or the Administrative Code. **Legislator Bartels** reviewed the document.

League of Women Voters Representative Hauser asked why not ask the Environmental Management Council to advise on this Resolution as they are the advisory to this Legislative body. **Chair Belfiglio** indicated this was because the Committee never had a clear discussion from the Resolution sponsor of his intent and it only came out at the last general meeting, what his intent was. He noted the sponsor stated he didn't care who did it or how it got done; he just wants a Resolution that puts in public records whether the Legislators are for or against fracking. He stated the sponsor did not care about assisting the Towns and reiterated the sponsor indicated he did not care if Santa does the work.

League of Women Voters Representative Hauser thought the Department of the Environment was formed after the Charter. **Legislator Bartels** and **Legislator Ronk** concurred that the Charter Commission should have put it in. **Legislator Bartels** wondered if it would be in a copy of the revisions recommended by the Charter Commission. **Legislator Ronk** requested a copy of this document for review. **Chair Belfiglio** noted this would not be a legal document as it had not been voted on yet.

Legislator Ronk indicated regardless of the revision recommendation document, other Departments, such as the Department of Tourism (83 of the Administrative Code and Section C-188 of the Charter), indicate in the very last sentence of the powers and duties, the Director "shall also have all the powers and perform all the duties now and hereafter conferred or imposed upon him or her by law and perform other and related duties required by the County Executive and County Legislature." He stated not every

Department Head had this included in their duties and felt the Department of Personnel is separate and does not have the clause about the County Legislature.

Deputy Clerk Barringer noted documents were not available at the time of the meeting.

Legislator Bartels concurred with Legislator Ronk that it was listed throughout the Charter but that it was specific to the Director, not the Department, in almost all cases. **Legislator Ronk** felt the Legislature could direct the Director of the Department of the Environment to post the links. **Legislator Bartels** noted the wordage includes “he or she shall have the powers and perform all the duties” and indicated it stated the same for the Traffic Safety Board.

Chair Belfiglio asked Legislator Wishnick if his comment was an amendment to the Resolution. **Legislator Wishnick** indicated he was agreeable to this approach if it was the will of the Committee. **Legislator Ronk** proposed to amend the first Resolve to eliminate the Clerk of the Legislature and insert “Resolved, the Director of the Department of the Environment shall...” **Legislator Wishnick** proposed the Resolve to also be amended to state “shall cause to be posted resource links related to the regulation of hydraulic fracturing on the County website.”

Legislator Bartels asked why the Legislature could not have the Clerk of the Legislature perform this task in consultation with the Department of the Environment since the directive has been super-simplified. She stated she did not feel comfortable voting on the amendment. She stated she would be a no on the amendment pending a conversation with someone from the Executive’s Department and ideally, the Director of the Department of the Environment. She felt the Legislature was operating in a vacuum and noted it was unusual not to have a member of the Executive’s office in attendance. **Legislator Ronk** noted the Executive’s office had a long week.

Legislator Bartels felt she would be more comfortable with having the Clerk of the Legislature “cause to be posted with the consultation” or “the Department of the Environment will assist the Clerk of the Legislature”.

Legislator Wishnick suggested a compromise that would say “the head of the Department of the Environment shall periodically provide links to the Clerk of the Legislature for posting on the County’s website related to.” **Legislator Bartels** indicated she preferred his first language suggestion.

Legislator Ronk stated his concern, from last month’s marathon meeting regarding the new website, the Legislature’s website is not one of the ones that can be overhauled and self-managed. He noted the new Department of the Environment website can be self-managed and would be easier for the Department of the Environment to post links on

the website. **Legislator Wishnick** noted this would also be cheaper. **Legislator Ronk** stated he was not in favor of adding duties to the Clerk of the Legislature that by common sense belong in a different department. **Legislator Wishnick** indicated this is what troubles him too. **Legislator Ronk** indicated he did not wish to refer to this as a slippery slope but wondered what else will the Legislature assign to the Clerk of the Legislature that is sort of outside her job description. . **Legislator Lopez** concurred with both Legislator Ronk and Legislator Wishnick and supported the vision of simplifying it to make the information available more readily accessible by people, whether through the website or another means. He noted the total load on the Clerk of the Legislature was a little much.

Legislator Ronk confirmed the amendment language as proposed by Legislator Wishnick. **Deputy Clerk Barringer** read the proposed amendment as “shall cause to be posted resources linking information related to hydraulic fracturing on the County website.” **Legislator Wishnick** clarified the inclusion of “related to municipal regulation of hydraulic fracturing”. He noted there was not need to get into the State stuff. **Legislator Bartels** stated it would not hurt, if the information was available, as it could be modeled after the State stuff. **Legislator Wishnick** concurred if it was just a link for it, it would not hurt.

Chair Belfiglio noted if when looking at a webpage and want to look at local laws, one would come to the Legislature but when first when someone first goes to the webpage after a Google search for Ulster County, it brings you to the Ulster County homepage. He noted one would have to navigate to the Legislature. He indicated he was not implying every computer user doesn't know what they are doing but he felt if it was going to be done this way, it has to be the easiest way possible and the easiest way possible he saw was on the home page. He noted this could be a directing link so that people do not have to hunt for these things. **Legislator Bartels** asked who managed the home page. **Legislator Wishnick** asked if there is a link for resources already on the page. **Chair Belfiglio** noted information services manage the entire site. **Legislator Ronk** noted the County does not currently have a comprehensive policy on the use of the County website; which is something that he has had on his agenda but noted the Legislature has had other things to focus on this year. He noted a comprehensive policy was needed because right now, the County Executive controls the website and there is no policy on it. He indicated he did not feel the County Executive is doing anything wrong with it but just that the Legislature could change some of the things that are done on the County website and make it more useful for residents and all elected officials of Ulster County. He suggested a presence for all elected officials on the home page.

Legislator Bartels noted this highlights the issue of separation of powers again or what the Legislature has the authority to do and not just pushing the authority issue, it would be nice to have some kind of buy in. She stated it does make sense for this to be with the Department of the Environment and concurred with Chair Belfiglio's point that it should be easily accessible and not something that one must start at the homepage and then guess where it might be. **Chair Belfiglio** noted if the intent was to only assist Municipalities, they could be sent a letter instructing them where to go on the website. **Legislator Bartels** noted the general public might be interested in pursuing it at their Municipality.

Legislator Ronk suggested the Legislature not direct the Director to do anything but with the way the separation of power works, the Legislature sets the policy and the County Executive implements the policy. He suggested a Resolve that the policy of the Ulster County Legislature shall be that links are posted and then it will fall on the County Executive to direct whoever he wants to do it. He noted this allows the Legislature to set the policy and the County Executive to implement the policy. **Chair Belfiglio** clarified this would be an amendment to state "whereas it is the policy of the Ulster County Legislature". **Legislator Ronk** reiterated "that links related" would be "conspicuously on the County website." **Legislator Wishnick** demonstrated the County's website has a links page that includes a number of groupings such as educational sources, State and Federal links, Hudson Valley links, etc. He suggested a new grouping of Environmental could be added. **Legislator Ronk** noted there were a hundred different ways it could be done and ultimately, it was the responsibility of the County Executive to ensure it was completed. He noted for the record he did believe the Legislature had the power to assign additional duties but with this point aside, he felt in the interest of working together, between the two branches of Government, he felt the method of passing a policy would accomplish the goal.

Chair Belfiglio noted in looking at the homepage of the County website, there was a welcome from the County Executive and the 2013 Budget, which should be on the homepage so that people can easily access. **Legislator Ronk** noted it was already there and demonstrating how easy it is to post items. **Chair Belfiglio** suggested adding another link on the homepage and share the welcome page. He stated if the County was not going to separate the website, then these pages should be shared. **Legislator Ronk** noted he had to pleasure of working with the County Executive for quite a few years now and felt if the links were to be posted on the County website, the County Executive will prominently post them.

Legislators discussed and finalized the following amendments:

Strike both resolves and replaced with "**Resolved**, that the policy of Ulster County shall be that links to resources on the regulations of hydraulic fracturing

be prominently posted on the County website” and “be it further **Resolved**, that upon posting of links, the Clerk of the Legislature will provide appropriate municipal notification.

LWV Representative Hauser felt the amendment language was too broad. She noted the inclusion of the word regulation was not defined to identify if it was State regulations or for municipalities or regulating haulers. **Legislator Ronk** felt the language was open ended for a reason. **Chair Belfiglio** stated the intent was to assist the municipalities. **Legislator Wawro** noted the Legislature could not predict what the municipalities would be asking for. **Legislator Ronk** concurred and indicated the Legislature could not post only what was asked for. **Legislator Bartels** asked if the first Resolve language could be added to the suggested amendment. **Legislator Ronk** felt the Legislature could not add the specific language unless they directed the Director of the Department of the Environment to do it. He noted much of the language was action and not necessarily policy. He stated he anticipated whoever the County Executive requested to perform the actions would obtain copies of and link to court upheld local laws as well as other local laws pertaining to fracking. **Legislator Bartels** stated she was concerned that the language only included regulation and did not include prohibition. **Legislator Ronk** suggested an additional amendment to include the words “regulation and/or prohibition.” **Legislator Ronk** read the newly amended proposed Resolve, “**Resolved**, that the policy of Ulster County shall be that links to resources on the regulations and/or prohibition of hydraulic fracturing be prominently posted on the County website”.

Chair Belfiglio noted the crux of the Resolution was this it is the policy of Ulster County to put links. **Legislator Bartels** spoke regarding the separation of powers and that the charter clearly gives the Legislature the power to direct the Directors of certain departments. She noted what the charter does not say is how to do this and asked if adding duties does the Legislature have to add them to the charter or pass a local law or just pass a Resolution. She asked how binding a Resolution was. **Legislator Wishnick** noted the Legislature was testing the boundaries and indicated there was not much risk with this issue. **Legislator Ronk** felt in his lay opinion, the Legislature did not need a charter amendment. He felt the drafters of the charter put the specific language in it so that they would not have to make charter changes. He stated it was similar to the Federal level where the Constitution drafters were worried if they made a Bill of Rights the people would think those were the only Rights there were. He noted there has been many an argument over the years over Constitutional Rights. He felt it was the same as the Ulster County Charter issue and stated just because it is not specifically listed as a power but that the Charter states “and any other duties as directed by the County Executive or County Legislature.” He felt this was the way the drafters of the Charters gave the power to the Legislature to make changes without having to go through the

process of amending the Charter as County Government evolves over time. **Legislator Wishnick** noted it would not make sense to have the Charter change just to ask to have something put on the website. Legislators concurred with this statement.

Chair Belfiglio suggested adding a Resolve that would direct the County of Ulster Government to act accordingly. **Legislator Wishnick** felt this was implied in the said policy. **Legislator Ronk** concurred with Legislator Wishnick and felt this was a good test of the separation of powers without hurting anything or causing any problems.

Legislator Bartels suggested if the Resolution passes there should be a discussion with the County Executive's office. **Legislator Wishnick** suggested if the Resolution passes it should be sent over to the County Executive's office with a note saying "kindly implement said policy." Legislators agreed to this note.

Legislator Ronk made the motion to amend the Resolution to strike the two Resolves that are in the Resolution and replace with the two Resolves discussed in Committee. **Legislator Lopez** seconded the motion to amend.

Chair Belfiglio asked who would write the note. **Legislator Bartels** felt the Committee should discuss this with the County Executive prior to the Resolution coming to the floor of the full Legislature. **Legislator Ronk** noted the Legislature sets the policy and the County Executive can choose whether he will implement the policy. **Legislator Bartels** noted this was based on what the Charter amendments say, if one of the duties is as directed by the Legislature and felt the Committee was dancing around the subject a little. **Legislator Ronk** suggested trying the Resolution and if the County Executive chooses not to implement it then the Legislature would have to have stronger language. He felt confident the County Executive would implement it as written.

Legislator Bartels asked with the changes in the Resolves what the new title would be.

Legislator Ronk rescinded his motion to allow the Committee to also amend the title.

Legislator Wishnick suggested the following amended title:

Establishing the Ulster County Policy Regarding the Posting of Information on the Ulster County Website to assist Ulster County Municipalities to Enact Local Ordinances Prohibiting Hydraulic Fracturing

Legislator Ronk motioned to amend the title of the Resolution and strike the two Resolves and replace them with the Resolves as amended in Committee. **Legislator Wishnick** seconded the motion to amend. **Chair Belfiglio** called the vote and all Legislators voted in agreement to the amendment. The motion to amend passed.

Legislator Ronk and **Legislator Wishnick** discussed the last whereas. **Legislator Ronk** felt the Whereas should be more specific than just the practice of hydraulic

fracturing as there is not just one kind of hydraulic fracturing. **Chair Belfiglio** agreed with Legislator Ronk and noted the need to have consistency with the local law which states high volume hydraulic fracturing. **Legislator Ronk** thought it was high volume metric hydraulic fracturing and discussed what he interpreted as the differences.

Legislator Wishnick stated the Committee was not clarifying the rest of the Resolution for consistency. He stated it was getting confusing as the County would have regulations only on high volume metric but not hydraulic fracturing. He indicated this was just a general position. **Legislator Ronk** stated he would not make the motion but indicated it might affect his vote on the floor.

Chair Belfiglio called the question and all voted in favor of passing the Resolution.

Roll Call Vote:	No
Voting In Favor:	Legislators Belfiglio, Bartels, Lopez, Ronk, Wawro, and Wishnick
Voting Against:	None
No. of Votes in Favor:	6
No. of Votes Against:	0
Disposition:	Carried

Motion No. 3

Resolution No. 250 – October 16, 2012

Text of Motion: Resolved to approve Resolution No. 250 – Requiring The Posting Of Audio Recordings Of Legislative Committee Meetings On The County’s Official Website Within 24 Hours Of Adjournment Of The Committee Meeting

Motion Made By: Legislator Bartels for the purposes of discussion

Motion Seconded By: Legislator Ronk for the purposes of discussion

Resolution Summary:

This resolution authorizes, empowers, and directs the Clerk of the Legislature to upload audio recordings of Legislative Committee Meetings within twenty four (24) hours of their adjournment or completion beginning with legislative committee meetings scheduled for January 2013.

Discussion

Legislator Bartels offered an update of her communications since the last Committee meeting. She stated she had been in contact with the Director of the Information Services and the Clerk of the Legislature. She indicated the Director of Information

Services stated it would not be a problem and would not incur additional costs to implement. She stated most of her discussions, until today, had been with the Clerk of the Legislature and the Clerk was working with Information Services directly. She noted the Clerk and the Director were planning to keep the audio posted up for one month at a time and change them out. She indicated she preferred that, similar to the minutes, the audio postings remain for a full year before being taken down, depending on the space. She indicated based on the Clerk's conversations with the Director, Information Services would change them out every month but in Legislator Bartels's conversation with the Director today, it was indicated the files were relatively small and would not be a problem to leave them up. She noted this was a detail that could be worked out later. She reported her discussion with the Clerk today in regards to the time it would take to implement and the Clerk indicated to her that she expected it would take, in the beginning, a minimal amount of time, about 10 minutes a meeting which equated to roughly an hour and a half a month for the meetings. She further noted this was expected to become quicker with the ease of the experience and the new website design. She noted this was dependent on what the Legislature did with the website but indicated it would still benefit from the new platform. She stated she received a message from Deputy County Executive Robert Sudlow that he concurred with the position that this would be no problem at all and no cost associated.

Legislator Bartels felt the main debate that remained from the last Committee meeting had less to do with the money or the time but rather with Legislators' comfort with themselves being recorded. She reminded all that the Legislators were being recorded anyway and the file was foil able. She noted the Legislature had to keep the tapes for a certain period of time and as someone who has changed her mind publicly, she stands by what she says and feels strongly about this moving forward. She noted she has heard no implementation issues from either the Clerk's office or from Information Services.

Legislator Ronk stated his issues had to do with money and time and this seems to be cleared up in the abstract. He noted the practicality is an unknown at this time. He stated he also stands by what he says either foil able, on radio or on the County website. He felt this was a cart before the horse situation as there is no policy of the Legislature to have meetings recorded. He noted the staff records the meetings for their own use in minutes. He stated if the County was going to do this, there should be a policy that the Legislature have audio recordings of their meetings. In addition, he noted if it is good government for the Legislature, it should be for everyone and the Legislature should require the posting of an audio recording of any meeting governed by the New York State Open Meeting Law. He noted this could exempt the volunteer advisory boards as it might be a burden to them as normally, the County does not have staff doing their minutes.

Legislator Bartels stated she had thought about putting forward a Resolution to make a policy to record but after last month's discussion, she felt there would be major pushback and she wanted to do one step at a time. She felt the major pushback was about being recorded and not about the money. She stated the issue even came up about closing Caucus again. She noted in her conversations with both Information Services and the Clerk's office, she agreed to the one change of the start date to work out the kinks. She stated she had no desire to put undue pressure or burden on either department. She noted the Clerk of the Legislature suggested a January implementation. She indicated next month, she would proudly and happily sponsor a Resolution to establish a policy to record all meetings but she did not want to put this Resolution on hold. She noted other meetings that are subject to open meetings law could be added but that asking the Clerk of the Legislature to do the implementation of this Resolution was enough. She noted there are lots of meetings that are subject to Open Meetings Law and that expanding the number of meetings could impact the time and finances. She reiterated she is not opposed to this but felt the first step would be this Resolution and then they could go from there.

Legislator Ronk stated he was not suggesting that the Clerk of the Legislature post the audio from other Departments but that whatever Department's minute taker could post their own audio files. He suggested the Clerk of the Legislature post the Legislature's meetings audio files and that the County Executive or designee post all others.

Legislator Bartels felt this would take some planning and asked for example, who takes the minutes for the Lyme Disease Advisory Committee and who would post. She asked how long audio files should remain online for committees that do not produce minutes. She suggested the Legislature lead by example. She noted the Clerk of the Legislature and the Director of Information Services are signed on with the stated lead time. She indicated she planned to attend the Laws and Rules Committee to ensure the passage in a second committee.

Legislator Ronk requested one change, in consultation with the Clerk of the Legislature, to add a further Resolve that "technical difficulties shall not constitute violation of this Resolution" such as if the recorder turns off or if there is no recorder.

Legislator Bartels noted there is no law and there is no punishment and stated she understood that technical difficulties happen. **Legislator Ronk** stated he felt it was something that could be, very easily, used in a political manner. **Chair Belfiglio** indicated the only way to avoid this was to hire an independent audio firm to produce the recordings.

Legislator Bartels stated the Resolution was simply trying to provide accessibility to service to the public and the Legislators. **Legislator Ronk** clarified he was not accusing Legislator Bartels of having political motives behind the Resolution but that someone

with political motives, that are more sinister than Legislator Bartels, could use it against. **Chair Belfiglio** noted there are 189,000 residents in Ulster County and anyone of them can access and interpret them. **Legislator Ronk** clarified that if a controversial meeting of the Environmental Committee was held and the recorder did not work, he felt it would be easy for someone to say well you are just [avoiding the conflict]. **Legislator Bartels** felt people could still say this and asked how the Legislature could write a Resolve to stop someone from saying in the insistence given, if the person is sinister, there is nothing that will stop them from saying, "Oh, isn't it interesting that the tape recorder broke." She noted this will happen in a political world, if people are so politically minded.

Legislator Bartels noted if recordings do not exist or recorders break, that will happen. **Legislator Ronk** noted it was at the last Environmental, Energy, and Technology Committee meeting at which this Resolution was discussed, the recorder did not work. **Legislator Wishnick** noted the battery could run down. **Legislator Ronk** noted Chair Belfiglio's meeting could go over the allotted three hours for the recorder.

Legislator Bartels stated in seeking uniformity or easier recorders, the Clerk of the Legislature estimated a cost of \$70 for Olympus Recorders that can hold 500 hours. She noted the Clerk stated the existing recorders are currently using the internal memory and a memory stick could be purchased that would make running out of space not an issue. **Chair Belfiglio** noted the current equipment is antiquated. **Legislator Bartels** noted it will happen; that things do go wrong with equipment and as an equipment geek, she was completely aware of this.

RRA Board Member Landi noted in the Common Council there was a time that they were televising the meetings and equipment failure is never been an issue and it is recognized that if the equipment is down, it is not by design. **Chair Belfiglio** noted people often forget to turn on the microphone.

Legislator Bartels noted in her two terms with several different clerks, she finds the Clerk's office to be, surprisingly, an un-political office. She noted everyone in the Clerk's office are always helpful to all Legislators. She noted there was uncertainty in how often people in the community were even going to listen to the audio files. **Legislator Ronk** stated he could identify specific Legislators, on both sides of the aisle that if given an opportunity would use it against the other side. **Legislator Bartels** asked if adding a Resolve that indicates equipment failure stop them from sinister personalities. **Legislator Ronk** felt someone could use the Resolution and say that they are in violation of the Resolution. **Legislator Ronk** felt it would cut down on the politicization and that it would not hurt to have it in.

Chair Belfiglio stated he was not in favor of the Resolution for many reasons that were stated last month but identified a couple of items that have come to his attention; including, the Legislative Programs, Education, and Community Services Committee meetings are recorded by SUNY Ulster staff and the Legislature will need to either supply them with a recorder or track them down for the recording. **Legislator Bartels** felt this was easy enough. **Legislator Ronk** stated there are multiple recorders available at the Legislative office.

Chair Belfiglio stated there are meetings where there will be five people speaking at the same time and suggested there be a protocol at which people do not speak unless they are recognized. **Legislator Ronk** concurred there is chaos on the recordings as three people are talking at once, pencils tapping and even gum chewing. He felt this was not a reason not to do it.

Chair Belfiglio indicated his main objection was if one wants to be engaged in the government and want to know what is going on, the minutes are posted on the website. He stated the minutes are good. He felt the posting of the audio would thwart Legislators from speaking their minds as they know it will be recorded verbatim and it would be on the website. He felt the general meetings are different and this would give Legislators an opportunity to grandstand for the camera or for the audio equipment for political purposes. He noted this was not a requirement by law. He noted in regards to closed caucuses, even under the open meetings law, the Legislature could have a closed caucus. He noted there are no official votes in the caucus but was sure they discussed how they would vote in these meetings. **Legislator Wishnick** stated caucus is not covered under the Open Meetings Law.

Chair Belfiglio asked if the Legislature set the policy, why they could not require every meeting to be recorded throughout the County. He suggested this policy be all or nothing. He felt people use these recordings against the governing body that enables the technology. He offered an example of the Environmental, Energy, and Technology Committee working tirelessly on solutions for the RRA and through the minutes and County Executive representation, the County Executive has taken the RRA out of the budget in lieu of flow control. He noted the Committee worked on it all year and it was taken from the Committee and put in the budget, without the Committee's knowledge. He felt the Committee was charged with the Open Meetings Law and things like that but felt intentionally keeping things from this Legislature is not something that he agrees with. He stated people know at any time what the Legislature is doing and they can find out at any time. He felt this Resolution was just adding another layer of accessibility when they are already accessible.

Legislator Bartels concurred that the minutes are excellent and she particularly enjoyed the detail. She noted the minutes are very different from committee to committee. She

noted some committees only follow motions with very minimal discussion, which is all that is required by law. She noted minutes are not posted until they are adopted and felt this Resolution would allow, for the public that might be interested in following an issue but are unable to read the minutes as they will not exist until after the meeting to which they will be addressed, accessibility to the public and the Legislators. She noted she is thankful to League of Women Voter's Representative Tom Kadgen, who attends meetings and records every meeting he is at, for providing copies of specific meetings because she was unable to attend the meeting. She felt it would be hard to find someone will listen through three hour meetings to find some zinger or quote to use against. She felt this was a bit paranoid. She reiterated she stands behind everything she says including items that she has changed her mind on. She felt having the file posted allows for a more thorough involvement from the Legislature as a whole and the public.

Chair Belfiglio asked what would be the official minutes, the audio recordings or the written. **Legislator Bartels** stated this Resolution does not change anything and the minutes are still the official recording. **Legislator Ronk** confirmed the audio recording is in addition to the minutes. **Chair Belfiglio** clarified the reason the Legislature does not post the minutes is because they have to be approved. **Legislator Bartels** confirmed the minutes are posted once they are approved. **Chair Belfiglio** noted the audio files would be minutes that are not approved. **Legislator Bartels** replied the audio files are not minutes but are audio recordings. **Legislator Ronk** noted the reason for the approval of minutes is because it is not a complete book.

Chair Belfiglio stated Legislators might hold back in their discussions. **Legislator Bartels** stated the Committee is being recorded and this is foil able. **Legislator Ronk** indicated this was a person by person decision. He noted the only difference was that the minutes would be posted and then archived for a year or less whereas the audio recordings are not archived. **Legislator Bartels** noted there is a specific amount of time the audio files are expected to be saved once the minutes are completed.

Legislator Ronk disagreed that there were not a lot of people that would dig through the audio recordings as he felt he knew people that would dig through three hours of a meeting to find a quote and use it against but he did not feel it was a reason not to do it. He noted he could walk down the street and be recorded without knowing he was being recorded and use it against him but here, they are aware they are being recorded. He felt it was different when one is being recorded and they know they are being recorded then being recorded against their will.

Legislator Ronk suggested holding the Resolution until the November meeting of the Environmental, Energy, and Technology Committee to allow for a dry run and have the audio to be posted on a dummy website to see if the program actually works before passing a policy that says it has to be done. He noted the Resolution does not go into

effect until January and gave his word that he would not propose pushing it any further than January.

Legislator Bartels asked what was the problem when Information Services indicated there is no issue and the Clerk of the Legislature said it will not take that much time. **Legislator Ronk** stated he spoke with the Clerk last night and it was one of the items that she suggested as something she would like. **Legislator Bartels** stated she spoke with the Clerk today and she said it would take 10 minutes a meeting and it would no big deal. **Legislator Wishnick** clarified Legislator Ronk's point that the Committee try listening to it and make sure it is audible and useable. **Legislator Ronk** concurred that this would be another point and felt the Committee should see what it is going to be and will it really be 10 minutes or will there be things that cause problems because it will not cost any money as there is this Sony software that is downloadable. He asked how the Sony software would work with the County computer system and how it would sound online with the program that will allow it to be played on our constituents computers. He wondered what the upload time would be.

Legislator Bartels responded with January as the start date, she was not opposed to a dry run but was concerned based on last month's meeting; there is a level of concern about the resolution that has nothing to do with money or time and has everything to do with being able to speak freely. She felt, as elected officials, they should all stand behind their words and the more access they give to the public the better. She noted if it was free, she would be recommending televising all the meetings. She indicated she was concerned the one month was a plan to kibosh it through the back door. She indicated she believed Legislator Ronk was supportive and did not mind being taped. **Legislator Ronk** stated he was sincere and simply wanted to ensure, before the Legislature passes the policy, that they do a dry run. He indicated it was a lot easier for the Legislature to take it up next month and he stated if the Committee chose to table the Resolution this month until a dry run can be done, he gave his absolute word that he will make a motion to take it off the table at the next meeting, if everything works as it is suppose to. He noted if things did not work as intended, they could change it if something came up. He felt this would make the best legislation before they are passing it instead of having to either amend it or rescind it, if it really didn't work and really isn't what they wanted.

Legislator Bartels noted one item addressed last month was the issue of quality and it was her expectation was that the quality of the recording will vary from meeting to meeting based on where they are held. She noted it is just another tool for the public and not looking to have it kyboshed because someone heard pen tapping and three people are talking at once.

Legislator Ronk stated his issue was more about whether the implementation occurring the way it is being imagined. **Legislator Bartels** asked if that was his only issue. **Legislator Ronk** stated he would like to see if it is usable but that it would not affect his determination to post or not. **Legislator Bartels** noted he had listened to them. **Legislator Ronk** stated he had not listened to them in the past. He stated he served on all the Committees. He stated it was more about the implementation and which was why he was moving to put it off a month. He stated he would co-sponsor the Resolution and bring it forward next month if it is put off for a month and the dry run is completed. He felt it was useful to everybody involved that before the Legislature creates the policy they implement the policy the way they imagine they can and not in the current abstract as Information Services says it should. He indicated there were shoulds and maybes.

Legislator Bartels stated based on her conversations with Information Services and the Clerk, given the months to January, they can make it happen.

Legislator Ronk noted they were told in January that within two months they would have access to their County email addresses on their mobile devices and they do not. He noted WiFi is only available in one corner of the Legislative Chambers. He stated in practice, he had not seen the things that imagined would be easy were easy. He stated he could get WiFi access in every room of his house but they can not get WiFi access in the Legislative Library.

Deputy Clerk Tantillo stated she struggled with the recorders and in the first few meetings she couldn't get them to work. She was concerned with the technical difficulties and obviously the Committee has addressed this. She indicated if it was the will of the Legislature to post the recordings, they did not need the Resolution, they could just tell the staff to make it happen. She noted there had been no policy about how soon minutes would be posted and this Chairman wanted the minutes to be ready by the Friday before session. She noted they could be posted then with a caveat saying they are draft and not yet approved by the Committee. She noted there is a section on the bottom to indicate if they have been approved. She concurred with Legislator Ronk that Information Service often says things will be no problem and then they are a problem. She noted according to Information Services, Legislators can go on via their mobile devices but that the Legislators will not try. She stated Information Services has offered to work with Legislators but that they are just not trying. **Legislator Ronk** stated this is incorrect and that he has tried. **Chair Belfiglio** stated the email to home computer can be done and that Information Services can help with that. **Legislator Ronk** noted this is not a fool-proof process.

Deputy Clerk Tantillo stated if one listens to the recordings, that often staff listens two to three times to identify the speaker and have misidentified people and had to talk to people at the meeting to fix. She noted there are a lot of side conversations that are

recorded. She stated a member of the public can be using their phones to record the whole meeting and post it on YouTube. She stated if the Legislature wants to post the audio, the staff will make it happen. She requested the Legislature give the staff time to try it out so that no one looks foolish. She stated she was concerned in discussion with the Clerk regarding what would be involved and felt the Clerk was being optimistic with the staff being involved in it. She felt if Information Services wanted it off when minutes go up, the meant an awful lot of work.

Legislator Ronk stated he would not support that. He felt if it was to be posted it would be a tool for the public and posted for, at a minimum period of time, six months.

Deputy Clerk Tantillo stated Information Services is indicating they want audio down every month. **Legislator Bartels** stated she spoke with the Director of Information Services today and she said that was not necessarily the case.

Deputy Clerk Tantillo noted she does not have the authority to speak with the Director of Information Services. **Legislator Bartels** stated she was unaware of the rule to indicate Legislators and Legislative staff was unable to contact Department Heads directly. **Legislator Ronk** stated this issue comes forward from time to time and a couple of times last year, the Director of Information Services has been denied the ability to appear before the Committee. **Legislator Bartels** noted the Director of Information Services was very helpful and the Department was very helpful. **Chair Belfiglio** stated the Deputy County Executives have requested that Legislators ask questions of the Department Heads through them.

Legislator Bartels stated she heard the concerns and noted this Resolution was not intended to make anyone look foolish. She felt the office of the Clerk does a great job and felt this Resolution comes out, in part, because of the expediency that the minutes come out. She noted in her last term on the Legislature, the minutes did not come out anywhere near as quickly. She stated she was grateful for this and understood this is because of this Leadership's office. **Legislator Ronk** noted this was one of the first things that the Legislative Chairwoman implemented as her vision was to put it all in one pdf and send it to all Legislators. **Chair Belfiglio** noted it started out that way. **Legislator Bartels** stated she preferred them separated out so that she did not have to scan the whole document but that she was pleased that she receives all of the Committee minutes. She reiterated the comments from Legislator Ronk that this was just another tool for the public and potentially an important one. She stated as both a representative of and a member of the public, she would be someone that utilizes it.

Deputy Clerk Tantillo stated her point was that whether this passes as a Resolution, even before January or not, the Legislative staff could still have the goal of having it up and running by January. She reiterated this could be up and running, with or without a

Resolution. **Legislator Bartels** stated this was the point of the Resolution as she could not attend every meeting to record them.

Legislator Ronk made the motion to table the Resolution until next month pending a dry run and promising that a dry run will happen. **Chair Belfiglio** clarified it would be a dry run with October's meeting audio file. **Legislator Ronk** specified it would be a dry run of the October meeting of the Environmental, Energy, and Technology Committee and one other Committee at the Clerk's choosing. **Chair Belfiglio** seconded the motion to table the Resolution until the next month pending a dry run. He stated he seconded as he felt other Legislators needed to hear what they will hear and he was in favor of the dry run so that Legislators could make their own personal decisions.

Legislator Bartels and **Legislator Ronk** clarified for Chair Belfiglio that New York State is a one-party State and that only one person in a recorded conversation needs to know they are being recorded.

Legislator Bartels stated although she supported the dry run, she was concerned this was a back door way to attempt to shut down the Resolution. She supported a check for problems and fix problems. She stated she would facilitate a dry run and make sure it happens. She stated she agreed with a February or March start time if it would facilitate the start time as she did not want to put undue pressure on anyone and did not want anyone, especially the Clerk of the Legislature's office, to look silly. She reiterated this was about giving another tool to the public.

Legislator Ronk and **Legislator Bartels** discussed the various reasons, as previously discussed, why the Legislature may attempt to stop the Resolution from progressing.

Legislator Ronk stated he would only not support the Resolution if it cost a great deal of money or costs a predominate amount of the Clerk's time. **Legislator Bartels** concurred that she would not want this either.

Legislator Ronk stated he would like to hear the sound. He noted it would sound different on the recorder than the computer. **Legislator Bartels** stated with a digital recording, it would be pretty close. She noted it was only intended to be a tool and was not expected to sound perfect. She noted the Town of Gardiner was recording meetings with a similar recorder and the Town Supervisor was going home and posting it on the website. She noted the sound was remarkably good for what they are. She noted it is quieter at the end of the table but that it could be heard. **Legislator Ronk** noted committee meetings are typically more intimate settings with Legislators closer to the recorder. He noted the Ways and Means Committee and the Joint Committee of Ways and Means and the Environment tend to be packed rooms. He felt it would also work better in the Library than in the Chambers.

Chair Belfiglio called the vote on the motion to table the Resolution for one month to allow a trial run which included this meeting of the Environmental, Energy, and Technology and one other Committee meeting on a dummy website.

Legislator Ronk noted the 24 hours may need to be adjusted. He suggested either 48 hours or at the end of the Committee week.

Roll Call Vote: No
Voting In Favor: Legislators Belfiglio, Lopez, Ronk, and Wawro
Voting Against: Legislators Bartels and Wishnick
No. of Votes in Favor: 4
No. of Votes Against: 2
Disposition: Carried

Motion No. 4 **Resolution No. 266 – October 16, 2012**

Text of Motion: Resolved to approve Resolution No. 266 – Confirming Ulster County’s Intention To Join An Internet Bandwidth Consortium And Authorizing Ulster BOCES To Act On Ulster County’s Behalf For The Purpose Of Securing A Bid For Internet Bandwidth – Department Of Information Services

Motion Made By: Legislator Ronk for the purposes of discussion

Motion Seconded By: Legislator Wishnick

Resolution Summary:

This resolution confirms Ulster County’s inclusion in an internet bandwidth consortium comprised of Ulster BOCES, Orange/Ulster BOCES, Dutchess BOCES and Sullivan BOCES and authorizes Ulster BOCES to act on its behalf in order to secure a bid for internet bandwidth. Once a bid for internet bandwidth is secured, this resolution states Ulster County shall then have the option of contracting for the bid services or declining to participate further.

Discussion

Chair Belfiglio stated he would be abstaining from voting on this Resolution as BOCES may be recouping of expenses from BOCES as they would be doing the work.

In explaining the resolution, **Chair Belfiglio** stated the County is paying for it’s Internet through it’s own Internet provider, AT&T. He stated the County bids out their Internet access and includes a generous amount of home email, which the Legislature has access to; Virtual Private Networks; and basic Internet services as provided by AT&T. He noted BOCES has a four county consortium or Internet ring which includes Orange,

Ulster, Sullivan, and Dutchess. He stated they put in their bid for Internet service provider as a block and therefore get a better deal.

Chair Belfiglio stated for example the County is buying power is not big with AT&T and they pay monthly per megabyte \$162.47 for a total of 20 megabytes coming into the County. He stated the BOCES consortium has a 1 gigabyte tunnel shared through the four county ring and they pay \$19 per megabyte. He noted the monthly charge for the County is \$3,000 and could be reduced to \$19 per month or better and get more megabytes. He stated that is the problem with the County, the County network is very slow.

Legislator Wishnick asked if this would bring wireless into the Library. **Chair Belfiglio** stated no; that is not through AT&T, it is through Verizon.

Chair Belfiglio stated the Resolution would allow BOCES to advocate for the County and include them in the bids. He stated the caveat is that the County would pay BOCES their share of the monthly fee which is why he would need to abstain from the vote. He stated BOCES would secure the bid. He noted the two big Internet Service Providers were AT&T and Lighttower. He noted the smaller companies included Frontier as well as a couple others. He stated the RFP would go out to all the available Internet Service Providers. He stated BOCES would look for the lowest cost per megabyte. He stated there would be a separate agreement with Orange and their County BOCES that is not part of this agreement and it appears Sullivan County is seeking to establish a similar agreement.

Legislator Ronk indicated this seemed to make perfect sense. **Chair Belfiglio** stated this offered the County the option to opt in or not. He noted the Resolution was only to allow Ulster County BOCES to bid on the County's behalf. He stated it did not tie it to a contract. He noted the County Executive makes the decision regarding the County's RFP for Internet Service Providers whereas the BOCES Consortium, through the Mid Hudson Regional Informational Center located at the Ulster County BOCES, would be bidding together. He stated this Resolution adds Ulster County to the Consortium so they pay the same as Ulster County BOCES, Dutchess County BOCES, Sullivan County BOCES and Orange County BOCES. He stated they think the amount will be less than \$19 per megabyte and the County would save a ton of money. He stated one issue is that the government and education cannot intermingle services. He stated this was worked out for this agreement as Ulster County BOCES is not providing the services directly to County, just tacking on to the bid and the service is provided to the County by the winning bidder. He noted they did use a NYS bid for the internet contract.

Chair Belfiglio called the vote and all were in favor with Chair Belfiglio abstaining.

Roll Call Vote: None

Voting In Favor: Legislators Bartels, Lopez, Ronk, Wawro, and Wishnick
Voting Against: None
Abstaining from Vote: Legislator Belfiglio
No. of Votes in Favor: 5
No. of Votes Against: 0
No. of Abstained Votes: 1
Disposition: Carried

Discussion – Landfills:

Chair Belfiglio noted at the last joint meeting of the Environmental, Energy, and Technology and Ways & Means Committees, the Legislators heard from the DEC representative that it took fifteen years for the last siting of a landfill. **Legislator Ronk** noted this was not a reason not to do it and **Legislator Bartels** noted there were a lot of political reasons. **Chair Belfiglio** noted most Counties that have sited a landfill have now expanded their landfill. He stated he spoke with a person in the DEC and distributed copies of this communication. He noted this DEC hydrologist indicated the County had worked on a report regarding the siting of a landfill back in 1989. He indicated these reports were the green books located in the Karen L. Binder Library. He stated this DEC hydrologist indicated he worked on this report with the Legislature at that time and this hydrologist directed Chair Belfiglio to the DEC for the processes for siting a landfill. **Chair Belfiglio** asked if the Committee wanted to actively continue with the exploration of siting a landfill and if so, he suggested a more microscopic Legislative committee. He felt it would be a lot of work. He noted it may require the Legislature to fund a Committee to hire consultants again.

Legislator Bartels asked who is ultimately responsible for the siting of a landfill. She felt it was the Agency with Legislative approval. **RRA Executive Director Rose** concurred that originally it was the Agency that was tasked with the responsibility. **Legislator Bartels** asked where the County stood with this if the Agency knew there was a different political will now. She noted the Legislature would need to figure out a way to pick this back up.

Legislator Wishnick felt the Legislature would have to fund the Agency the resources that they would require to initiate the siting studies to determine potential areas and the environmental reviews. He noted this was beyond staffing abilities to do. He suggested if the Legislature were to allocate the resources or have a way to supply the resources then this would be the indication the Agency would need to know to move forward. **RRA Executive Director Rose** stated he would bring this to the RRA Board to determine if it was something the Board wants to do. He noted as the Executive Director it would not be his call, but it would be the Board's.

Chair Belfiglio felt the only thing the Committee could do right now was to read what occurred in the past and meet with the DEC and other experts. **Legislator Ronk** felt this wasn't the only thing that could be done as what has been said in the past, a lot of the time that goes into the sitings is political issues, one of the ideas would be a public hearing on the possibility of siting a landfill in Ulster County. He stated this would be done in the abstract before the Legislature wastes a lot of time or money on something that the public does not support. **Legislator Bartels** felt this was a good idea in part but felt that a public hearing in the abstract could set the Legislature up for failure without the specifics. She felt people would come out thinking they would be preventing it for being placed in their backyard even though that was not what was being proposed. She felt the first step would be to determine if there is the Legislative will and if there is the RRA Board's will to site the landfill. She felt the second step would be for each entity to state such will, not specific to where but just the desire to look back into making it happen. She noted if both entities were in agreement on this general subject, then the process should begin. She felt the political issue was the bigger issue and stated it was eye opening at the last meeting to hear from the DEC that it took fifteen years and ten of those years were political, for lack of a better term. She felt the most important piece was finding the buy in from the place it would be sited. She noted there are no landfills in the Hudson Valley and suggested this issue could be sought regionally. She felt that the next step would be for the Legislature to start active communications with the neighboring Counties. **Legislator Ronk** suggested an Orange, Ulster, Dutchess landfill.

RRA Executive Director Rose noted the Agency was created to site a landfill. He stated one of the reasons the Agency was created as a Public Benefit Corporation and not established as a County department, was to separate the politics. He stated the theory was that all the heat would focused on the RRA and not the Legislature.

RRA Board Member Landi noted flow control has been in and out of the courts at that time and the Agency could not pursue flow control. He noted in the original agreement flow control and siting the landfill were intertwined.

Legislator Wishnick noted if there was a landfill in the area, flow control might not be needed as it would be a shorter trip.

RRA Board Member Landi noted it was about how the prospect of siting a landfill was sold and a landfill is an industry which according to the County Executive's office, six Towns of the twenty Towns in Ulster County lives beneath the Federal income poverty level. He stated a landfill host Town would receive benefits, including the employment of the landfill come through the Town, free garbage disposal for the Town, and the tipping fee could be configured to offset the property tax of the Town. He stated it becomes an economic bonanza for the host Town and the Towns could be competing with one another to find 150 acres within their Town.

Legislator Wishnick concurred that the Town that is willing to accept a regional landfill will have substantial economic benefits but there will still be violent opposition to the siting due to the allegations that the Town is trading economic gain for destruction of the environment.

RRA Board Member Landi felt a state of the art, modern landfill does not destroy the environment. **Legislator Ronk** agreed but concurred with Legislator Wishnick's point that it would not stop someone from violently opposing the position. **RRA Board Member Landi** indicated then it would be up to the political will. **Legislator Wishnick** stated he was the person explaining to communities that it did not destroy the environment in the sitings of landfills in the Corporate arena. He stated the question he was often asked was how long do liners last; will they last forever and he noted one cannot answer that. He stated New York's standard of double composite liners with duplicate leachate collection systems means the possibility of actually having damage to the environment is slim, even if there was failure of the construction of the system. He stated the waste that is decomposed over the years will be collected out through leachate and is not an issue. He stated regardless of all these facts, one will not convince those people who are opposed.

RRA Board Member Landi asked what would the alternative be; keep doing what the RRA is doing at \$8.5 million to ship the 140,000 tons of garbage.

Legislator Wishnick noted this was not a great alternative but that there were not a lot of options. He felt the Legislature needed to go in with open eyes as it could spend a good deal of money and still not succeed. He stated a landfill would be a wonderful gain, if successful. He noted he did site a landfill in 6 years through a blind siting process which puts all potential sites on the table and all pre-agree that the best site will be selected based on a standard set of objective criteria. He noted if a community was not able to agree, they would not be allowed to use the facility when it was finally sited. He explained when the actual site was determined, the host community objected and although they had signed off on the pre-arranged agreement, they had no political option but to object. He stated in the end, the facility went through and was sited. He noted all signed on and were able to use it. He stated it was not necessarily a smooth process but it was done in 6 years. He noted this was done in Cumberland County, New Jersey.

Legislator Bartels noted a factor that seems different is that the real environmentalists, such as Manna Jo Greene, are now fighting in favor of landfills. She noted in the last siting attempt, it was an environmental argument against a landfill.

Legislator Wishnick stated the real issues to siting a landfill are property values and truck traffic.

RRA Board Member Landi noted the community's current response is impacting the carbon footprint as they transporting 15 tractor trailers a day of the garbage 250 miles to Seneca Falls, is probably doing as much damage to the environment. **Legislator Ronk** stated people do not care as much about the carbon footprint impact. **Legislator Bartels** noted she concurred with RRA Board Member Landi's position. **Legislator Wishnick** noted it was out of sight. **Legislator Bartels** reiterated Legislator Wishnick's point of property owners concerns about truck traffic. **RRA Board Member Landi** concurred that environmentalists are now thinking landfills may be the way to go. **Legislator Bartels** stated she did not know what Ms. Greene was thinking before but in general the environmental argument to make is pro-landfill. **Legislator Ronk** concurred with RRA Board Member Landi that because of the trucking and disposal, the carbon footprint must be considered. **Legislator Wishnick** concurred this should be explored at a macro level.

Legislator Ronk concurred that at the micro level, the homeowner does not care about trucks on Route 87; they care about trucks on Sand Hill road. **RRA Executive Director Rose** concurred that they are concern of kids riding their bikes on the street. **Legislator Wishnick** noted he was asked how much money his company would pay to a family of a child run over by a truck. **RRA Executive Director Rose** noted there is an environmental movement to keep everything local. He noted the buying of food and disposing of waste is being kept in this same genre.

Legislator Bartels noted the one example raised at the joint meeting about the community that looked at volume left in the State and choose to keep their landfill just for their own waste. **RRA Executive Director Rose** noted this was Delaware County. **Legislator Bartels** stated she liked the self sustaining aspect of this and noted the revenue generating appeal when bringing trash in. She felt people should care about what they put in the garbage because everything that goes in to the garbage is basically going into all of our backyard and it has a finite time. She noted everything that can be taken out has a value to the community beyond money.

Legislator Wishnick noted with less waste and finding other uses, he thinks of every item that has to be sent to Rochester. He suggested handing out stickers to people to put on their bags that ask them if they really want this brought to Rochester as a tax payers expense.

Legislator Ronk commented a County landfill for County use would allow the County to source separate the trash which would result in a larger amount of composting. He noted composting can be a large business. He stated purchases compost for his annual garden. **RRA Board Member Landi** noted golf course may be a consumer of local compost. **Legislator Ronk** added organic farms are looking and noted last winter's lack

of snow hurt the farmers that must fertilize the ground at the very end of fall and the snow keeps the nitrogen in the ground instead of allowing it evaporate.

RRA Board Member Landi noted the RRA's composting operation is working successfully. **RRA Executive Director Rose** concurred and indicated they are hoping to get more food waste in as they still have capacity. He noted they have plenty of woodchips. **RRA Board Member Landi** concurred personally with Legislator Wishnick's efforts to analyze everything thrown away. He felt the ultimately solution would be the packaging industry and if packaging could be biodegradable, a lot of the problem would go away automatically.

Legislator Wishnick noted if one took a bag of unrecyclable trash and examine the coated milk containers and the hard plastic, it would identify that which the community needs to figure out what to do with it or decided that these kinds of packaging are no longer allowed. He noted the mixed containers that have metal and plastic on one container is an item that cannot be recycled. He suggested the community address what will be thrown into the landfill and find a way to either recycle by finding a market or find a way to stop them from being produced.

Legislator Bartels asked if recycled milk containers are being used. **RRA Board Member Landi** noted Japan is on the verge of developing a process that turns the chemistry of plastic back into oil. **Legislator Ronk** noted that Japan has been on the cutting edge of waste management and waste removal because they live on an island with a ton of people with no place to put it. He also noted he traveled to Japan with his wife and noted there were no trash bins available and hundreds of recyclable containers to put things in. He noted if one does not recycle in Japan, there are humongous fines. **RRA Board Member Landi** noted the County needed to put teeth in the laws that enable recycling and make it tough for those that do not recycle. **Legislator Bartels** stated the County had teeth in its laws but that they are not being enforced. **Legislator Wishnick** noted it needed to be more expensive to dispose.

Chair Belfiglio asked the RRA representatives if they had the resources to help research the siting of a landfill as it was in the original plan. He felt the County could not do the research themselves unless they planned to run it themselves and he felt the County wanted the Agency, which was set up to what it was suppose to do, to do this. He also noted the 2010 CRREO study and more that is coming out and suggested the Committee entertain the framers of those studies to come and speak to the Committee. He noted he did not know where the starting point was as the Committee could continue to go back and forth regarding what the County needs and do not need.

RRA Board Member Landi suggested having representatives from the DEC who understand the 360 regulations and the laws that govern landfills interfacing with this Committee would be a good start.

Chair Belfiglio stated he was going to ask Steve Parisio from the DEC to attend the Committee meeting next month and based on this discussion, he will request he attend the next meeting. He suggested Committee members review the 360 regulations online.

Legislator Ronk noted the Committee reached the usefulness of this meeting and respectfully motioned to adjourn.

Legislator Lopez asked what the minimum acreage for a landfill. **RRA Executive Director Rose** replied it depended on the design including how many years to be used, population to serve, soil conditions, and possible locations. He noted until those answers are known, the projections were just too great. He noted the NYC watershed area was out as there would be no landfill there. He felt there were other areas but that the soils must be looked at and find one that is suitable for a landfill. He noted through the location examinations, it would be known how long each of the locations could support a landfill and then the business decision could be made to determine if the landfill would be for only County residents or trash would be brought in from the outside. He noted this determination would determine if the location would have the capacity for 80 years or only 50 years. He noted the acreage would vary a lot but would be between 150-200 acres. **RRA Board Member Landi** felt this was a drop in the budget in a County of 2,000 square miles. **RRA Executive Director Rose** noted the Seneca Meadows landfill can keep expanding for cell to cell and there permit is until 2030 but that in reality, they will probably get 2050 out of the landfill before it is full.

Legislator Ronk felt this discussion should end soon. He noted although this is a large County, there are areas in the Catskill State Park, Minnewaska State Park, Mohonk Preserve, Town and Villages, and there may be only five tracks of land that are contiguous, suitable, open and not currently protected space. **Legislator Bartels** felt there must be so many 150 acre plots in the County and felt it was dependent on whether the communities would welcome, if they were in the right spots with the roads, but in terms of raw space, she has an eagle eye view of the County as she is up in the air flying, and she sees a ton of unprotected open space. **Chair Belfiglio** noted there was a lot of choices in the first siting process and felt these would not change except that some of the properties may have changed hands. **RRA Executive Director Rose** concurred that soils do not change but regulations change.

Chair Belfiglio noted this is a big issue and reiterated he would invite the DEC representative to the next meeting. He stated he attended the County Executive's Budget roll out today and as part of the budget, there is no funding for the RRA's net

service fee and part of the plan is to enact flow control. He asked members their thoughts on this.

RRA Board Member Landi felt this could be a hardship only as much it is a one year decision and he felt this would take more than one year for flow control to show results. **RRA Executive Director Rose** felt there would be a problem with no money for the bond payment at the beginning of the year and that they will not have the money to pay this. He felt they may be able to do a bridge loan to cover this as they would be able to make up the revenue to cover it throughout the year. **RRA Board Member Landi** asked if RRA Executive Director Rose discussed this with the County Executive. **RRA Executive Director Rose** indicated he had not but that it could go to zero with a bridge loan. **RRA Board Member Landi** stated it was something they could try and if they find it is not working, they will have to come back to the original agreement that called for a net service fee to make up the difference between the revenue and the expenses. He noted if that is still a problem then they would have to reevaluate what they are doing. **Chair Belfiglio** stated he did not see a line in the expenditures for the RRA in the County Executive's Proposed Budget.

RRA Executive Director Rose stated the biggest issue was the contracts. He noted if he signed the contracts with Waste Management, they would be locked into those rates. **Chair Belfiglio** noted he asked the same question at the last two meetings of the joint committee, what was the County going to do about the Waste Management contract and that it would lock the County in. **Legislator Bartels** noted in the budget there was an appropriation request and the County Executive not recommending anything.

Chair Belfiglio noted the County Executive's budget is a proposed budget, it has to go past the Legislature, and anything can happen. He noted the County Executive cannot propose a local law and this can only be done with a Legislative sponsor. He stated he was unsure if the County Executive would use the same law as drafted by Michael Cahill and amended in 2010 or if there is a new local law. He noted he called the County Executive that afternoon and asked him. He felt he received vague description that they would all work it out but that they had to work fast. He stated he did not know anything beyond what he heard today and felt it was all very vague.

Legislator Bartels noted if the Legislature does not have the will to enact flow control, they would need to find the \$2.5 million.

Chair Belfiglio felt it put the Legislature in a bad position as it did not give them the opportunity to vet it out as they wanted to. **Legislator Bartels** felt on the flip side, it was a tough budget to find \$2.5 million. **Chair Belfiglio** stated he expected this and as a proposed budget, it pushes it on the Legislature if they do not do flow control to find the money and to raise the tax levy to do it.

Adjournment

Motion Made By: Chair Belfiglio

Motion Seconded By: Legislator Wawro

No. of Votes in Favor: 4

No. of Votes Against: 0

TIME: 8:20 PM.

Dated the 5th day of November, 2012

Krista Barringer, Deputy Clerk

Minutes Approved on:

DRAFT

Health and Personnel Committee

Regular Meeting Minutes

DATE & TIME: October 1, 2012, 5:30 PM

LOCATION: Karen L. Binder Library, 6th Floor, COB, Kingston, NY

PRESIDING OFFICER: Chairman Robert T. Aiello

LEGISLATIVE STAFF: Krista J. Barringer, Deputy Clerk

PRESENT: Legislators Jeanette Provenzano, Carl Belfiglio, and Robert Parete (5:33 PM)

EXCUSED: Legislator Kenneth Ronk

QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislative Counsel Erica Guerin, Deputy County Executive Ken Crannell, League of Women Voters Representative Lee Cane, CPMH Representative Amy Russell, Daily Freeman Reporter Patricia Doxsey, HealthAlliance CFO David Scarpino, and Health Alliance CEO David Lundquist

- Chairman Aiello called the meeting to order at 5:30 PM

MOTION NO. 1 RESOLVED To Approve the Minutes of August 6, 2012

Motion Made By: Legislator Belfiglio

Motion Seconded By: Legislator Provenzano

Discussion: None

Roll Call Vote: No

Voting In Favor: Legislators Aiello, Provenzano, Belfiglio, and Parete

Voting Against: None

No. of Votes in Favor: 4

No. of Votes Against: 0

Disposition: Carried

Motion No. 2 Resolution No. 263 – October 16, 2012

Text of Motion: Resolved to approve Resolution No. 263 - Amending The 2012 Ulster County Budget To Accept Additional Funding From New York State Office Of Mental Health – Department Of Mental Health

Motion Made By: Legislator Provenzano

Motion Seconded By: Legislator Belfiglio

Resolution Summary: The Department of Mental Health has received notification from the New York State Office of Mental Health of the restoration of state aid in the form of Community Support

Program funding in the amount \$155,312.00 and these funds are earmarked for distribution to the Kingston Hospital in order for it to continue the operation of its Crisis Intervention Program. This resolution amends the 2012 Ulster County Budget and there is no increase in County Contribution as a result of this modification.

Discussion **Legislator Belfiglio** asked if this was additional State funding. **Deputy County Executive Crannell** confirmed this was additional Community Reinvestment funding from New York State.

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

Motion No. 3 Resolution No. 264 – October 16, 2012

Text of Motion: Resolved to approve Resolution No. 242 – Amending The 2012 Ulster County Budget – Accepting Additional New York State Aid And Appropriating Funds For The Provision Of Additional Supportive Housing Services – Department Of Mental Health

Motion Made By: Legislator Provenzano
Motion Seconded By: Legislator Belfiglio

Resolution Summary: The Ulster County Department of Mental Health has been notified by the New York State Office of Mental Health that it has been allocated additional aid in the amount of \$46,425.00 to be used to provide 10 additional supportive housing beds. PEOPLE, Inc. and the Mental Health Association of Ulster County have existing contracts that will be expanded to provide an additional 5 beds per agency. This resolution will amend the 2012 Ulster County Budget be amended and there is no increase in the County contribution for this program as a result of these modifications.

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

Motion No. 4 Resolution No. 265 – October 16, 2012

Text of Motion: Resolved to approve Resolution No. 265 – Authorizing The Chairman Of The Ulster County Legislature To Execute An Agreement With The Town of Saugerties For The

Use Of Clinic Space At The Kiwanis Ice Arena For The WIC (Women, Infants and Children) Program – Department of Health

Motion Made By: Legislator Provenzano

Motion Seconded By: Legislator Belfiglio

Resolution Summary: The Department of Health administers the WIC (Women, Infants and Children) Program to eligible individuals at locations throughout the County. The Commissioner of Health has identified space at the Kiwanis Ice Arena, 6 Small World Avenue, Saugerties, New York, as accessible and appropriate for use as clinic space to administer the WIC Program. This resolution will authorized the Chair of the Legislature to enter into a Permissive Use Agreement with the Town of Saugerties for the use of space two days per month, beginning January 1, 2013, at the Kiwanis Ice Arena at a monthly cost of \$150.00.

Discussion: **Legislator Provenzano** asked where the current location is. **Deputy County Executive Crannell** explained that this was to establish a replacement site as the Methodist Church had to move the clinic to a space in the church which involves stairs. He noted as this removed the handicap accessibility for the current location and forced this relocation. **Chair Belfiglio** asked if the ice rink would be a cold location for the clinic. **Deputy County Executive Crannell** clarified the Ice Arena has a community room that will be used. **Chairman Aiello** noted the same is a large venue and asked about the cost. **Deputy County Executive Crannell** stated the cost is \$150 per month. **Legislator Belfiglio** asked if it included skate time and **Deputy County Executive Crannell** acknowledged this does not include skate time. **Legislator Parete** asked if there was an additional site in Saugerties. **Deputy County Executive Crannell** explained the WIC clinic is currently at the Methodist Church and the location had been moved within the church and the stairs became an issue for those accessing the services. He noted the current site did not meet the Department's needs and thus, this new site will be a replacement site.

Roll Call Vote: No

Voting In Favor: Legislators Aiello, Provenzano, Belfiglio, and Parete

Voting Against: None

No. of Votes in Favor: 4

No. of Votes Against: 0

Disposition: Carried

Discussion – Guest Speaker: David Lundquist, CEO, HealthAlliance of the Hudson Valley

Chairman Aiello introduced HealthAlliance CEO Lundquist and gave him the floor.

HealthAlliance CEO Lundquist requested introductions of Legislators and indicated his presentation was intended to answer questions, provide facts and address any rumors regarding changes at HealthAlliance. He stated he intended this presentation to be a conversation and as the HealthAlliance goes beyond the bricks and mortar to a community issue, he felt it was critical the community understands what has happened, what is happening and what they hope will happen. He noted there have been lots of changes that the community has had to endure. He stated HealthAlliance sought to combine the two campuses and reduce duplication and extra costs to allow the community to enjoy quality health care on into the future. He noted at the time of the merger, both hospitals were under financial contracts and that Kingston was a bit healthier than Benedictine but that both were tentative with regard to their financial condition. He

stated in the first year, HealthAlliance addressed \$15 million of deficiencies without one layoff. He stated the Berger Commission mandated that the two hospitals come together as one or else one would be closed. He noted the community did not want to see the loss of 750 jobs. He stated as a result of the Alliance, they were able to keep both hospitals open with no reduction of workforce at that point. He stated in looking at the histories of the two hospitals as competitors and combined their financial performance; there was no operating gain between the two. He noted in looking from 2000 on, with the two hospitals together, they were both financially strapped. He stated in the first year there was a \$5 million operating gain and employees were given raises for the first time in three years. He noted the \$5 million was reinvested in the organization. He noted the Alliance formally merged as of March 2009 and in late 2008 the economy collapse occurred. He indicated the HealthAlliance did not feel this until late 2009. He stated this has affected health care. He indicated there was a degradation of individuals electing services as co-pays and deductibles began to increase and people started to avoid receiving needed care. He stated the insurance companies began to encourage procedures to be completed in the physicians' offices instead of hospitals and by the end of 2010 and throughout 2011, HealthAlliance was seeing a loss of reimbursement revenue from Medicaid, Medicare, and other payers as well as a loss of business through people electing not to get the care or with procedures going to physicians offices.

HealthAlliance CEO Lundquist stated as HealthAlliance witnessed the changes in the industry occurs it became clear that the preferred two hospital model would be challenged. He said they started to feel this effect last year. He noted in the two hospital model they were able to do things in distributing the services that allowed them to balance between the two and it was geared toward growth. He stated the Benedictine campus was identified for elective services due to the ease of access with parking and had the most growth opportunities while Kingston focused on the emergent care services including cardiac and stroke treatments. He noted the world changed for the reasons stated and is expected to continue to change.

Chairman Aiello noted the County experienced a jail build with projections and estimates of revenue. He noted the jail projections were based on the estimated boarding in figures. He noted the estimate of \$50-\$52 million resulted in a State investigation that increased the cost to \$72 million before a shovel was even in the ground. He stated the State provided HealthAlliance \$50 million to merge and this is not happening elsewhere as there is no economy in Ulster County. He noted when the jail went over budget the community sought an investigation and expressed a need to follow the money. He stated personally, even if an investigation or audit was needed, he wanted to know where the \$50 million dollars was spent and asked if Woodland Ponds was involved. He stated the State gave the hospital a back door mandate on how to operate. He read portions of a letter of a family member's one night experience at the hospital which included concerns of proper hygienic practices, sanitary protection in shared restrooms, and inappropriate jokes during procedures. He noted 49% of local patients were opting not to go to HealthAlliance. He shared an experience of a patient who reported to Chairman Aiello that he had three teeth knocked out and waited over an hour before going to Northern Dutchess hospital and being seen immediately. He shared another experienced relayed to Chairman Aiello of a patient with a nose bled that drove to the hospital and the attending nurse was unable to stop the hemorrhaging. He indicated this patient was using gauge to self-treat and the doctor did not know how to perform a balloon procedures to stop the hemorrhaging. He stated the community was a Medicare and Medicaid population and was curious as to how Albany can use \$50 million when New York State knows the state of the economy. He felt the supply of patients exceeds the demand of resources.

HealthAlliance CFO Scarpino stated HealthAlliance received \$42 million for the two hospitals and a piece went to establish the Foxhall Ambulatory Surgery location which was State required for reproductive procedures. He noted \$18.2 million was used to retire existing debt and \$24 million, the balance was spent on renovations, including a new emergency department and the surgical suites at Benedictine. He indicated these renovations were made to ensure neither hospital closed as one was Catholic nor one was non-Catholic. He indicated the volume was there to support the configuration of the two physical

campuses and the total of 300 beds. He stated in the consolidation the services would remain the same but in a smaller footprint. He noted there would not be a loss of a hospital but rather a loss of a location. He felt the volume of patients is still at the level of when the community first contemplated the merger but that the economy has changed; the reimbursement and the incentives to physician practices have changed. He indicated whereas individual physicians were practicing in their own practices five years ago and sent all the outpatient business to the hospitals; they have now joined together in a giant group as economically they could do better in reimbursements if they negotiated together instead of individually. He noted in return for employment agreements they are salaried physicians that will send all their outpatient business to the group's outpatient facility and no longer the hospital. He reiterated the need and the demand is still here but it goes to a different place. He indicated Mid Hudson Physicians as one group example that built a duplicative facility of what is already in the hospital and which takes the business into their offices. He noted HealthAlliance was unable to foresee such a large change and impact to the hospital as they could not know how many physicians would coalesce into a big medical group.

HealthAlliance CEO Lundquist noted the incentives such as co-pays for the same service that are cheaper at the doctor's office and based on the design by the insurance plan a \$100 or more co-pay at the hospital has resulted in logical shifting of service provision.

HealthAlliance CFO Scarpino noted the Federal rules of such indicate the hospital cannot waive any of the patient responsibilities, such as a co-pay. He stated a marketing strategy of waiving the co-pay was prohibited by the Government.

Chairman Aiello asked how HealthAlliance addresses the examples he provided of hospital stay care.

HealthAlliance CEO Lundquist noted HealthAlliance has the highest performing emergency room in the region. He stated they looked at the operating data, gathered by objective, independent agencies, the time between when a patient comes through the door and when they see a physician is less than 30 minutes for 90% of patients. He stated the HealthAlliance patient satisfaction scores, again collected outside of the organization and is required by all hospitals that collect Medicare rates, also known as HCAP scores have gone up dramatically. He stated they are working on these issues and when they have an issue, like described by Chairman Aiello, he stated he would love to know it so that they can find out what happened and fix it.

Legislator Provenzano felt the problem as seen out in the community is how could this have happen in the four year span and HealthAlliance not be aware of what the future would look like. She noted the Berger Commission wanted one of the hospitals to close and from the uproar in the community; the decision was to keep both and do the renovations that were done. She noted the design of the emergency room at Kingston Hospital was unaware of entering an emergency room as the patient's first contact is with a security guard, not the intake person that is 30 feet from the door. She noted from the previous design in both hospitals, she did not feel it was an improvement. She concurred with Chairman Aiello, when families have an event that is troubling it should be told and she identified that not all make that call. She described a family situation that went to the emergency room in the evening and was told they would have a bed by 9-9:30 so the family went home. She stated they found out in the morning that the patient lay on the stretcher and received a catheter that he did not want and complained all night about the pain but that the family was unaware of this. She stated he did not get a bed until 8:30 in the morning and this was horrific. She indicated this happened 3-4 months ago. She stated the people in the community do not have the confidence as when HealthAlliance was formed, it was given a lot of money, and the people felt the experts would be providing insight of what would happen ten years out; this is only four years out. She noted she worked for Kingston Hospital for about ten years and noted doctors have to be treated like kings to stay within the facility. She felt personally she would rather be in a hospital for a procedure but if the doctor doesn't go to the hospital and the procedure need to be done, she will go where she needs to. She felt the community needs to have the confidence that HealthAlliance is capable of moving the community

to the next endeavor of Benedictine being the sole campus. She stated although she agreed that it is the one campus to be chosen, she is hearing concerns about people going there.

HealthAlliance CFO Scarpino asked Legislator Provenzano if she would need a procedure and her primary care physician stated she would be scheduled to go to a specified doctor's office, would she tell the doctor no, she preferred to have the procedure done in the hospital or follow his advice. **Legislator Provenzano** replied she did not know the doctors give that choice. **HealthAlliance CFO Scarpino** noted they do not give a choice; they tell the patients where to go and that is part of the problem as to why 49-50% of the patients no longer go to the hospital. **HealthAlliance CFO Scarpino** stated HealthAlliance is a community hospital and does not, nor should not, provide all the services; so a certain number of procedures have to go outside of their network as they do not provide the service, such as tertiary work going to Westchester, Albany or even Vassar. He noted other people go to other facilities or physician's offices because that is where their physician tells them to go. He noted HealthAlliance does not employ their physicians; they are private practicing doctors who choose where they want to recommend their patients to go. He noted it was hard to have the crystal ball, tell doctors where to go and be able to figure out how many will join a large group practice. **Legislator Provenzano** noted this was the direction it was going and did not happen in the last four years. She noted physicians were grouping together every year to generate more income for themselves as a group. She stated she did not know any business that did not have a picture of what possibilities there are.

HealthAlliance CEO Lundquist stated HealthAlliance did develop a strategic plan and know every practice within the healthcare market. He stated they know the practice better than the physicians know; they know where their referrals are going. He noted when he arrived there was 50% outlined red and it is now 45%; they did gain some of the market share over the last three years. He stated this was the evolution of health care and the publications indicate it is a complete make-over over the last two years with the passage of the reform; no one anticipated it passed the way it did and that it is making the changes it is mandating. He stated there are penalties if HealthAlliance does not have a completely operating electronic health record. He noted this was a \$15 million dollar investment that must be up and running by 2013 in order to meet the requirements and avoid penalties. He stated if they do not put into place outcomes, in collaborating with the physicians, to keep patients out of the hospital, as discussed for five years but not anticipated in the implementation requirements of the last two years. He stated they are now held accountable to the new regulations. He felt the new regulations are good as they expect quality outcomes instead of procedures completed. He noted there would be a quality component and over five years, the expected outcome will move from a small amount to a much larger amount. He stated the reimbursement will pay for quality and for easy access such as an electronic health record. He noted this all requires an investment and must be done at less cost. He stated these incentives have been implemented in the last two years with an urgency that it must be done now. He noted it has contributed to the situation that has taken the patient out of the hospital and putting that patient in a different environment. He felt many of these changes were good changes for the quality of health care. He stated HealthAlliance had a choice, they could sit with two full facilities and ignore the changes in health care and risk having to close the entire operation or read the tea leaves and begin to make the adjustments that protect and preserve the level of health care in the community.

HealthAlliance CEO Lundquist indicated the current level of service to the community with a 30% growth in orthopedic, 20% growth in vascular work which is highly complex, 10% growth in cardiac business in the last two years. He noted growth has been seen in areas this community needs but that HealthAlliance cannot support, as they are spread so thin, keeping two full facilities up and running. He noted HealthAlliance is seeking to protect the level of service and put it into an environment where they can support it better. He noted they need to provide competitive wages and re-invest in the technology. He noted the changes proposed are not to degrade the services but to make it stronger and better. He stated the model they have proposed and received conceptual support from the Department of Health is to take all

the services they provide now and move them into a single facility with some modifications in the new facility. He stated this would provide more efficient, more focused health care to the community.

HealthAlliance CEO Lundquist noted his communication with Kingston City School Superintendent Padalino who is also making difficult decision as 20,000 students are no longer here. He noted this is a huge cut from the community's economy. He stated he is working with the County Executive, City School Superintendent, the City of Kingston Mayor, and others to create something that will turn the tide of the negatives and create something that the community can be really proud of and begin to grow a presence. He stated this gets back to the basics and that every patient that comes through their door needs to have the best care and if not, they need to know about it so that they can follow up and make it the best. He stated this was their commitment. **Chairman Aiello** concurred with HealthAlliance CEO Lundquist and stated HealthAlliance needed a hook to market the facility and be known for something.

Legislator Parete asked what the average, daily bed occupancy rate is between both hospitals.

HealthAlliance CFO Scarpino stated it runs about 220 right now. **Legislator Parete** noted the Berger Commission suggested the community maintain 250-300 beds. **HealthAlliance CEO Lundquist** confirmed the number was 300. **Legislator Parete** asked if the community is losing 80 beds.

HealthAlliance CEO Lundquist noted the community is not using the beds now. **HealthAlliance CFO Scarpino** noted they are running at 220 on a daily average but are licensed for 300 between the two hospitals.

Legislator Parete asked which services would be eliminated. **HealthAlliance CEO Lundquist** stated part of the evolution of health care, with health care reform, is fewer patients in the hospital and with this reality of the reform bill, their model has 217 beds and keep current services. He stated they did not expect dramatic cuts in services just a movement into a single facility. He noted currently they are maintain two locations at 70% capacity, which is not a sustainable model and therefore need to rearrange and improve. He stated HealthAlliance's ability to provide essentially the same level of care in a single facility will be so much better.

Legislator Parete asked if there will be any changes to the license. **HealthAlliance CFO Scarpino** stated they are still in discussion with the State and is not finalized.

Legislator Parete asked about reproductive services. **HealthAlliance CFO Scarpino** stated these services will stay and in their capacity, they will be able to offer full reproductive services; whether done at Foxhall or at the hospital still needs to be determined. He noted Benedictine is the preferable campus because it has the ability to repurpose floors that use to take care of patients with minor renovations. He stated they can go units back from 150 to the 220 or whatever the final number is. He noted they cannot do anything without the State's permission. He noted if they wanted to eliminate a service, they would have to provide a closure plan to the State and it must be approved. He stated absent their consent, nothing gets closed and no one is moved.

Legislator Parete asked about their largest revenue source. **HealthAlliance CFO Scarpino** responded Medicare is the largest with Blue Cross as the second largest and biggest of the private insurers. He further noted this depends based on the service provided. He stated obstetrics was funded 75% from Medicaid and substance abuse was also highly funded by Medicaid.

Legislator Parete reported he received a letter from the Ulster County Community Services Board with an issue regarding how patients are being billed for ambulance service taking patients from Kingston to Benedictine campuses. He noted it was not being billed to the insurance company but is being kicked back to the County. **HealthAlliance CFO Scarpino** noted that since the two campuses have their own tax identification numbers, Federal law requires HealthAlliance to bill and not eat the cost of the transportation. **Legislator Belfiglio** clarified if a patient goes to the emergency room and then is admitted to a service in Benedictine, the patient is billed for the transportation. He noted this is happening to his

constituents a lot. **Legislator Parete** clarified for the mental health transportation, the bill was being kicked to the County and the County was paying for the transportation. **HealthAlliance CEO Lundquist** offered to discuss this further, after the meeting, with Legislator Parete. **Legislator Provenzano** noted it made sense for those patients on Social Services' Medicaid. **HealthAlliance CEO Lundquist** reported if HealthAlliance purchased it's own ambulance, as a possible solution to the transportation issue, they were told they would still have to charge the patient for the transportation. He concurred that this made no sense whatsoever. He stated they appealed to Medicare, through legal channels, and were told they were never going to get it changed. He noted the transportation is for three blocks in the same organization and Medicaid was immovable on it. He stated they offered to pay it and absorb the cost and they were told if they did, they could expect severe Federal penalties.

Legislator Belfiglio noted this was one of the drawbacks to the two hospitals; the emergency room being sited at Kingston. He thanked HealthAlliance CEO Lundquist and HealthAlliance CFO Scarpino for attending and attempting to explain their situation. He wondered if HealthAlliance was a private or private/public entity. He noted they received State money, take Medicaid and Medicare dollars, and have a Board of Directors and a CEO. **HealthAlliance CFO Scarpino** replied they are an Article 28 corporation - not-for-profit. He stated Health Alliance is a board with no funds but with power over its members which are Benedictine Hospital, Kingston Hospital, Margaretville Hospital, Mountainside Residential Nursing Facility and Woodland Pond. He stated it was the corporate structure from a board's powers point of view. **Legislator Belfiglio** asked if any of the \$50 million went into the Woodland Ponds facility. **HealthAlliance CEO Lundquist** indicated no as this is a separate facility. He stated no liabilities go from organization to organization; they are all silos and all have their own tax exempt numbers. **Legislator Parete** noted this confirms to what the Berger Commission mandated that they have one governing body. **Legislator Belfiglio** asked the year of the merger. **HealthAlliance CEO Lundquist** stated HealthAlliance became active on March 11, 2009. He stated there had been a HealthAlliance planning group for a couple of years that did the work to put the structure together. He stated this group was a combination of the two boards from the two hospitals in equal numbers to develop the plan. He noted they had brought in national consultants. He stated the plan for HealthAlliance was not based on just anyone coming together; they had one of the most reputable architectural firms in the State, out of Manhattan, that was in the design phase, at the advice of counsel. He noted there was a national consulting firm, Wiser Corporation, putting operations together. He stated these national consulting firms, the Department of Health, and the planning group worked together and identified at that time, to close one of the hospitals would have resulted in a loss of 750-800 jobs. He stated job preservation was a major piece of the equation. **Legislator Provenzano** clarified this job loss projection has not changed in the four years. **HealthAlliance CFO Scarpino** stated based on the redesign there will be some loss of jobs but not nearly as many. **HealthAlliance CEO Lundquist** noted the Mayor at one time mentioned 600 but it is not that high. He stated the Alliance had to evolve and change but that they were doing it as precise as possibly can. He stated the paper announced 40 people lost their job in a layoff and in reality there were 40 positions removed. He explained when two nursing positions are looked at and one position will be part of the move as it is a necessary part of the future going forward and they know the in order to continue the current level of service they will need all of the caregivers; so this one position is held by a person that can do that whereas the other position is one they will not need going forward due to consolidation. He further explained the person in the first position leaves, on their own; they will eliminate the unnecessary position and move the person holding that position and qualified to do the work into the needed position. He explained the net result was that one person left and the other person moved into their position and saved the employee. He noted 40 positions were eliminated and only 7 people were laid off. He stated even one layoff is tough and that he had been on both sides of this in his career. He stated they were attempting to maintain as many jobs and employees as possible and they were very careful to arrange and allow this redesign to occur in as fair a way as possible. He stated going forward in the consolidation they are moving in a way that they hope will preserve as many services as possible to continue to provide the care.

Legislator Belfiglio stated he understood the desire to preserve jobs was paramount to any economy in Ulster County and the City of Kingston. He noted the financial troubles were water under the bridge as they were forced to do something. He stated as they would close the hospital and consolidate their services, would the community have the same services that it had with two hospitals. He noted when the two hospitals were competing with each other; one could go into the emergency room of either Benedictine or Kingston Hospitals. He stated at one time he did do this as he went to Benedictine and waited for over an hour and went to Kingston and was seen right away. He felt this was like a second merge as they were now merging the services of the two hospitals again. He asked how much money this would take to retool Benedictine Hospital to offer residents the same services that currently exists between the two. He noted the emergency room will have to go back over to Benedictine and what other services would HealthAlliance need to get into operation at Benedictine.

HealthAlliance CEO Lundquist stated they do not have a final answer yet but that their preference is that they maintain the services that they currently provide. **Legislator Belfiglio** clarified there would be the same service level as now and the community is not losing anything just because there will be a loss of a building. **Legislator Provenzano** noted this is what they hope. **HealthAlliance CEO Lundquist** concurred. **HealthAlliance CFO Scarpino** stated it was up to the State as to which campus they use and this was predicated on the Sisters giving up their control over the Benedictine campus. He states this was their choice and their power. He noted if they do this, then the preference is to go to Benedictine. **Legislator Provenzano** asked how long this decision will take as she thought this was already in the making. **HealthAlliance CFO Scarpino** concurred this was in the making but that it was not done and that they hope to have it done within a week or two. He stated it appeared they wanted to give up this power but that they also had to get their approvals from their organization. He noted the campus choices will dictate the decisions regarding services; moving to Benedictine allows them to carry most of the services they now have whereas moving to Kingston would probably require them to have a conversation with the State to discuss the need to shrink some of the services unless the State was willing to give them some money for expansion. He noted when they move certain units, such as behavioral health or detox, they have to be built to code and the new codes are extraordinarily expensive. He noted if they were to move those wholesale from Benedictine to Kingston, it would be very costly to them and they are attempting to avoid that by going to Benedictine.

Legislator Belfiglio clarified that they could not say today that this is going to be a successful move for them as they do not know where they are moving to or how much it is going to cost. **HealthAlliance CFO Scarpino** stated generally they know all of this but that they just do not know where it will land. **Legislator Belfiglio** noted this goes to what people perceive has happened in the past and to gain a level of trust that things are going to improve and get better. **HealthAlliance CEO Lundquist** stated they do not yet know; they have a plan and have a pretty good idea of what the cost will be to make that happen but they do not know until they receive the final configuration with access to the property and then the access to the funding. He stated the State Department of Health has offered to help in that regard and they are working with them. He stated the State Department is very supportive but in order for them to do that they need these specifics to come together. He stated once they have some certainty then they can open up with some level of confidence that the plan is moving forward. **HealthAlliance CFO Scarpino** noted it would be worse if they rolled out a hypothetical plan that the State requested changed and if it happens four times, the community asks does the Alliance have a clue what they are doing.

Legislator Parete noted both hospitals have chemical dependency detox and rehab, intensive care, medical/surgical. **HealthAlliance CEO Lundquist** replied these services have shifted. He noted there is intensive care in both hospitals but that it is smaller in Benedictine as the emergency room is in Kingston. **Legislator Parete** noted there were five beds in the Benedictine intensive care unit according to the Department of Health website. **HealthAlliance CEO Lundquist** concurred this information and stated all behavioral services were relocated Benedictine Hospital. **Legislator Parete** stated there were 40 beds in

the psychiatric unit. **HealthAlliance CEO Lundquist** concurred and stated substance abuse and detox were all relocated to Benedictine. **Legislator Parete** noted the only difference was the emergency room and the reproductive services. **HealthAlliance CFO Scarpino** concurred and stated if they moved to Benedictine, they would only need to move those two services. **Legislator Provenzano** clarified there were 40 beds already designated for psychiatric care and then there is only 150 remaining.

HealthAlliance CEO Lundquist indicated the census to date includes all of the psychiatric services. He stated the 200+ includes the 40 psychiatric beds. **HealthAlliance CFO Scarpino** clarified 60 beds are for behavioral health. **Legislator Provenzano** clarified that leaves the remaining 140 beds for medical.

HealthAlliance CEO Lundquist stated they were projecting about 150 beds for medical.

Legislator Provenzano asked about the emergency room being outsourced the way it is now.

HealthAlliance CEO Lundquist clarified this is in regards to the physicians and stated this is a growing pattern there. He stated they added four new physicians that have moved into the community. He stated he has heard from the attending physicians, those that have been here for years, that the emergency room physicians now are better than they have ever been as a whole. He stated even as late as four-five months ago, the move and getting permanent physicians that are investing in the community provides a much more stable environment and hearing great things from the attending. He stated they are getting their systems in place and the communication lines are set up and it is settling down a lot. He noted when the transition happened, it was a train wreck.

Legislator Provenzano suggested using one of the local architects to design the new emergency room.

She noted the current facility is such a waste of space. **HealthAlliance CEO Lundquist** stated the new emergency room was touted as state of the art when you look at the central core. He noted when one looks at the fast tract or the psychiatric portion; it was retrofitted into the facility. He stated this was inefficiently put together. He stated the new emergency department would be state of the art and a lot more supportive to the staff and to the delivery of care. **Legislator Provenzano** noted when someone walks in to the emergency room, they are often experiencing an emotional time and most approach a guard.

HealthAlliance CEO Lundquist stated they hope the security person would be a good greeter as well and obviously sometimes that is not happening and that would be something to address.

HealthAlliance CFO Scarpino stated they need help from the community in changing the conversation because they are hoping to preserve jobs and healthcare in the community. He noted those who have health insurance can go wherever they want to go and people on Medicare and Medicaid really need HealthAlliance. He stated the conversation needed to change, while everyone can question what has been done, they need to be supportive of the hospital because the more the public criticizes the hospital and remembers things from five years ago, the result is people go to Northern Dutchess because of the stories and the quality indicators are spectacular for a community hospital. He stated there will always be a one off but that will chase people to go elsewhere and then what will happen is that the footprint shrinks even more and they lose more jobs. He stated it is a self-defeating circle. **Legislator Provenzano** stated there was an opportunity her for the County as a whole and the City of Kingston in developing a corridor.

HealthAlliance CEO Lundquist stated they are working closely with the Mayor and the County Executive. He noted there has been a strong level of interest from some developers who have a very stout track record of getting things done. He noted they would like to see the hospital make this move and then immediately slide in with a developer who would serve the underserved senior citizen population with services such as assisted living and skilled independent living and this facility lends itself to this purpose very well. He noted one developers is a for-profit and if that could be done, this would impact jobs, tax revenue, and more efficient, high-quality health care.

Chairman Aiello thanked everyone for attending. He stated the key to this discussion is that people are talking and experiencing real issues and as the Chair of the Committee, he is hearing for physicians that share in these issues. He noted this was not necessarily the fault of HealthAlliance as they are under an

immense operational stress to sell a facility but the marketing endeavor is impacted by the services provided and the reputation of the facility. **HealthAlliance CEO Lundquist** asked if the Legislature can help them. **Chairman Aiello** stated he could but he felt he was not necessarily someone people listen to. **HealthAlliance CEO Lundquist** noted the Committee addresses health issues and offered to attend more meetings and provide more regular updates built into the Committee schedule. **Chairman Aiello** and **Legislator Provenzano** felt this would be a good idea. **HealthAlliance CFO Scarpino** felt the Committee and HealthAlliance could work collaboratively, moving forward, through positive, constructive dialogues as well as to work together to make Ulster County healthier and reduce incidences of obesity, high blood pressure and diabetes. **HealthAlliance CEO Lundquist** concluded they are committed to making it better and stronger and they requested ongoing feedback. **Chairman Aiello** agreed to set periodic meetings on evenings when they do not have too much other business to devote the meeting to this discussion and asked HealthAlliance to contact Deputy Clerk Barringer to schedule. **Legislator Belfiglio** concurred they would like regular, brief updates as their constituents also would like to know what is happening and expect their Legislators to be aware.

Ms. Russell noted her attendance was to listen to HealthAlliance CEO Lundquist presentation as their services are critically important. She noted more of the County's children need increasing behavioral health and substance abuse care. **Chairman Aiello** thanked her for attending.

Legislator Parete noted the budget may be discussed at the next meeting and requested the Department Heads be in attendance at the next meeting. **Deputy County Executive Crannell** stated he would work on this for the next meeting. It was noted the next meeting is scheduled for October 29, 2012.

Adjournment

Motion Made By: Legislator Provenzano

Motion Seconded By: Legislator Belfiglio

No. of Votes in Favor: 4

No. of Votes Against: 0

TIME: 6:45 pm

Dated the 31st day of October, 2012

Krista Barringer, Deputy Clerk

Minutes Approved on: October 1, 2012

Law Enforcement & Public Safety Committee

Regular Meeting Minutes

DATE & TIME: October 2, 2012 @ 5:30 PM
LOCATION: Sheriff's Conference Room, The Rotunda, UC Law Enforcement Center
PRESIDING OFFICER: Chairman Richard Parete
LEGISLATIVE STAFF: Lisa K. Mance
PRESENT: Legislators Thomas Briggs, Mary Beth Maio, Kenneth Ronk (5:43 pm) and Carl Belfiglio
ABSENT: None
QUORUM PRESENT: Yes
OTHER ATTENDEES: Sheriff Paul VanBlarcum, Philip Kirschner, Esq., Millens Steel Attorney; District Attorney D. Holley Carnright; Sheriff James Tiano; Deputy County Executive Robert Sudlow, Captain Freer and Deputy Sheriff Perry Soule; Marie Shultis, Awareness, Inc.

Chairman Parete called the meeting to order at 5:34 PM.

MOTIONS:

MOTION NO. 1

Text Of Motion: RESOLVED to approve the Minutes of September 4, 2012.
Motion Made By: Legislator Belfiglio
Motion Seconded By: Legislator Briggs
Roll Call Vote: No
Voting In Favor: Legs. Maio, Briggs, Parete, Ronk and Belfiglio
Voting Against: None
No. Of Votes In Favor: 5
No. Of Votes Against: 0
Disposition: Motion Passes

MOTION NO. 2

Resolution No. 256 – October 16, 2012

Text Of Motion: Resolved to approve Resolution No. 256 - Authorizing The Chairman Of The Ulster County Legislature To Execute An Intermunicipal Agreement With Various Municipalities For The Continued Operation Of U.R.G.E.N.T. (Ulster Regional Gang Enforcement Narcotics Team) – Ulster County Sheriff

Resolution Withdrawn

The Sheriff indicated that this had been a three-month process, starting in June, and that it would have been agreed upon if the County Comptroller had not become involved. Sheriff VanBlarcum indicated that an iron-clad Agreement was being worked on.

Leg. Belfiglio's question was that the Comptroller stated that it was up to interpretation as to how the money was to be distributed.

Sheriff VanBlarcum indicated that the process had been started in June and could have been done with by this point in time. The Sheriff indicated it may be on the Agenda for December.

MOTION NO. 3

Resolution No. 257 – October 16, 2012

Text Of Motion: Resolved to approve Resolution No. 257 - Authorizing The Chairman Of The Ulster County Legislature To Execute An Amendment To The License Agreement With Tonche Association, Inc. For The Operation Of An Emergency Communications Tower Department Of Emergency Communications/Emergency Management

Resolution Summary: The County of Ulster entered into an Agreement on March 19, 2002 with Co-trustees Lachlan Pitcairn, Clark D. Pitcairn and M. Craig Pitcairn (Licensors) to access real property for the construction, maintenance and operation of a guyed radio communications tower situated on Tonche Mountain in the Town of Olive, Ulster, New York. Tonche Association, Inc. is the successor in interest to the original Licensors. The County's Emergency Communications/Emergency Management Office desires to continue the use, maintenance and upgrade of the tower and appurtenant facilities. The original term of the agreement was for a ten-year period commencing on April 1, 2012 ending on March 3, 2012. The parties have agreed to amend the terms of the Agreement to automatically renew for 3 successive ten-year periods unless otherwise terminated.

Additional Questions and/or Comments: None

Motion Made By: Legislator Briggs
Motion Seconded By: Legislator Belfiglio
Roll Call Vote: No
Voting In Favor: Legs. Briggs, Maio, Parete, Ronk & Belfiglio
Voting Against: None
No. Of Votes In Favor: 5
No. Of Votes Against: 0
Disposition: Motion Passes

MOTION NO. 4 Resolution No. 258 – October 16, 2012

Text Of Motion: RESOLVED to approve Resolution No. 258 – Authorizing The Chairman Of The Ulster County Legislature To Execute an Agreement With The New York State Division Of Homeland Security And Emergency Services For The FY12 State Homeland Security Program - Amending the 2012 Ulster County Budget – Emergency Communications/Emergency Management And Sheriff

Resolution Summary: The Director of Emergency Community/Emergency Management requests that the Chairperson of the UC Legislature be authorized to enter into Agreement NYS Contract #C974120 and any amendments thereto, with the NYS Division of Homeland security and Emergency Services for a period September 1, 2012 through August 31, 2014 in the amount of \$195,000.00. The funds were part of the FY12 State Homeland Security program (SHSP and the funding originates for the US Department of Homeland Security and passes through NYS via the State Homeland Security Program. The SHSP supports planning, equipment, training and exercise needs associated with the preparedness and prevention activities for terrorist events using weapons of mass destruction involving biological, nuclear, incendiary, chemical, explosive and radiological materials. A portion of the grant is earmarked to assist in the implementation of interoperable radio communications equipment and another portion is earmarked to assist local law enforcement agencies in their terrorism prevention activities. The grant requires no matching County dollars.

Additional Questions and/or Comments: None

Motion Made By: Legislator Briggs
Motion Seconded By: Legislator Ronk
Roll Call Vote: No
Voting In Favor: Legs. Parete, Briggs, Maio, Belfiglio and Ronk
Voting Against: None
No. Of Votes In Favor: 5
No. Of Votes Against: 0
Disposition: Motion Passes

MOTION NO. 5
Text Of Motion:

Resolution No. 267 – October 16, 2012

RESOLVED to approve Resolution No. 267 – Requesting Appropriation Of Funds From The Forfeiture Account For The Office Of The District Attorney - Amending The 2012 Ulster County Budget— Ulster County District Attorney's Office

Resolution Summary: District Attorney is in receipt of asset forfeiture funds totaling \$286,257.71 from the prosecution of a case which has now been concluded. The Ulster County DA is requesting that \$185,000.00 be appropriated from the Ulster County DA Asset Forfeiture Reserve Fund to pay restitution and State mandated Asset Forfeiture sharing as provided in the NYS CPLR Article 13-A. The funds are proceeds from an Asset Forfeiture case involving Kingston PD, Department of Social Services, US Department of Agriculture and the Ulster DA. The agencies shall share in the distribution of proceeds pursuant to NYCPLR Section 1349. The expenditures can only be used for the investigation and prosecution of criminal offenses.

Additional Questions and/or Comments: Leg. Belfiglio indicated that there was a significant amount of money being shared by the agencies specified. DA Carnright provided explanation as to why the Resolution was drafted to include different agencies – that there was money that originated from a Federal Program and that it would be returned to the Federal Government if the disposition wasn't structurally drafted in a particular manner. Legs. Belfiglio, Briggs and Ronk continued to question the distribution of the funds. DA Carnright asked for a moment. Committee moved on to next Resolution No. 269.

No Action Taken on Resolution.

MOTION NO. 5
Text Of Motion:

Resolution No. 269 – October 16, 2012

RESOLVED to approve Resolution No. 269 – Appointing Member To The Ulster County Fire Advisory Board

Resolution Summary: Resolution for the appointment of Dwight A. Dougherty, 2012 Route 44-55, Modena, NY 12548 for a term to expire on December 31, 2013.

Additional Questions and/or Comments: Leg. Ronk reflected that the Fire Advisory Committee had been searching for a member to serve on the Board from the Town of Plattekill.

Motion Made By: Legislator Briggs
Motion Seconded By: Legislator Maio
Roll Call Vote: No
Voting In Favor: Legs. Parete, Briggs, Maio, Belfiglio and Ronk
Voting Against: None
No. Of Votes In Favor: 5
No. Of Votes Against: 0
Disposition: Motion Passes

NEW BUSINESS:

D.A. Holley Carnright was introduced to present an overview of the Scrap Metal Law. Major issues involved included the numerous types of metals that were dealt with, fraud in the identification of individuals and records retention. The D.A. stated that the Law wasn't intended to interfere with the Antique Law.

Philip Kirschner, Esq. compared the proposed Ulster Scrap Metal Law with the Dutchess County Law. Mr. Kirschner indicated the significant issues the agency (Millens Steel) was concerned with were 1) Tag and Hold requirement- because certain metals were a commodity, the market fluctuated and the values could plummet. Mr. Kirschner presented a graph reflecting 1 month copper prices and price charts (on file). Mr. Kirschner believed Dutchess

County Law worked well. Check only as opposed to cash was also a topic of discussion. He didn't believe that it was unreasonable to photograph the material being scrapped.

Leg. Parete asked who was impacted by theft charges resulting from a criminal background check.

Mr. Kirschner indicated that it was the dealer that would be affected by a felony conviction related to theft.

Leg. Belfiglio inquired as to who issued the dealer license.

Mr. Kirschner responded that the license was issued by the NYS DMV throughout the State. There was also a provision in the General Business Law that if the municipality had a provision, they could also issue a license.

DA Carnright wished to address the fact that his intent, when drafting the law, dealt with tag and hold defined in Article F when there was probable cause for an investigation and was for law enforcement purposes. Apparently, harsh penalties were required to be a deterrent to violators. He indicated that the law presently had no "teeth."

DA Carnright proceeded to review the cash versus check issue. Indicated that timeliness was a drawback of having to require a check rather than acceptance of cash.

Leg. Parete recounted his experience over the years with individuals who were scrappers and circumstances in which some individuals were in position to only be able to deal with cash.

Discussion ensued with regard to thumbprint being required in absence or in addition to license to determine correct identity of individual.

DA Carnright desired a law that would be passed which determined who received license and how to regulate issuance. At present time, law provides to recourse to prosecute individuals operating without a license.

Leg. Ronk recommended lowering licensing fee and possibly instituting renewal fee thereafter if process didn't place an undue burden on the Clerk's office to process licenses annually.

Leg. Briggs inquired as to closest recyclers in Greene County that may entice individuals to travel out of County to avoid restrictions. Mr. Kirschner responded that, according to a study by ISRI, some thieves were willing to travel over 400 miles to unload stolen goods.

Leg. Parete stated that contacting DA Carnright to work out topics of concern that were discussed prior to the next Legislative meeting. Leg. Ronk suggested introducing a resolution to set a public hearing on introductory local law. Leg. Parete wanted to make sure that all were in agreement with regard to the local law prior to setting the public hearing and gathering to determine what the consensus was. Leg. Ronk also asked DA if/when the public hearing took place, if victims of theft could be notified to present testimony at the hearing. Leg. Parete suggested that DA reach out to Leg. Gerentine of the Ways & Means Committee with regard to Resolution. Leg. Maio confirmed that she was also on the Committee and would keep them apprised.

Monthly Reports: The following Sheriff's report was distributed to the Committee and remains on file in the Office of the Clerk of the Legislature with a review of the content by Sheriff VanBlarcum. The Sheriff indicated that the report was self-explanatory.

2012 Ulster County Sheriff Revenues

- Telephone Revenue
- Board in Revenue
- Board in Counts

Sheriff VanBlarcum stated that the board-ins were doing well.

Leg. Ronk inquired as to the request made by Sheriff to County Attorney for an opinion with regard to the freezing of assets. The Sheriff indicated that the request was made on September 15, and a response hadn't been received. Leg. Ronk indicated that it was a concern of his and he would be reaching out to the County Attorney.

Leg. Parete informed Committee that Sen. Schumer would be attending a press conference at the Trolley Museum with regard to the theft of material from the trolley.

Next Scheduled Committee Meeting is October 2, 2012 at the Sheriff's Conference Room, The Rotunda, UC Law Enforcement Center at 5:30 PM.

There being no further business before the Committee, a motion was made by Legislator Briggs, seconded by Legislator Ronk, and carried to adjourn the meeting at 6:41 PM.

Dated the 15th Day of October, 2012

Lisa K. Mance, Legislative Employee, Ulster County Legislature

Minutes Approved on: November 13, 2012

Laws and Rules, Governmental Services Committee

Committee Meeting Minutes

DATE & TIME: October 15, 2012 / 6:30 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: Legislators Robert Parete
QUORUM PRESENT: Yes
OTHER ATTENDEES: Erica Guerin, Legislative Counsel; James Hanson, Budget Director; Tom Turco
and Victor Work, Board of Elections; League of Women Voters; Vic Melville.

- Chairman Kevin A. Roberts called the meeting to order at 6:36 PM.

MOTION NO. 1 Approval of the September 19th Committee Meeting Minutes

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

DISCUSSION: Hearing none, moved to vote

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

RESOLUTIONS:

MOTION NO. 2 LATE RESOLUTION No. 270 –October 16, 2012

TEXT OF MOTION: **RESOLVED to approve Late Resolution 270** - Authorizing The Chairman Of The Ulster County Legislature To Enter Into A Lease Agreement With Pine Professional Center, LLC For Office Space To Be Used By The Ulster County Probation Department – Department Of Public Works (Buildings and Grounds)

Resolution Summary: The County Executive and Commissioner of Public Works request the Chairman of the Ulster County Legislature be authorized to enter into a lease agreement with Pine Professional Center, LLC, for a three-year term commencing November 1, 2012 and ending October 31, 2015, at an annual cost of \$19,800.00, with all utilities and taxes included.

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

DISCUSSION: **Chairman Roberts** recognized **Legislator Ronk** who asked Mr. Hanson if this agreement is an increase from last year. Mr. Hanson said he will look into it. **Chairman Roberts** asked Mr. Hanson if the funds received here are in any way tied to the S.T.R.I.V.E. project, in which Mr. Hanson replied no.

Chairman Roberts asked Mr. Hanson the status of the Human Rights, Safety and Insurance budgetary requests. Mr. Hanson stated most Departments are either at 2012 levels or slightly lower; however, the Insurance Department Budget has increased due to the rising cost of premiums paid by the County. **Chairman Roberts** asked the committee if they are satisfied with Departmental Budget amounts, at which time the committee agreed unanimously.

Chairman Roberts asked if there is any other business before the Committee, hearing none recognized **Legislator Donaldson** for a motion to adjourn, seconded by **Legislator Ronk** at 6:58PM.

Dated the 15th of October, 2012
Franklin R. Reggero
Ulster County Legislature
Minutes Approved on: DRAFT

Legislative Programs, Education & Community Services Committee Regular Meeting Minutes

DATE & TIME: October 2, 2012 – 5:00pm
LOCATION: St. John Conference Room (Room 118), George Clinton Hall, SUNY Ulster County Community College, Cottekill Road, Stone Ridge, New York.
PRESIDING OFFICER: Deputy Chairman David B. Donaldson
RECORDER: Janet Salanitri, Adm. Assistant, SUNY Ulster County Community College
PRESENT: Deputy Chairman Donaldson, Legs. Donald Gregorius, Mary Wawro and Craig Lopez
ABSENT: Chairman Wayne Harris (excused)
OTHERS PRESENT: Mark Komdat, Dean of Administration of SUNY Ulster County Community College; Kenneth Crannell, Deputy Ulster County Executive; Chris White, Ulster County Planning Board; Nancy Jackson, Assistant to Leg. Lopez; and Jim Cosgrove, Ulster County Library Association.
QUORUM: Yes

Committee Deputy Chairman Donaldson called the meeting to order at 5:00pm

MOTION #1:

Text of Motion: Resolved, to approve the Minutes of the meeting of this Committee of September 4, 2012
Motion Made by: Leg. Lopez
Motion Seconded by: Leg. Wawro
Roll Call Vote: No
Voting in Favor: Dep. Chairman Donaldson, Legs. Gregorius, Wawro and Lopez
Voting Against: None
No. of Votes in Favor: 4
No. of Votes Against: 0
Disposition: Motion unanimously carried. Minutes of September 4, 2012 approved.

SUNY ULSTER COUNTY COMMUNITY COLLEGE:

Report by: Mark Komdat, Dean of Administration

Report: Dean Komdat told the Committee about several upcoming special events which are open to the public, including the Darlene Pfeifer Entrepreneurial Center Seminar speaker which will be held tomorrow here in the St. John Room at 1:00pm. He also noted the successful Ulster Community College Foundation Gala last week attended by upwards of 225 people.

On enrollment, Dean Komdat said the fall semester was about the same as last year, including Collegian. Acting Chairman Donaldson asked about spring semester projections and the Dean, said we originally thought we would be down 3%. That has not happened for this fall, but we still think we may be down 3% in the spring but if not, we will have some breathing room.

On the RFP for the solar farm, we are still reviewing them and it is taking more time than we thought said Dean Komdat. In response to a question from Acting Chairman Donaldson, the Dean said he has been working with Amanda LaValle, Chris Marx and Wayne Freer in reviewing the RFPs and getting additional technical help.

On the resolutions before this Committee Dean Komdat said they would be doing additional site surveys and studies to make sure we have all the information we need. We are doing our due diligence. There is also a resolution on the surplus sale of the President's residence. Leg. Gregorius gave the college his congratulations on getting a Sheriff's substation here. Dean Komdat said they will not be processing criminals here; it is for shift changes and paperwork. He said Wayne Freer is the driving force behind this. Regarding the water project and in response to Leg. Gregorius, the Dean said the project is going forward and once the budget is approved work will begin quickly.

At this time the Committee voted on the Resolutions set forth below. On the Capital Projects Resolution #261, Ken Crannell said this authorizes bonds for the design phase of the project. He said Chris White will be the point person; that the county will be doing an RFP for the profess-

ional services; and that there may have to be a separate bond Resolution. Acting Chairman Donaldson requested that it be noted in these minutes, on agreement with the other Committee members, that in the event there has to be a second Resolution, that this Committee will consider it approved.

Resolutions: As set forth hereafter.

Draft Resolution No. 248 – October 16, 2012:

Motion #2: Resolved, Urging the Governor of the State of New York and the New York State Legislature to Restore State Aid to Community Colleges at the Levels Required by New York State Education Law.

Motion Made by: Leg. Gregorius
Seconded by: Leg. Lopez
Voice Vote: No
Voting in Favor: Deputy Chairman Donaldson, Legs. Gregorius, Lopez and Wawro
Voting in Opposition: None
No. of Votes in Favor: 4
No. of Votes Against: 0
Disposition: Motion unanimously carried. Resolution #248 urging the Governor of the State of New York and the New York State Legislature to restore state aid to community colleges at the levels required by New York State Education Law, unanimously approved as presented.

Draft Resolution No. 259 – October 16, 2012:

Motion #3: Resolved, to declare the President's Residence of Ulster County Community College located at 3312 Route 209, Stone Ridge, NY 12484, to be Surplus County-Owned Real Property and Approving its Sale or Other Disposal.

Motion Made by: Leg. Gregorius
Seconded by: Leg. Wawro
Voice Vote: No
Voting in Favor: Deputy Chairman Donaldson, Legs. Gregorius, Lopez and Wawro
Voting in Opposition: None
No. of Votes in Favor: 4
No. of Votes Against: 0
Disposition: Motion unanimously carried. Resolution #259 to declare the President's Residence of Ulster County Community College located at 3312 Route 209, Stone Ridge, NY 12484 Surplus County-Owned Real Property and Approving its Sale or other Disposal, approved as presented.

Draft Resolution No. 260 – October 16, 2012:

Motion #4: Resolved, to Authorize the County Executive to Execute an Agreement with The Dyson Foundation Accepting a Contribution to be Utilized for the Implementation of The STRIVE Project, Providing Funding for the Re-Location of County Departments and the Renovation of Sophie Finn Elementary School for use as a Satellite campus of Ulster County Community College.

Motion Made by: Leg. Gregorius
Seconded by: Leg. Lopez
Voice Vote: No
Voting in Favor: Deputy Chairman Donaldson, Legs. Lopez, Wawro and Gregorius
Voting in Opposition: None
No. of Votes in Favor: 4

No. of Votes Against: 0
Disposition: Motion unanimously carried. Resolution #260 authorizing the County Executive to execute an Agreement with The Dyson Foundation accepting a contribution to be utilized for the implementation of The STRIVE Project, providing funding for the re-location of County Departments and the renovation of Sophie Finn Elementary School for use as a satellite campus of Ulster County Community College, approved as presented.

Draft Resolution No. 261 – October 16, 2012:

Discussion: Deputy County Executive Ken Crannell said this resolution authorizes bonds for the design phase of the project. He said Chris White of Ulster County Planning will be the point person for the project and the County will be doing an RFP for the professional services. He said there may have to be a separate bond resolution. After brief discussion amongst the Committee, Deputy Chairman Donaldson said that in the event there has to be a separate resolution this Committee will consider it approved.

Motion #5: Resolved, to Amend the 2012-2017 Capital Program to Establish Capital Project No. 370 – Implementation of The STRIVE Project, UCCC Renovation of Sophie Finn Elementary School and Re-Location of Various County Departments.

Motion Made by: Leg. Gregorius
Seconded by: Leg. Wawro
Voice Vote: No
Voting in Favor: Deputy Chairman Donaldson, Legs. Lopez, Gregorius and Wawro
Voting in Opposition: None
No. of Votes in Favor: 4
No. of Votes Against: 0
Disposition: Motion unanimously carried. Resolution #261 to amend the 2012-2017 Capital Program to establish Capital Project No. 370 – Implementation of The STRIVE Project, UCCC Renovation of Sophie Finn Elementary School and re-location of various County Departments, approved as presented.

ULSTER COUNTY LIBRARY ASSOCIATION:

Report by: Jim Cosgrove, Director

Report: Mr. Cosgrove said they have added two more databases to the Ulster County Infoportal. One is "Universal Class" which offers over 500 online non-credit continuing education courses. The other is "Tutor.com" which connects to an online tutor for science, writing or math help and also for resume writing. In order to provide these, they disposed of "Historical NY Times". That database is currently being streamed through the Mid-Hudson Library System. He said in order to keep the new databases, the Library Association will be asking for some additional funding in next years' budget.

There followed a general discussion of the advantages and services offered by the library's in the County. Deputy Chairman Donaldson said there are no funds to get the message out that we have these library services.

Resolutions: None

OTHER BUSINESS: None

ADJOURNMENT:

Motion #6:

There being no further business, a motion to adjourn was made by Leg. Gregorius and seconded by Leg. Lopez and Deputy Chairman Donaldson declared the meeting duly adjourned at 5:35pm.

Dated the 12th day of October, 2012

Janet Salanitri, Recorder

Minutes Approved on November 5, 2012

Public Works & Capital Projects Committee

Regular Meeting Minutes

DATE & TIME: October 3, 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 and Kevin Roberts
ABSENT: None
QUORUM PRESENT: Yes
OTHER ATTENDEES: Legislator Pete Loughran; Bob Sudlow, Deputy County Executive; David Bolles, Department of Public Works.

Chairman Fabiano:

- Called the meeting to order at 5:00 PM

MOTIONS:

MOTION NO. 1

Text Of Motion: RESOLVED to approve the Minutes of September 5, 2012, meeting.
Motion Made By: Legislator T.J. Brigs
Motion Seconded By: Legislator Jim Maloney
Roll Call Vote: No
Voting In Favor: Briggs, Fabiano, Maloney, John Parete, Roberts
Voting Against: None
No. Of Votes In Favor: 6
No. Of Votes Against: 0
Disposition: Motion Passes

Chairman Fabiano recognized Mr. Sudlow for comment on the resolutions before the committee pertaining to the County Executives S.T.R.I.V.E. project. Legislator Roberts asked if Mr. Sudlow was prepared to answer questions regarding the S.T.R.I.V.E. project to which Mr. Sudlow replied specifically to the resolutions before the committee. Mr. Sudlow further stated that it would be premature to discuss details of the S.T.R.I.V.E. project as a whole but discussed the intent of the resolutions before the committee.

Chairman Fabiano stated that he will start discussion on the resolutions in order as they appear on the agenda.

MOTION NO. 2

Resolution No. 252, October 16, 2012

Text Of Motion: RESOLVED to approve Resolution No. 252 – Authorizing The Chairman Of The Ulster County Legislature To Execute An Agreement With Cape Pond, Inc. For A Permanent Easement Across Property Adjacent To County Road No. 56 - Department Of Public Works (Highways And Bridges)

Resolution Summary: Ulster Heights Road (County Rd No. 56), in the Town of Wawarsing has been closed to the traveling public since receiving significant damage during Tropical Storm Irene on August 28, 2011 and this closure has caused excessive difficulties in the daily lives of the community and to the safety of the traveling public and Cape Pond, Inc., is the owner of a plot of land adjacent to County Road No. 56, and if, in

consideration of the sum of One Dollar (\$1.00), it has consented **Cape Pond, Inc. consents to** grant Ulster County a permanent easement to enter upon its lands in order to reconstruct Ulster Heights Road in accordance with the plans of the Commissioner of Public Works.

Motion Made By: Legislator Roberts
Motion Seconded By: Legislator Maloney

Additional Questions and/or Comments: Chairman Fabiano recognized Legislator Briggs who wished to abstain from the resolution due to owning property in the area.

Roll Call Vote: No
Voting In Favor: Fabiano, Maloney, Parete and Roberts
Voting Against: None
No. Of Votes In Favor: 4 in Favor with 1 abstention, Legislator Briggs
No. Of Votes Against: 0
Disposition: Motion Passes

MOTION NO. 3 **Resolution No. 253, September 19, 2012**
Text Of Motion: RESOLVED to approve Resolution No. 253 – Authorizing The Chairman Of The Ulster County Legislature To Execute An Inter-Municipal Shared Services Agreement With Town Of Shandaken For Maintenance Of County Roads – Department Of Public Works (Highways And Bridges)

Resolution Summary: County Executive and the Commissioner of Public Works request that the Chairman of the Ulster County Legislature be authorized to enter an agreement with the Town of Shandaken for the Town to perform snow plowing, sanding, and salting on these roads, which total 3.08 centerline miles, for the fixed fee of \$14,630.00 per year for the two year period beginning October 1, 2012 through September 30, 2014 and as part of the agreement, the County will further compensate the Town, based on the number of centerline miles, a performance incentive in the amount of \$2,000.00 per year

Motion Made By: Legislator Roberts
Motion Seconded By: Legislator John Parete

Chairman Fabiano asked for further questions hearing none called for a vote.

Roll Call Vote: No
Voting In Favor: Briggs, Fabiano, Maloney, Parete and Roberts
Voting Against: None
No. Of Votes In Favor: 5
No. Of Votes Against: 0
Disposition: Motion Passes

MOTION NO. 4 **Resolution No. 254, September 19, 2012**
Text Of Motion: RESOLVED to approve Resolution No. 254 – Declaring Various County-Owned Properties To Be Surplus Property And Authorizing The Sale Of Such Properties – Department Of Public Works, Buildings And Grounds Division

Resolution Summary: The STRIVE Project will re-locate the satellite campus of Ulster County Community College from the Business Resource Center (BRC) to Sophie Finn Elementary School, thereby creating additional space at the BRC which will allow the re-location of various County departments and consolidation of services and the County currently owns real property located at 300 Flatbush Avenue in the City of Kingston and three parcels of real property located along South Manor Avenue in the City of Kingston and after a review of all of the properties utilized by the County for its provision of services to the residents of Ulster County as well as

the space required to house the various County departments, the Commissioner of Public Works has determined that these properties are no longer necessary for public use and recommends that they be sold.

Motion Made By: Legislator Parete
Motion Seconded By: Legislator Maloney

Additional Questions and/or Comments: **Chairman Fabiano** recognized Mr. Sudlow for the explanation of the resolution. Mr. Sudlow stated that the first step in the process was for the City of Kingston School Board vote in favor of closing the Sophie Finn Elementary School, which they have done. Mr. Sudlow further stated that project is contingent upon County services vacating 300 Flatbush and collocating with the Department of Social Services provided that Ulster County Community College can occupy the Sophie Finn Elementary school.

Mr. Sudlow continued to explain the timeline for UCCC to begin classes which is currently scheduled for January or 2014; however, a series of events must happen prior to this happening and that this resolution is starting the process.

Legislator Roberts asked Mr. Sudlow what current departments are in the buildings proposed for sale under the project. Mr. Sudlow stated that Central Services along with IS are located at South Manor. Mr. Sudlow stated that while the square footage is not exactly same however believes that the efficiency created by collocating the human services will be beneficial to the county. **Legislator Roberts** further asked Mr. Sudlow what the moving costs are estimated at. Mr. Sudlow said he is uncertain at this time as to the exact cost of the move and renovations to accommodate the goals of the project; however, a resolution will come to the Legislature with a dollar amount when the time comes.

Mr. Sudlow further stated that based on the last census, there was not a single minority graduate of SUNY Ulster from the City of Kingston and that this project and the location of Sophie Finn hopes to address that dilemma and create an inner-city campus.

Chairman Fabiano asked Mr. Sudlow if he is aware of any additional costs besides moving expenses who stated he is uncertain at this time. **Chairman Fabiano** further asked Mr. Sudlow if the amount promised by the State is in fact guaranteed. Mr. Sudlow stated that there is matching funds available through the State Dormitory authority for 50%, monies offered by the state and the Dyson foundation.

Legislator Roberts asked Mr. Sudlow if the sale of the properties would cover the \$440,000 Bond. Mr. Sudlow is uncertain but optimistic based on property assessment and sale price. Mr. Sudlow further stated that the current operating cost exceed \$300,000 annually. **Legislator Roberts** stated that the operating costs should be included in the financial impact. Mr. Sudlow stated that at this point it is speculation regarding the exact sale price for 300 Flatbush.

Legislator John Parete asked Mr. Sudlow if any current plans exist for the development of 300 Flatbush and further stated that he had heard the possibility of Wal-Mart purchasing the property. Mr. Sudlow is unaware of any plan but has heard several rumors. Mr. Sudlow further stated that the county is currently not at the point of negotiating sale, this is the beginning phase of the project.

Legislator Maloney asked Mr. Sudlow does the County have anything in writing from the Governors' Office guaranteeing the matching funds. Mr. Sudlow stated nothing in writing but will attempt to secure further back-up regarding the promised funding.

Legislator Roberts asked Mr. Sudlow if any precedent exists for the State funding this type of project. Mr. Sudlow stated the State funded the original construction of the Business Resource Center. **Legislator Roberts** further asked if the name Sophie Finn has historical implications and if so does the Community College intend on taking that into consideration if the project goes forward. Mr. Sudlow stated that he is uncertain at this time of the naming impact.

Chairman Fabiano called for further debate, hearing none called for a vote.

Roll Call Vote: No
Voting In Favor: Briggs, Fabiano, Maloney, Parete and Roberts
Voting Against: None
No. Of Votes In Favor: 5
No. Of Votes Against: 0
Disposition: Motion Passes

MOTION NO. 5 **Resolution No. 261, October 16, 2012**
Text Of Motion: RESOLVED to approve Resolution No.261 – Amending The 2012 – 2017 Capital Program To Establish Capital Project No. 370 – Implementation Of The STRIVE Project, UCCC Renovation Of Sophie Finn Elementary School And Re-Location of Various County Departments.

Resolution Summary: To establish a capital project to fund the Architectural, engineering, and environmental work required for the renovations and improvements at the Sophie Finn Elementary School necessary for implementation of the STRIVE Project. The County Executive has stated that the costs associated with the implementation of the S.T.R.I.V.E. project will be fully funded by State, private and other non-County funding sources, which have offered written and verbal commitments to cover estimated project implementation costs. The Dyson Foundation has agreed to provide \$500,000 in grant funding to support the restructuring of Ulster County facilities associated with the S.T.R.I.V.E. project contingent upon receipt of documentation that sources of additional funding totaling approximately \$4 million have been identified and committed to the project budget.

Motion Made By: Legislator Briggs
Motion Seconded By: Legislator Maloney

Additional Questions and/or Comments: **Chairman Fabiano** hearing none called for a vote.

Roll Call Vote: No
Voting In Favor: Briggs, Fabiano, Maloney, Parete and Roberts
Voting Against: None
No. Of Votes In Favor: 5
No. Of Votes Against: 0
Disposition: Motion Passes

New Business: **Chairman Fabiano** recognized Mr. Bolles for a DPW update. Mr. Bolles provided an update on the County road closure report included in agenda.

Mr. Bolles addressed the concerns with County Road 47, Frost Valley and the rising water at Round Pond following the rain on the 18th of September. Mr. Bolles stated that following Hurricane Irene the stream embankments were repaired and have since been washed away. Mr. Bolles further stated that he is working with the Department of the Environment in conjunction with the DEP and DEC to find a more permanent solution to the problem by possibly re-routing the stream which would require funding and assistance from outside agencies.

Mr. Bolles provided DPW section update to the Committee. **Chairman Fabiano** explained to Mr. Bolles that there are no speed limit signs on the Malden Turnpike. Mr. Bolles stated he would look into it.

Mr. Bolles addressed the recent resident complaints concerning McKinley Hollow Bridge and Road on County Route 47. Mr. Sudlow stated that he has also received several calls in reference to the residents concerns. Mr. Bolles stated that the County does not own the stream and has been directed by the County Attorney's office that they are not authorized to enter onto private property unless a County asset is damaged or at risk of being damaged and at this time no such hazard exists.

Chairman Fabiano recognizes **Legislator Loughran** who asked why this issue has not been addressed yet. Legislator Loughran recalls a year ago after Irene that this exact topic was brought up and addressed and stated that he was under the assumption that this was addressed at this point in time.

Mr. Bolles stated that DPW is authorized to dredge under the bridge to protect the asset. Mr. Sudlow further stated that it is an issue of funds, crew availability and finding a long term solution.

Chairman Fabiano recognized **Legislator Loughran** who stated that he has an issue with the County parking lot and who is authorized to use it and would request that DPW find possible solutions to the issue.

Old Business: no further discussion. **Chairman Fabiano** calls for any further discussion or debate, hearing none.

The next regularly scheduled Committee Meeting will be held on October 3^{1st} 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 T. J. Briggs**, seconded by **Legislator James Maloney**, and carried, the meeting adjourned at 5:50 pm.

Dated the 3rd day of October, 2012
Franklin R. Reggero, Committee Clerk
Minutes Approved on: October 31, 2012 fr.

Social Services Committee

Regular Meeting Minutes

DATE & TIME: October 15, 2012, 5:30 PM
LOCATION: Karen L. Binder Library, 6th Floor, COB, Kingston, NY
PRESIDING OFFICER: Chairman Kevin Roberts
LEGISLATIVE STAFF: Krista J. Barringer, Deputy Clerk
PRESENT: Legislators Hector S. Rodriguez (5:39 PM), Craig Lopez, and Richard Parete
EXCUSED: Legislator Kenneth J. Ronk
QUORUM PRESENT: Yes
OTHER ATTENDEES: Legislator Mary Wawro, Legislative Counsel Erica Guerin, Senior Legislative Staff Frank Reggerio, Deputy County Executive Ken Crannell, and Budget Director James J. Hanson.

- Chairman Roberts called the meeting to order at 5:36 PM

MOTION NO. 1 RESOLVED To Approve the Minutes of September 11, 2012

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

Review of the October 16, 2012 Abstract

Discussion: Deputy County Executive Crannell noted the contracts were basic extension of contracts. He noted most were for personnel and foster care services and the rates were set by the State. He stated these were a function of the down economy.

Motion Made By: Legislator Parete
Motion Seconded By: Legislator Lopez
Roll Call Vote: No
Voting In Favor: Legislators Lopez, Parete, and Roberts
Voting Against: None
No. of Votes in Favor: 3
No. of Votes Against: 0

Disposition: Carried

New Business: Budget/Safety Net

Discussion

Chairman Roberts opened the discussion regarding the budget and safety net, noting there is a new plan for Safety Net. **Deputy County Executive Crannell** noted while the Social Services Committee had been tackling this issue over the past year, the County Executive has also received the same input from the Town Supervisors and City of Kingston Mayor regarding how the local share of the program is breaking the bank. He noted the County Executive took this input and discussion and formulated a plan that would do a phased-in takeover of the full local share of the safety net program. He stated this would begin with budget year 2013. He noted under this plan the County would assume 1/3 of the cost in 2013, 2/3 of the cost in 2014, and fully assume the cost in 2015. He stated this program, formerly known as the Home Relief Program, was codified in State Law during days of the Great Depression to provide aid the poor. He noted this occurred at a time when the Towns were the focus of the Social Services activities at the local level. He stated in 1946, the State Legislature enacted a law that allows the County to assume those costs from the towns. He noted it has taken Ulster County 66 years to be the last County to assume these costs and address the needs of their Towns and Cities. He stated the plan is very straight forward and does not intercept any revenue, such as property tax or other from the Towns nor does it raise property taxes to pay for the plan. He noted a lot of the debate heard by the County Executive from Legislators and Town Supervisors was that if the County were to just increase property taxes that the equity would be skewed. He noted on an ad valorem basis the local governments have a lot more cost than they have residents receiving the services in specific areas. He noted in trying to address that concern, the plan is based on the notion that, by absorbing it internally into the County's budget and considering it as part of the overall spending plan and not raising taxes, they can move it forward and get past the hurdle.

Deputy County Executive Crannell noted the plan has a second component that offers budget relief to the Towns with immediate relief in 2012. He stated under the current process and procedures, when the County reaches the September billing period and they have not received payment from the Towns or the City of Kingston, they notify the Towns and the City, if they are not going to become current on their payments, they will relevel onto the 2013 Town property tax the amount owed. He stated this was first relevelled for the City of Kingston. He noted the City of Kingston is different from the Towns in that they have their own tax bill and they have their own taxing authority. He noted this is a program cost that is like a roller coaster and is very hard to budget or predict for. He noted the Towns would reach a time in the year where they will have exhausted all appropriation authority they had and will run out of funds to pay the County at which time the County would relevel the funds to the next year's bill. He stated there are seven or eight Towns that they have done this for with varying amounts. He stated this issue came to a head this past year when a handful of Towns did not budget for any Safety Net costs. He stated this was the genesis of the Truth in Taxation law that was proposed in the Legislature earlier this year. He stated this law would create a line on the County's property tax bill for the County to relevel the full Safety Net share for people in that Town. He stated this essentially allowed the Towns to not budget the costs in the Town budget but rather the cost would be listed as a property tax item for the next year. He stated with Truth in Taxation, the County Executive raised the concern that the new property tax cap severely limits the County's ability to relevel costs on the next year's property tax bill as the County could not relevel something that was never levied at the Town level. He stated the guidance they received from the State Comptroller's office was that if the County were to relevel costs onto the Town property tax bill would be considered a

chargeback and would go against the County's property tax cap calculation. He stated the City of Kingston was different as they levy their own property tax, have their own property tax bill and it is listed as a line on their bill.

Deputy County Executive Crannell stated as of the date of the meeting, there were Towns that owe the County well over \$1 million for their Safety Net costs. **Legislator Parete** asked if the County could just take the money from the Town's sales tax revenue. **Deputy County Executive Crannell** stated this would be looked at as they move forward. He noted the Towns of Ulster, Saugerties, and Rochester have not paid of their Safety Net liability so far this year. He noted that since the County budget does not propose a property tax increase for 2013, they knew there was some room in their tax levy cap calculation. He stated the County Executive has proposed in his 2013 Budget recommendation a notion that

Deputy County Executive Crannell noted in January of 2011, the NYS Legislature increased the local share from 50% to 71% of the program costs which made the Town's have to absorb the 21% increase of the local share. He noted in 2011, the County Executive found a one-time, unexpected revenue from the State's increase of reimbursement for TANF expenses. He stated the County Legislature passed a resolution offsetting those costs and refunding the differential to the Towns for 2011 and for 2012 this relief was not available. He stated the County Executive proposed in his 2013 budget was to uniformly relevel for every Town that differential for 2012. He stated this would hold the Towns harmless for the 21% in 2012. He stated if the Towns had budgeted those expenses and paying those bills, this plan would provide significant relief to those Towns. He stated anything above the 21%, the County will have to insist the Town's pay. He stated the State Comptroller's office has informed the County Executive that the appropriate mechanism to offset those cost is to intercept the sales tax revenue from the Towns. He stated there is a Supreme Court case in Nassau County this past year, where the County had billed the Towns for Community College expenses and some of the Towns had refused to pay and the County intercepted sales tax. He stated the court case approved that the County had taken the correct action. He stated the sales tax incept is the self help that the County has and that anything that the County relieves to the Towns would have to be accounted for in the County's State mandated property tax cap.

Deputy County Executive Crannell referred to page 7 of the Budget Summary document where it was listed the chargeback exclusion of \$792,000 and noted this is their calculation of what the 21% would be for the Towns if the Legislature were to take a different course. He noted it would take a two-thirds vote of the Legislature to override the property tax cap. He stated this included if the Legislature wanted to take over the full 21% of the local share.

Legislator Parete asked if the 21% amount was for this year or next year budget. **Deputy County Executive Crannell** noted the County does a resolution in December to relevel the taxes. He stated the proposal is to relevel Kingston as this does not count against the County's property tax cap and to be fair to every Town, as some Town's are current with their bills while others have not paid anything, the County will give all the Towns the option of having them relevel the differential for 2012-2013 and this has been factored into the tax cap for this year.

Legislator Rodriguez noted this was an assumption bill with the Safety Net being assumed over the three year period. He noted in previous years and in previous Legislatures, the idea behind giving a higher percentage of the sales tax to the City of Kingston was with the idea that more sales tax would make the City good on the additional expenses for Safety Net. He noted the City of Kingston had much different scenarios than the Towns; they have the homeless shelter and the County seat. He asked if with the assuming of the burden over the three year period and the sales tax formula not changing, would there be an anticipated renegotiation at some point.

Deputy County Executive Crannell stated the one-third takeover in 2013 is funded by other efficiencies and cost reductions in the budget while with the 2014 and 2015 budgets, the County Executive would have to proposed a balanced budget that included those reductions. He noted this would be addressed year by year as it was only funded for the first year and would take a lot of work to get it funded for years two and three. He stated the County was taking over an over-\$5 million expense. **Legislator Rodriguez** asked why this was being proposed for three years and not being done, as the Legislature has proposed over the years, in five or seven years. **Deputy County Executive Crannell** noted the previous proposals from the Legislature were based on the assumption that there would be an increase in property taxes by an equivalent amount. He stated this plan was the complete opposite of that and that the County Executive as the Chief Budget Officer has the fifty thousand foot look at the budget and is planning, in his mind, forward for three years, with everything being interconnected, a plan that is fiscally responsible to tackle in three years.

Legislator Rodriguez noted in regards to the sales tax issue, the County has given the City of Kingston a higher percentage with idea of informally, with a wink-wink, take care of the Safety Net issue. **Legislator Parete** noted there is a contract with the City of Kingston that the County must live up to. **Legislator Rodriguez** concurred and stated he was basically moving forward. **Budget Director Hanson** concurred with the wink-wink, nod-nod position and that there was nothing in writing that states there was an agreement between the County and the City. He stated the County has very little to stand on when going back to the City to renegotiate mid-contract. **Legislator Rodriguez** stated he was not proposing to renegotiate mid-contract and wanted it clear that he did not mind providing additional dollars to the County seat. He noted the County did not want Kingston to fail and wanted to provide financial support. He stated he just wanted to put on the table this understanding of years past in regards to how this scenario played out. **Deputy County Executive Crannell** stated Kingston will always be a partner in the sales tax portions. He stated without an agreement with the City, they have the ability to pre-empt 1 and 1/2% of the 3% authorized locally. He noted if this were to occur the County is then required to share equally or 50% of all the other dollars collected outside the City with the Towns. He stated the numbers would never work with the City or the County. He stated the sales tax was put into place as revenue for County's because of the Social Services responsibility. He noted there are examples of where Counties have looked to the burden of mandates, the increase of Social Services expense and that sales tax is a more progressive tax than a property tax. He stated it was used in other Counties to create equity. He noted in Broome County, Onondaga County, and even as close as Dutchess County, the County Executive has proposed the reshuffling of the share of sales tax as part of his budget strategy. He stated this could not be taken off the table but as for the 2013 Executive Budget, it was all interconnected and provides the one-third relief for 2013. He stated the Town of Ulster had a tentative budget with a 9.3% property tax increase and if the Legislature were to endorse the one-third take-over, this would put the Town under the 2% tax cap. **Legislator Parete** asked if this included the Town of Ulster paying back what is currently owed. **Deputy County Executive Crannell** stated the Towns that were fiscally responsible, prudent and budgeted the right amount for Safety Net, it would be a windfall. He noted for the Town of Wawarsing this would be a home run as they get the third relief for 2013 and the bill for 2012, he was just made \$200,000. He noted the Town Supervisors in Ulster, Saugerties, and Rochester may have a different opinion where they were not as responsible. He noted the Legislature may choose not to provide the relevy relief to the Towns. He stated the County Executive put forth a proposal and it is subject to the Legislature. **Budget Director Hanson** stated it was important to understand the 21% relevy item while is a proposal in the budget, is voted on separately from the budget document itself. He noted this gives the Legislature a separate item for control. **Deputy County Executive Crannell** stated the all

budget proposals are there for a reason and are interconnected as without one piece, the other pieces do not work and they fall apart.

Chairman Roberts asked how the Towns relevy the 21%. **Deputy County Executive Crannell** stated the County Executive is attending the Town Supervisors' monthly meeting tomorrow morning to have the bigger discussion and they are working with the Commissioner of Social Services and the County Attorney to modify the standard September billing letter addressing the amount passed due and the due date of payment expected for the amount equivalent to the 21% of the local share or other actions would be taken to ensure the County is made whole.

Legislator Parete asked if the County has threatened withholding the sales tax. **Deputy County Executive Crannell** stated this was an interesting debate and noted with the Truth in Taxation debate, the County Attorney participated in a conference call with the Town of Ulster Attorney and Legislative Counsel and the State Comptroller's office. He reported this sales tax intercept strategy was laid out during the call. **Legislator Parete** noted if the County really needed the money they would do it. **Deputy County Executive Crannell** replied the County must legally make itself whole and the anything beyond the property tax cap is an option. He noted the Legislature could decide it is too much of hardship on the Towns and the County is going to muster the super majority vote and override the property tax cap.

Chairman Roberts asked if the County overrode the property tax cap, would the property tax levy be affected. **Deputy County Executive Crannell** noted the County Executive has proposed a slight decrease in the property tax levy. He noted the County Executive wanted to be fair and equitable and decided to hold the Towns harmless on the 21%. He noted this plan left a tiny bit of room if the County Legislature wanted to increase property taxes. He noted beyond the little bit, it would require an override of the property tax cap. **Chairman Roberts** noted the relevying for the full amount would not affect the property tax amount. **Deputy County Executive Crannell** stated it would not affect the property tax levy but the Legislature would have to formerly vote to override the property tax cap. **Budget Director Hanson** noted the property tax rate would go up, dramatically. **Deputy County Executive Crannell** stated the Town of Saugerties currently owes the County over \$300,000 as they have not paid at all this year.

Chairman Roberts asked what one-third of 71% is; 21-23%. **Deputy County Executive Crannell** noted the 21% is about \$800,000. **Chairman Roberts** clarified of the 71% that is being taken over during the three year phase in, what does the first year amount come out to. **Budget Director Hanson** noted it was less than the 21% figure. **Deputy County Executive Crannell** stated the initial projections indicated of the approximately \$5 million in gross expense, the County would be taking over \$1.7 million from the Towns. He noted the 71% is about \$5 million.

Legislator Parete indicated the Town Supervisors must be thrilled. **Deputy County Executive Crannell** stated the Town Supervisors have been meeting with the Legislators and the County Executive. He noted there was a time in the life of this problem that the County could put it off but the numbers have escalated that no individual Town has a tax base that can support this type of State mandate. He noted the Safety Net program is beyond what is expected in other States and is provided to those who are no longer eligible for Federal TANF. He noted the NYS Safety Net is one of only a handful of States that provide the benefit to able-bodied adults. He indicated this was State mandated.

Chairman Roberts asked if this was a cash program. **Deputy County Executive Crannell** replied in the first two years it is cash but it is mostly voucher for rent or food allowances and other basic necessities through vouchers. He noted there are incidents where recipients receive cash for a short amount of time through an EBT card.

Legislator Parete thanked Deputy County Executive Crannell and Budget Director Hanson for the update.

Chairman Roberts asked Deputy County Executive Crannell and Budget Director Hanson if they would like to go over the whole budget or if they preferred to have Department Heads present. **Deputy County Executive Crannell** stated they would do whatever the Committee desired. He noted Social Services is really the only budget area where the County Executive has recommended an increase. He stated even though the State is going to a hard cap for Medicaid costs, the County had to fund a 2% increase over the normal cost for about \$800,000. He noted there were increases in foster care as evidenced in the Budget Abstract today. He stated the Department is up about \$2 million. **Budget Director Hanson** clarified the Department is not up very much in the appropriation side but rather the revenue side is where they are taking a hit. He stated the natural trend in NYS with declining revenues and the impact with the revenue associated with Safety Net is a revenue implication not an appropriation. He stated overall the net County impact is approximately \$3 million net County share. He stated the impact of the Safety Net takeover is a 1.7 amount. **Deputy County Executive Crannell** noted the change in Department leadership with Michael Lapoce and their finance staff being new, it gave them the ability to work over a period of time, knowing the problem would be there, to identify and find areas there they could maximize Federal or State aid for certain components, trim costs, and restructuring and aligning the services. He indicated it was a tight budget but felt the Department feels satisfied that they will be able to meet the needs. **Budget Director Hanson** noted the total impact to the tax levy is \$3.1 million, which is what the County has to pay out of sales tax, tax levy and other local sources of revenue. He stated the total on the revenue side is \$2.6 million and the Department's expenditures only went up \$494,000, compared to the \$6 million last year. He stated they did this in a couple of different ways; the State cap on Medicaid that phased in and offered a little bit of help and changed the impact felt in prior years and 6010 where the Department holds most of their personnel and other items was reduced from \$21.1 million to \$20 million. He noted the Department found areas where they were able to reduce through nickel and dime expenses but every little bit helped as the budget is \$115 million budget. He noted the Department removed some vacancies from the budget and worked to streamline the budget to find efficiencies as done in every other Department. **Deputy County Executive Crannell** noted the budget is tight but doable.

Chairman Roberts noted the Committee would need time to take a good, general overlook at the budget and discuss among the Committee and see what direction they would want to go.

Legislator Parete clarified a lot of the DSS budget is mandated and that there is not much, except for some personnel issues, that can be changed. **Deputy County Executive Crannell** noted even when looking at the staffing plan, the County picks up at least 50% reimbursement on pretty much every position and there are many that are 100% reimbursed. He stated the Department averages around 62-62% range. He stated this was an area where personnel is a tremendous expense but is also highly reimbursed. He stated other than that, it is direct services. He noted the handful of things that are not mandated are things that the County does to be creative such as preventative programs to reduce foster care placements which have a big hit on the County on the other side. He noted the preventative services are where the County receives a real long term benefit and they try not to be short sighted in looking at those first.

Legislator Lopez noted he liked how the plan looks for Wawarsing. He discussed the benefit to the current Town of Wawarsing Supervisor in his budgetary concerns. He highlighted the Town will see a relief of \$239,000 in the first year and a little over a half million dollars in 2014. **Deputy**

County Executive Crannell noted this was an issue that the County Executive identified it was time to tackle it and get it done as they all serve the same tax payer.

Legislator Parete stated he liked it and would support it but that it would have been nice to see the same amount of revenue being taken away so that taxpayers were not being taxed twice.

Deputy County Executive Crannell noted the plan funds the take over for one year and years two and three will be much harder and it will take a lot of creativity to come up with new ideas. He noted the County needed to start somewhere.

Legislator Rodriguez noted the choices have been made for the Legislature. **Chairman Roberts** stated he was pleased and noted the only other choice was if the County would do anything more for the Towns but felt the County cannot afford to. **Deputy County Executive Crannell** indicated the relevy issue is going to come to the forefront as the County Executive meets with the Town Supervisors tomorrow and lay out the proposal. He noted those Town Supervisors who have issues will probably be calling.

Chairman Roberts asked if by allowing Towns to go into the County's tax cap this year will affect the flexibility of the tax cap next year. **Budget Director Hanson** replied this was not true.

Chairman Roberts noted it was his understanding that if the County went to zero this year, it could go up to four next year. **Budget Director Hanson** confirmed the County could bank a certain amount and the flexibility would only be affected if the County used some of the tax levy. He noted the County banked some last year and he was unsure where the County would be with the 1.37 taken as a whole but he imagined it would be close to the cap on the amount to be banked. He offered to put that calculation together and share it with the Legislators. **Deputy County Executive Crannell** noted the Towns owe the County over one million dollars and the County needed to propose a reasonable and equitable solution and they felt the right direction would be to relevy an amount that would hold the Town's harmless from the increase of 50% to 71% and use that as the starting point. **Chairman Roberts** asked if the relevy show up as a Town or County tax. **Deputy County Executive Crannell** stated it is calculated into the Town rate. **Chairman Roberts** asked if this would be two separate lines. **Deputy County Executive Crannell** stated it would not be a separate line but would go into the warrant as a calculated total. **Chairman Roberts** clarified the tax bill may show more than the 2%. **Deputy County Executive Crannell** confirmed this but given the fact that the County used some of it's tax cap room to fund this, it would be acceptable with the Comptroller's office. **Budget Director Hanson** noted the rates always vary regardless as seen two years ago when the County had a zero there were some Towns that had rate increase on their tax bill while others had rate decreases based on equalization rates and changes in assessable value. He noted this is not known until the end of the year.

Legislator Rodriguez noted the reval of Wawarsing has not happened yet so those paying the taxes in Wawarsing will get hit with a hefty bill at the end of the day as the Town has not spread out those taxable values. He stated the Town might have a small number of property owners that will be getting hit with a pretty sizeable bill.

Adjournment

Motion Made By: Legislator Rodriguez

Motion Seconded By: Legislator Lopez

No. of Votes in Favor: 5

No. of Votes Against: 0

TIME: 6:10 PM.

Dated the 05 day of November, 2012

Krista Barringer, Deputy Clerk

Minutes Approved on November 8, 2012

Ways & Means Committee

Regular Meeting Minutes

DATE & TIME: October 9, 2012 4:45 PM
LOCATION: Karen L. Binder Library, Sixth Floor, County Office Building
PRESIDING OFFICER: Richard Gerentine, Chairman
LEGISLATIVE STAFF: Franklin R. Reggero
PRESENT: Legislators Bernardo, Gerentine, Gregorius, Harris, Maio (5:10), Maloney, Provenzano and Rodriguez.
ABSENT: None
QUORUM PRESENT: Yes
OTHER ATTENDEES: Legislators Bartels and Wishnick; Langdon Chapman, Legislative Counsel; Sandy Mathes, Leg. Budget Director; Elliot Auerbach, Comptroller; Ken Crannell, Deputy County Executive; Burt Gulnick, Finance; James Hanson, Budget Director, Sue Plonski, County Attorney Office; Lisa Cutten, Deputy Budget Director; Tom Jackson, Real Property; Tom Kadgen, League of Women Voters; Patricia Doxey, Daily Freeman.

- Chairman Gerentine called the meeting to order at 4:50 PM.
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I. MOTIONS:

MOTION NO. 1 **Adjourn to Executive Session**

TEXT OF MOTION: **Executive Session** for discussion regarding RFP#UC12-78, Budget Analyst Consultant for the Ulster County Legislature.

MOTION MADE BY: **Legislator Rodriguez**

MOTION SECONDED BY: **Legislator Harris**

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

ROLL CALL VOTE: **No**

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

VOTING AGAINST: **None**

NO. OF VOTES IN FAVOR: **7**

NO. OF VOTES AGAINST: **0**

DISPOSITION: **Motion Passes**

5:10 PM Committee Adjourned from Executive Session

MOTION NO. 2 **Draft Resolution No. 226**

TEXT OF MOTION: **RESOLVED**, Authorizing The Ulster County Commissioner Of Finance To Accept Redemption Offers Relative To Payment Of Real Property Taxes In The 2010 *In Rem* Foreclosure Proceeding – Department Of Finance.

MOTION MADE BY: **Legislator Rodriguez**

MOTION SECONDED BY: **Legislator Harris**

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

ROLL CALL VOTE: **No**

VOTING IN FAVOR: Legislators Bernardo, Gerentine, Gregorius, Harris, Maio, Maloney, Provenzano and Rodriguez.
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 8
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passes

MOTION NO. 3 Draft Resolution No. 248
TEXT OF MOTION: **RESOLVED**, Urging The Governor Of The State Of New York And The New York State Legislature To Restore State Aid To Community Colleges At The Levels Required By New York State Education Law
MOTION MADE BY: Legislator Harris
MOTION SECONDED BY: Legislator Rodriguez
DISCUSSION: Chairman Gerentine calls for further discussion, hearing none.
ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Bernardo, Gerentine, Gregorius, Harris, Maio, Maloney, Provenzano and Rodriguez.
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 8
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passes

MOTION NO. 4 Draft Resolution No. 249
TEXT OF MOTION: **RESOLVED**, Establishing County Equalization Rates For The Year 2013 Levy.
MOTION MADE BY: Legislator Gregorius
MOTION SECONDED BY: Legislator Rodriguez
DISCUSSION: Chairman Gerentine calls for further discussion, hearing none.
ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Bernardo, Gerentine, Gregorius, Harris, Maio, Maloney, Provenzano and Rodriguez.
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 8
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passes

MOTION NO. 5 Draft Resolution No. 251
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 Gregorius
MOTION SECONDED BY: Legislator Harris
DISCUSSION: Chairman Gerentine stated that the committee after a unanimous favorable vote would like to amend this resolution to include O'Connor and Davies for the purpose of analyzing the 2013 Executive Budget and to enter into a contract with the Legislature for the amount of \$67,000. **Amendment moved by Legislator Harris, seconded by Legislator Provenzano.** Passed unanimously.

On the Abstract. Chairman Gerentine recognized Sue Plonski for comment. Ms. Plonski stated that Contract Abstract will be amended to delete Abstract number L45-2, due to Bermac Home Aides Inc being purchased by Willcare Inc. Additionally, Mr. Crannell stated that Willcare will provide the service. **Chairman Gerentine** recognized a motion by **Legislator Gregorius** seconded by **Legislator Rodriguez** to delete Abstract number L45-2. Passed unanimously.
On the Resolution, Chairman Gerentine calls for a vote.

ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Bernardo, Gerentine, Gregorius, Harris, Maio, Maloney, Provenzano and Rodriguez.
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 8
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passes

MOTION NO. 6

Draft Resolution No. 252

TEXT OF MOTION: **RESOLVED**, Authorizing The Chairman Of The Ulster County Legislature To Execute An Agreement With Cape Pond, Inc. For A Permanent Easement Across Property Adjacent To County Road No. 56 - Department Of Public Works (Highways And Bridges).

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 Bernardo, Gerentine, Gregorius, Harris, Maio, Maloney, Provenzano and Rodriguez.
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 8
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passes

MOTION NO. 7

Draft Resolution No. 253

TEXT OF MOTION: **RESOLVED**, Authorizing The Chairman Of The Ulster County Legislature To Execute An Inter-Municipal Shared Services Agreement With Town Of Shandaken For Maintenance Of County Roads – Department Of Public Works (Highways And Bridges).

MOTION MADE BY: Legislator Rodriguez
MOTION SECONDED BY: Legislator Gregorius

DISCUSSION: Chairman Gerentine called for discussion, hearing none.

ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Bernardo, Gerentine, Gregorius, Harris, Maio, Maloney, Provenzano and Rodriguez.
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 8
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passes

MOTION NO. 8

Draft Resolution No. 254

TEXT OF MOTION:

RESOLVED, Declaring Various County-Owned Properties To Be Surplus Property And Authorizing The Sale Of Such Properties – Department Of Public Works, Buildings And Grounds Division.

MOTION MADE BY:

Legislator Provenzano

MOTION SECONDED BY:

Legislator Rodriguez

DISCUSSION:

Chairman Gerentine recognized **Legislator Maloney** who asked Mr. Hanson if the County Executive has any written agreement with the State regarding funding for the S.T.R.I.V.E initiative. Mr. Hanson stated that they currently have nothing official but a verbal commitment from the State budget office. **Legislator Maloney** further motions to offer an amendment to the proposed resolution exempting County funds be used for the project should the State not provide the funds. **Chairman Gerentine** advises **Legislator Maloney** to meet with Mr. Hanson regarding his amendment and agree on the appropriate language for the resolution.

Chairman Gerentine recognizes **Legislator Gregorius** who asked the outcome of including such language in which **Chairman Gerentine** responded the county tax payers would be responsible to make up the difference for the project. **Legislator Provenzano** further added that should the State not pay the County would then be responsible for 50% of the project cost. **Legislator Gregorius** supported **Legislator Maloney** concept of protecting the tax payers. **Legislator Provenzano** asked **Legislator Maloney** for clarification on the intent of his motion in which **Legislator Maloney** responded that the county tax payers not be held accountable for funds in which the State has verbally committed to. **Chairman Gerentine** asked Mr. Hanson if the State has issued a written or verbal statement of support in which Mr. Hanson responded verbal; however the County has submitted written Consolidated Funding Application (CFA) for State assistance. Mr. Hanson further stated that he is more than happy to work with the Legislature however he does not want to impede the process of the project. Mr. Hanson believes that the amendment would be more applicable to resolution number 261 that establishes the bond for the S.T.R.I.V.E. project in regards to the \$440,000 commitment from the State.

Legislator Maloney asked Mr. Hanson what is the \$500,000 from the Dyson Corporation going to be spent on? Mr. Hanson introduced Mr. Chris White as the new Deputy Director of Planning for an explanation of the use of funds. Mr. White explained that the \$500,000 from Dyson could be used for any aspect of the project. Mr. White further explained that he has earmarked the money from Dyson for moving expenses based on current funding requirements and further stated that the \$440,000 in resolution number 261 is to be used for architectural and environmental survey for the project otherwise known as phase one. Mr. White further stated that he has heard positive feedback from the Governors Office regarding the CFA funding for the project however the decision has not been finalized. Mr. White concluded that the \$440,000 currently at no risk to the tax payers, the money from SUNY and the Dyson Corporation will cover this amount for the initial phase. **Chairman Gerentine** asked Mr. White if there are any limitations on what the money donated by the Dyson could be used for; to which Mr. White responded none that he is aware of at this time.

Chairman Gerentine recognized **Legislator Rodriguez** who stated that perhaps **Legislator Maloney's** amendment be addressed in Resolution number 261 as opposed to this one. **Legislator Maloney** stated that he would like to speak with Mr. Hanson regarding the resolution but does fully support the project.

Chairman Gerentine asked **Legislator Maloney** if he would like to make his amendment to resolution number 261 as opposed to this one in which **Legislator Maloney** agreed.

ROLL CALL VOTE:

No

VOTING IN FAVOR:

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

VOTING AGAINST:

None

NO. OF VOTES IN FAVOR:

8

NO. OF VOTES AGAINST:

0

DISPOSITION: Motion Passes

MOTION NO. 9 Draft Resolution No. 255

TEXT OF MOTION: RESOLVED, Accepting The Accounting Of Unpaid School Taxes For The 2012-2013 School Year, Directing Payment To The School Districts And Directing Re-Levying Pursuant To Real Property Tax Law – Department Of Finance.

MOTION MADE BY: Legislator Rodriguez
MOTION SECONDED BY: Legislator Provenzano

DISCUSSION: Chairman Gerentine called for discussion, hearing none.

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

VOTING AGAINST: None

NO. OF VOTES IN FAVOR: 8

NO. OF VOTES AGAINST: 0

DISPOSITION: Motion Passes

MOTION NO. 10 Draft Resolution No. 257

TEXT OF MOTION: RESOLVED, Authorizing The Chairman Of The Ulster County Legislature To Execute An Amendment To The License Agreement With Tonche Association, Inc. For The Operation Of An Emergency Communications Tower – Department Of Emergency Communications/Emergency Management

MOTION MADE BY: Legislator Provenzano
MOTION SECONDED BY: Legislator Rodriguez

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

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

VOTING AGAINST: None

NO. OF VOTES IN FAVOR: 8

NO. OF VOTES AGAINST: 0

DISPOSITION: Motion Passes

MOTION NO. 11 Draft Resolution No. 258

TEXT OF MOTION: RESOLVED, Authorizing The Chairman Of The Ulster County Legislature To Execute an Agreement With The New York State Division Of Homeland Security And Emergency Services For The FY12 State Homeland Security Program - Amending the 2012 Ulster County Budget – Emergency Communications/Emergency Management And Sheriff.

DISCUSSION: Chairman Gerentine motioned for a vote to table this resolution until next week.

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

VOTING AGAINST: None

NO. OF VOTES IN FAVOR: 8

NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passes / Tabled until next meeting

MOTION NO. 12 Draft Resolution No. 259

TEXT OF MOTION: **RESOLVED**, Declaring The President's Residence of Ulster County Community College Located At 3312 Route 209, Stone Ridge, NY 12484 To Be Surplus County-Owned Real Property And Approving Its Sale Or Other Disposal – Ulster County Community College

MOTION MADE BY: Legislator Harris
MOTION SECONDED BY: Legislator Rodriguez

DISCUSSION: **Chairman Gerentine** recognized **Legislator Bernardo** who stated that she has been in contact with Marbletown officials who support the sale however are concerned about receiving their share of the tax from the sale. **Chairman Gerentine** called for further discussion, hearing none.

ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Bernardo, Gerentine, Gregorius, Harris, Maio, Maloney, Provenzano and Rodriguez.
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 8
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passes

MOTION NO.13 Draft Resolution No. 260

TEXT OF MOTION: **RESOLVED**, Authorizing The County Executive To Execute An Agreement With The Dyson Foundation, Accepting A Contribution To Be Utilized For The Implementation Of The STRIVE Project, Providing Funding For The Re-Location Of County Departments And The Renovation Of Sophie Finn Elementary School For Use As A Satellite Campus Of Ulster County Community College.

MOTION MADE BY: Legislator Provenzano
MOTION SECONDED BY: Legislator Rodriguez

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

ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Bernardo, Gerentine, Gregorius, Harris, Maloney, Maio, Provenzano and Rodriguez.
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 8
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passes

MOTION NO. 14 Draft Resolution No. 261

TEXT OF MOTION: **RESOLVED**, Amending The 2012 – 2017 Capital Program To Establish Capital Project No. 370 – Implementation Of The STRIVE Project, UCCC Renovation Of Sophie Finn Elementary School And Re-Location of Various County Departments. **BOND Resolution Required.**

MOTION MADE BY: Legislator Gregorius
MOTION SECONDED BY: Legislator Maloney

DISCUSSION: Chairman Gerentine motioned for a vote to table this resolution until next week.

ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Bernardo, Gerentine, Gregorius, Harris, Maloney, Maio, Provenzano and Rodriguez.
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 8
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passes / Tabled until next meeting

MOTION NO. 15 Draft Resolution No. 263

TEXT OF MOTION: RESOLVED, Amending The 2012 Ulster County Budget To Accept Additional Funding From New York State Office Of Mental Health – Department Of Mental Health.

MOTION MADE BY: Legislator Provenzano
MOTION SECONDED BY: Legislator Gregorius

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

ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Bernardo, Gerentine, Gregorius, Harris, Maloney, Maio, Provenzano and Rodriguez.
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 8
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passes

MOTION NO. 16 Draft Resolution No. 264

TEXT OF MOTION: RESOLVED, Amending The 2012 Ulster County Budget – Accepting Additional New York State Aid And Appropriating Funds For The Provision Of Additional Supportive Housing Services – Department Of Mental Health.

MOTION MADE BY: Legislator Rodriguez
MOTION SECONDED BY: Legislator Harris

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

ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Bernardo, Gerentine, Gregorius, Harris, Maloney, Maio, Provenzano and Rodriguez.
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 8
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passes

MOTION NO. 17 Draft Resolution No. 265

TEXT OF MOTION: RESOLVED, Authorizing The Chairman Of The Ulster County Legislature To Execute An Agreement With The Town of Saugerties For The Use Of Clinic Space At The Kiwanis Ice Arena For The WIC (Women, Infants and Children) Program – Department of Health

MOTION MADE BY: Legislator Provenzano

MOTION SECONDED BY: Legislator Harris

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

ROLL CALL VOTE: No

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

VOTING AGAINST: None

NO. OF VOTES IN FAVOR: 8

NO. OF VOTES AGAINST: 0

DISPOSITION: Motion Passes

MOTION NO. 18 Draft Resolution No. 268

TEXT OF MOTION: **RESOLVED**, Resolution Replacing Resolution No. 213, To Authorize Acceptance of Federal or State Aid In Section 2, Which Authorized 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 \$680,000.00 And Authorizing The Issuance Of An Aggregate \$680,000.00 Bonds Of Said County To Pay The Cost Thereof.

MOTION MADE BY: Legislator Harris

MOTION SECONDED BY: Legislator Gregorius

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

ROLL CALL VOTE: No

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

VOTING AGAINST: None

NO. OF VOTES IN FAVOR: 8

NO. OF VOTES AGAINST: 0

DISPOSITION: Motion Passes

MOTION NO. 19 Draft Resolution No. 270

TEXT OF MOTION: **RESOLVED**, Authorizing The Chairman Of The Ulster County Legislature to Enter Into A Lease Agreement With Pine Professional Center, LLC For Office Space To Be Used By The Ulster County Probation Department – Department Of Public Works (Buildings and Grounds).

MOTION MADE BY: Legislator Rodriguez

MOTION SECONDED BY: Legislator Provenzano

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

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

VOTING AGAINST: None

NO. OF VOTES IN FAVOR: 8

NO. OF VOTES AGAINST: 0

DISPOSITION: Motion Passes

MOTION NO. 20

Draft Resolution No. 271

TEXT OF MOTION:

RESOLVED, Requesting Appropriation Of Funds From The Forfeiture Account For The Office Of The District Attorney - Amending The 2012 Ulster County Budget— Ulster County District Attorney's Office.

MOTION MADE BY:

Legislator Gregorius

MOTION SECONDED BY:

Legislator Harris

DISCUSSION:

Chairman Gerentine called for further discussion, hearing none.

ROLL CALL VOTE:

No

VOTING IN FAVOR:

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

VOTING AGAINST:

None

NO. OF VOTES IN FAVOR:

8

NO. OF VOTES AGAINST:

0

DISPOSITION:

Motion Passes

III. MISCELLANEOUS DISCUSSION:

Chairman Gerentine addressed the locations of the Public Hearings concerning the 2013 Proposed Budget and the Ways and Means Committee meetings with Departments and Agencies to submit appeals and amendments.

Chairman Gerentine called for discussion regarding the 2011 Financial Report issued by Toski & Co, hearing none.

- **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 5:35 PM.**
-

Dated the 9th day of October, 2012

Franklin R. Reggero, Legislative Staff

Minutes Approved On: November 7, 2012

Ways & Means Committee

Regular Meeting Minutes

DATE & TIME: October 16, 2012 5:15 PM
LOCATION: Karen L. Binder Library, Sixth Floor, County Office Building
PRESIDING OFFICER: Richard Gerentine, Chairman
LEGISLATIVE STAFF: Franklin R. Reggero
PRESENT: Legislators Bernardo, Gerentine, Gregorius, Harris, Maio (5:10), Maloney, Provenzano and Rodriguez.
ABSENT: None
QUORUM PRESENT: Yes
OTHER ATTENDEES: Legislators Bartels and Wishnick; Langdon Chapman, Legislative Counsel; Sandy Mathes, Leg. Budget Director; Elliot Auerbach, Comptroller; Ken Crannell, Deputy County Executive; Burt Gulnick, Finance; James Hanson, Budget Director, Sue Plonski, County Attorney Office; Roland Bloomer, County Attorney Office; Joe Whittaker, Highway and Bridges; Chris White, Deputy Director Planning.

- **Chairman Gerentine called the meeting to order at 5:20 PM.**
-

I. MOTIONS:

MOTION NO. 1 Draft Resolution No. 251 (Amended Abstract)

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 Rodriguez

MOTION SECONDED BY: Legislator Gregorius

DISCUSSION: **Chairman Gerentine** clarified the deleted and added contract numbers and recognized Legislator Gregorius for comment on L45-25, O'Connor Davies. **Legislator Gregorius** stated that the contract amount is for a two year period which he was not aware of. **Chairman Gerentine** stated that the contract should be for one year with an option for two additional years. Counsel Chapman stated that the contract does have a cancellation clause should the Legislature decide not to accept the terms. **Legislator Provenzano** stated that is no the agreement that was voted on, only for the 2013 budget.

Chairman Gerentine asked Ms. Plonski the options for retaining O'Connor Davies for a second and third year with only one year total amount on contract. Ms. Plonski stated that it is possible to write a clause that enables the Legislature to enter into an agreement with the firm for one year with an option for a second and third year. **Legislator Harris** stated that the amendment should state that the Firm is hired for the current at \$67,000 with the option for additional years at the same price, agreed to by Legislator Provenzano.

Chairman Gerentine recognized **Legislator Gregorius** who stated that his motion to amend the abstract is an added statement that the Legislature has the option for an additional two years at the said price of the contract if agreed upon by the full Legislature. Motion seconded by **Legislator Harris**. **Chairman Gerentine** called for further discussion, hearing none; called for a vote on the amendment, all in favor unanimously.

Chairman Gerentine called for discussion on the remaining amended contracts, hearing none;

ROLL CALL VOTE: No

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

VOTING AGAINST: None

NO. OF VOTES IN FAVOR: 8
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passes

MOTION NO. 3 **Draft Resolution No. 252**

TEXT OF MOTION: **RESOLVED**, Authorizing The Chairman Of The Ulster County Legislature To Execute An Agreement With Cape Pond, Inc. For A Permanent Easement Across Property Adjacent To County Road No. 56 - Department Of Public Works (Highways And Bridges).

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

DISCUSSION: **Chairman Gerentine** recognized **Legislator Harris** who stated that as President of the Cape Pond Inc. his board has not had the opportunity to approve this action, therefore **Legislator Harris** requests that this Resolution be held until such a time where the board can meet and approve. **Legislator Harris** further stated that he will be abstaining from this vote based on his presence on the Board.

Chairman Gerentine asked Mr. Hanson what the repercussions would be if the Committee postponed its approval on the resolution, to which Mr. Hanson replied that the work would be delayed.

Chairman Gerentine asked Counsel Chapman for legal opinion who stated that he will amend the Resolution to read that this be granted upon approval from the Cape Pond Corporation. **Chairman Gerentine** called for further debate, hearing none;

ROLL CALL VOTE: **No**
VOTING IN FAVOR: **Legislators Bernardo, Gerentine, Gregorius, Maio, Maloney, Provenzano and Rodriguez; with one abstention Legislator Harris.**
VOTING AGAINST: **None**
NO. OF VOTES IN FAVOR: **7**
NO. OF VOTES AGAINST: **0**
DISPOSITION: **Motion Passes**

MOTION NO. 4 **Draft Resolution No. 258**

TEXT OF MOTION: **RESOLVED**, Authorizing The Chairman Of The Ulster County Legislature To Execute an Agreement With The New York State Division Of Homeland Security And Emergency Services For The FY12 State Homeland Security Program - Amending the 2012 Ulster County Budget – Emergency Communications/Emergency Management And Sheriff.

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

DISCUSSION: **Chairman Gerentine** recognized **Legislator Gregorius** who asked for clarification on the distribution of funds from the Department of Homeland Security. Mr. Hanson responded stating that after a conversation with the Sheriffs Department he is satisfied with the manner in which the funds are distributed. **Chairman Gerentine** called for further discussion, hearing none;

ROLL CALL VOTE: **No**
VOTING IN FAVOR: **Legislators Bernardo, Gerentine, Gregorius, Harris, Maio, Maloney, Provenzano and Rodriguez.**
VOTING AGAINST: **None**
NO. OF VOTES IN FAVOR: **8**

NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passes

MOTION NO. 5 Draft Resolution No. 261

TEXT OF MOTION: **RESOLVED**, Amending The 2012 – 2017 Capital Program To Establish Capital Project No. 370 – Implementation Of The STRIVE Project, UCCC Renovation Of Sophie Finn Elementary School And Re-Location of Various County Departments. **BOND Resolution Required.**

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

DISCUSSION: **Chairman Gerentine** recognized **Legislator Maio** who asked for Legislative Counsel Chapman opinion on the resolution. Counsel Chapman stated the change to resolution is legally sound however questioned the intent of change, to which **Legislator Maio** asked for clarification on the reimbursement of the Bond should the State not provide the promised amount. **Chairman Gerentine** asked Mr. Hanson for the total amount of what is being Bonded in this resolution, to which Mr. Hanson stated \$440,000. **Chairman Gerentine** stated that this bond is specifically for the engineering study, environmental study and legal fees, the Chairman further stated that the remaining funding of \$4.2 million to complete S.T.R.I.V.E. project will have to come to the Legislature as well. **Legislator Provenzano** stated that the Committee should be considering this resolution based on the fact that the State may not come through with the verbally promised funds and further stated that you either support the project or not regardless of where the final funding comes from.

Chairman Gerentine recognized **Legislator Rodriguez** who asked if the additional money received by the Dyson Corporation could be used to help cover the County share should the State not funds not come through. **Chairman Gerentine** stated that is not the case and the funds donated to the County for this project from the Dyson Corporation are included in the total cost, not the County share. **Chairman Gerentine** recognized Mr. White, Deputy Director of Planning who stated that the contract with Dyson states that the grant is contingent on the County receiving additional funds to complete the project, which is contrary to what he had said earlier, therefore clarifying the conditions of the Dyson grant.

Chairman Gerentine recognized **Legislator Maloney** who stated that he had the opportunity to sit down with Mr. Hanson and work out the details of funding in this bond and is satisfied with the way in which it is presented.

Chairman Gerentine recognized **Legislator Bartels** who stated that she supports the S.T.R.I.V.E. project and the resolution however requests that in the future changes made to proposed resolutions be tracked and printed so that Legislators are aware of the substantive change. **Chairman Gerentine** stated that he talk to the Clerk of the Legislature to determine how changes are tracked.

Chairman Gerentine recognized **Legislator Provenzano** stated that the money in this resolution in 100% reimbursable by State aid to which **Chairman Gerentine** stated that is not the case, if the State does not come through. **Chairman Gerentine** stated that the Legislature must be prepared to be responsible to cover the entire cost of the project should any of the funding sources fail to come, further restating that the Legislature either support or reject the project. **Chairman Gerentine** called for further discussion, hearing none;

ROLL CALL VOTE: **No**
VOTING IN FAVOR: **Legislators Bernardo, Gerentine, Gregorius, Harris, Maio, Maloney, Provenzano and Rodriguez.**
VOTING AGAINST: **None**
NO. OF VOTES IN FAVOR: **8**
NO. OF VOTES AGAINST: **0**
DISPOSITION: **Motion Passes**

III. MISCELLANEOUS DISCUSSION: Three year Proposed Safety Net County Takeover

Chairman Gerentine addressed the County Executive's plan to take over Safety Net costs for the County and distributed the three year plan as received by the County Executive.

Chairman Gerentine addressed the budgetary analysis process and schedule with the Ways and Means Committee and further called for discussion, hearing none, moved to adjourn.

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- **There being no further business before the Committee, a motion was made by Legislator Rodriguez seconded by Legislator Provenzano and carried to adjourn the meeting at 5:40 PM.**
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Dated the 16th day of October, 2012
Franklin R. Reggero, Legislative Staff
Minutes Approved On: November 7, 2012