

Economic Development, Tourism, Housing, Planning & Transit Committee

Regular Meeting Minutes

DATE & TIME: May 5, 2015, 6:00 PM
LOCATION: Legislative Chambers, 6th Floor, COB, Kingston, NY
PRESIDING OFFICER: Chairman Thomas J. Briggs
LEGISLATIVE STAFF: Krista J. Barringer, Deputy Clerk
PRESENT: Legislators Chris Allen, Lynn Archer, Tracey Bartels, Herbert Litts, III (arrived 6:05 PM), Mary Beth Maio, and James Maloney (arrived 6:07 PM)
EXCUSED: None
QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislative Vice Chairman David Donaldson; Majority Leader Donald Gregorius; Legislators Jeanette Provenzano, Carl Belfiglio, and Manna Jo Greene; Legislative Counsel Cappy Weiner; Legislative Minority Counsel Erica Guerin; Deputy County Executive Ken Crannell; County Attorney Representative Tracey Steeves; Town of Shokan Resident Thomas Kadgen; Department of Planning Director Dennis Doyle and Deputy Director Chris White; Ulster County Trails Advisory Committee Representatives Kathy Nolan and Kevin Smith; City of Kingston Complete Streets Committee Member John Grossbohlin; Hudson Valley Building Trades 825 Representative Michael Ham; Taxpayer Nick Mercurio; Taxpaying Cyclist Senior Stuart Auchincloss; Bicyclist Senior Irwin Rosenthal; Woodstock Land Conservancy Representatives Grace Murphy and Marita Lopez-Mena; Friends of Catskill Mountain Rail Trail Representatives Joan Reynolds and Megan Reynolds; Kingston Land Trust and Ulster County Board of Realtors Representative Andi Turco-Levin; Residents William Sheldon and Meg Carey; YMCA Representative Tom Polk; and Kingston Resident Hayes Clement

Chairman Briggs called the meeting to order at 6:02 PM.

Motion No. 1 **RESOLVED to Approve the Minutes of April 7, 2015**

Motion Made By: Legislator Archer

Motion Seconded By: Legislator Allen

Discussion: None

Roll Call Vote: No

Voting In Favor: Legislators Allen, Archer, Bartels, Briggs, and Maio

Voting Against: None

No. of Votes in Favor: 5
No. of Votes Against: 0
Disposition: Carried

Chairman Briggs noted the need to move the meeting to the Chambers due to the large number of attendees and requested Committee members to speak up during discussions.

Motion No. 2 Resolution No. 136 – May 19, 2015

Motion Made By: Legislator Maio for discussion

Motion Seconded By: Legislator Allen

Text of Motion: **Resolved to approve Resolution No. 136** - Supporting The Placement Of Video Lottery Terminals At The Nevele Grande Hotel And Country Club In The Town Of Wawarsing

Resolution No. 136 Summary: This Resolution supports the placement of Video Lottery Terminals at the Nevele Grande Hotel and Country Club in the Town of Wawarsing and encourages the advancement of legislation in the New York Legislature that would approve Video Lottery Terminals at the Nevele Grande Hotel and Country Club. The Resolution requests that the New York State Division of the Lottery place Video Lottery Terminals at the Nevele Grande Hotel and Country Club, in the Town of Wawarsing and directs the Clerk of the Ulster County Legislature to forward copies of this resolution to Governor Andrew M. Cuomo, Senate Majority Leader Dean Skelos, New York State Assembly Speaker Carl Heastie, New York State Senator John Bonacic, Assemblywoman Claudia Tenney, the Town of Wawarsing Town Board and the New York State Division of the Lottery.

Discussion:

Legislator Maio asked if Mr. Treanor was in attendance. Chairman Briggs replied he was not. Legislator Archer asked if there was legislation pending in the State Legislature. Chairman Briggs stated they were still working on the State legislation. Legislator Archer suggested postponing the resolution until the State legislation has been submitted. Chairman Briggs noted he had spoken to Mr. Treanor and that Mr. Treanor indicated he was working to place things in motion.

Legislator Maio withdrew her motion and motioned to postpone Resolution No. 138. Legislator Allen seconded.

Voting In Favor of postponing: Legislators Allen, Archer, Bartels, Briggs, Litts, Maio, and Maloney
Voting Against postponing: None
No. of Votes in Favor of postponing: 7
No. of Votes Against postponing: 0
Disposition: Resolution Postponed

Motion No. 3 Resolution No. 187 – May 19, 2015

Motion Made By: Legislator Archer for discussion

Motion Seconded By: Legislator Maio

Text of Motion: **Resolved to approve Resolution No. 187** - Authorizing The County Executive To Execute An Agreement With The City Of New York To Accept Grant Funding For And Facilitate Creation Of A Public Recreational Trail Along The Ashokan Reservoir

Resolution No. 187 Summary: This Resolution authorizes the County Executive to execute an agreement, and any amendments thereto, with the City of New York to facilitate and provide significant funding and other support for a public rail trail along the Ashokan Reservoir, in the form as filed with the Clerk of the Ulster County Legislature or as modified with the approval of the County Attorney.

Discussion:

Legislator Archer felt the Committee did not have sufficient time to review the memorandum of agreement. She noted the agreement had been in the works since December. She asked Legislative Counsel if they had any discussions regarding the agreement or updates to the statutes. Legislative Counsel Weiner replied the Legislative Counsel received the agreement Monday of last week via an email from County Attorney Havranek and Legislative Clerk Fabella. Legislator Archer felt the memorandum was a very important agreement and deserved it's due process for the Legislature to feel comfortable voting on it.

Vice Chairman Donaldson stated he reviewed the memorandum of agreement and had several questions that he would like to have Legislative Counsel look at. He felt the newly created Corridor Committee should be allowed to do it's work.

Majority Leader Gregorius stated it was a short time that the County received the DEP agreement. He stated he had a couple of questions as there was a lot of information to be reviewed in a very expedient manner. He concurred with Legislator Archer that the Legislature needed to know what the agreement is doing. He understood the need to wait and the counter balance liability of the City's budget affecting the timing of other things, such as the risk of lost funding.

Chairman Briggs asked the County Attorney about the NYC funding stream ending June 30, 2015. County Attorney Havranek confirmed the NYC fiscal year ended June 30, 2015. She stated they began negotiating the contract with NYC in August 2014 with

monthly meetings with the NYC DEP attorneys. She stated their last meeting was in January 2015. She noted there was nothing in the agreement that would legally prevent the County from adopting the agreement. She noted she discussed language concerns with Legislative Minority Counsel Guerin and she ran these concerns by the NYC attorney today. She stated they indicated they did not see any issues with the suggested changes. She stated the money and agreement is for the planning process and not construction. She stated there would be additional agreements coming before the Legislature in the future as they move along in phases.

Legislator Bartels stated she was inclined to agree with Legislator Archer. She stated while NYC had the agreement since January 2015 and began the negotiations in December 2013, the Legislature had just received the agreement a week and a half ago. She felt characterizing due diligence as comfort or care was not accurate or fair. She noted the County Attorney is reporting the memorandum of agreement is for planning but stated the document states it is for planning, design and construction. She felt it was not about artificially holding things off or dragging their feet. She noted the example of enacting the Energy Improvement Corporation which took more than 15 months from inception to signature. She stated it took time to do due diligence. She stated she was not suggesting this would take 15 months but felt it was unreasonable to expect movement in two weeks.

Legislator Litts offered a suggestion to the County Attorney that if the process started in August of 2014 with an expectation that at some point there would be an enactment by the Legislature, that in the future the Legislature be informed of the meetings and brought on board earlier on in the process. He indicated the difficulties with the last minute decision making. He stated there would be more projects like this in the future. County Attorney Havranek noted the NYC legal process and the County's wait for the final product to complete the NYC legal process. Legislator Litts noted this project was budgeted by NYC a year ago and both the County and NYC DEP knew about it a year ago. He reiterated there was a \$2.5 million in a NYC budget line a year ago.

Legislator Archer concurred the funding had already been through two NYC budget cycles and requested there be the same respect for the check and balance process of the County Legislature. She felt the availability of funds should not override good Legislative oversight on an important matter.

Legislator Donaldson concurred with Legislator Archer and stated the money would not disappear and that the DEP would do virtually anything to get rid of the railroad right of way. He noted the County was awarded \$2 million by the New York State Environmental Protection Fund back in 2013 for the rail trail and that they were not able to draw on those funds as that memorandum of agreement the County would have to initiate a public planning process. He noted that grant award was 2604E-03.

Legislative Counsel Weiner stated she met last Thursday with the County Attorney's office, at which time questions were raised. He stated he had not been contacted since then. He stated questions included general construction questions, construction contracting questions, language questions and bigger issue questions. He stated a letter was received from the County Executive a couple of weeks ago that pointed out what happens when the Legislature does not pay attention to specific words in resolutions and contracts. He felt for the Legislature to do its fiduciary duty to which it is charged, the draft resolution and other documents have to be vetted. He stated there were lots of questions including the bigger question, to which he had not received a response to, of who signs the agreement. County Attorney Havranek stated she had just received confirmation from the DEP that they will require the County Executive and the Chairman to sign the agreement. Minority Counsel Guerin stated she had confirmed the Chairman would need to be a signatory with Assistant County Attorney Tracey Steeves and the resolution would need to be amended.

Legislator Allen stated he received a communication from the DEP on April 20, 2015. He noted the distinction between a part time legislative body and a full time NYC administration. He asked Department of Planning Deputy Director White what the maintenance costs would be for the trail. Chairman Briggs asked how that question pertained to the memorandum of agreement being discussed. Legislator Allen replied it did. Vice Chairman Donaldson stated there was a question at the end of the Q&A document that discusses maintenance. Department of Planning Deputy Director White responded that maintenance would be the responsibility of the County under the inter-governmental agreement. He noted trail groups, such as NYNJ Trail Conference and Catskill Mountainkeeper, have offered commitments to maintain the trail and defer costs from the County. He noted the County would take care of the drainage issue and making the trail sturdy and in good shape when they would enter into agreements with the trail organizations to continue the basic maintenance of picking up litter and tree removal in the fall.

Legislator Allen asked in regards to 11.5 mile stretch of rail road, with the Catskill Mountain Railroad having the lease active through 2016, when could the construction start. Department of Planning Deputy Director White replied the construction would not start before the lease ended. He stated the project planning and design process would come back to the Legislature at least 5-6 times. He stated they did not expect to have a shovel in the ground until the Fall of 2016.

Minority Leader Ronk stated he echoed the comments of Legislator Archer and Legislator Bartels. He felt due diligence does mean feeling comfortable and did not think that was a bad thing. He felt making sure all the I's were dotted and T's were crossed is more important than rushing it. He stated County Attorney Havranek brought up the

meetings with Legislative Counsel last week and questions were raised by Minority Counsel. He noted the answers to these questions were not available tonight as they were still being ironed out. He stated there needed to be changes to the agreement including consistent language throughout the document, adding the Chairman signatory, as well as changes to the agreement made in the continual negotiation with the DEP. He felt to pass the resolution at this time would be pre-mature.

Legislator Archer felt there was an inability to express concerns such as an increase to the cost of insurance coverage. She noted every other trail has an easement in perpetuity and she was unclear what the 120-day clause really meant. She reiterated the request for respect to the Legislature to see through this process. **Legislator Archer motioned to postpone the Resolution.**

Legislator Provenzano asked about the Committee's process to review the memorandum of agreement. Chairman Briggs replied the Committee would make that decision if they decided to postpone the Resolution. Legislator Archer recommended the U&D Corridor Committee, a group of nine Legislators, convene with the first order of business to review the memorandum of agreement with the attorneys.

Vice Chairman Donaldson noted there were a set of questions to which he was seeking answers, such as no high speed bikes would be using the trail as there would be no blacktop.

Legislator Belfiglio clarified the suggestion of bringing the resolution to the U&D Corridor Committee would result in the U&D Corridor Committee voting on the Resolution or just bringing back to the Economic Development, Tourism, Housing, Planning, and Transit Committee. Legislator Litts noted as the U&D Corridor Committee was not a Standing Committee, it would have to be recommendations.

Legislator Maloney stated he was torn. He noted with the Niagara Bottling pulling out and now the was \$2.5 on the table with a number of press releases announcing this agreement with funding available. He felt a delay would say the County did not want the jobs, did not want the tourism. He noted there were typos in the agreement and questions that needed to be answered. Minority Leader Ronk replied he did not think there were any Legislators that did not support the idea behind the project and no one in the room that didn't know that there was going to be an idea brought forward about the project. He stated the point was that they had an agreement before them that they had for seven days. He noted the County Executive has ten days to sign or veto a resolution and thirty days to sign or veto a local law. He noted the County Executive had longer to review the Legislature's local laws than he would like the Legislature to have before signing this agreement. He stated this was the Legislature's chance to do it's due diligence and not leave money on the table. He noted the June Legislative meeting was held before the end

of City’s fiscal year. He spoke of the innuendo of money being in jeopardy and that the County “may” lose the money.

Legislator Bartels seconded the motion to postpone.

Roll Call Vote: No
Voting In Favor: Legislators Archer, Bartels, Litts
Voting Against: Legislators Allen, Briggs, Maio, and Maloney
No. of Votes in Favor: 3
No. of Votes Against: 4
Disposition: Motion to postpone defeated.

Legislator Litts explained his vote.

Roll Call Vote: No
Voting In Favor: Legislators Allen, Briggs, Litts, Maio, and Maloney
Voting Against: Legislators Archer and Bartels
No. of Votes in Favor: 5
No. of Votes Against: 2
Disposition: Carried

Chairman Briggs noted the Committee’s desire for a special meeting for more information. Legislator Archer noted whenever there was difficult decision that required additional information or more questions, the practice has been to try to jam it in to a half hour meeting. She concurred with the need for a special meeting to get the information as needed.

Committee agreed to meet Thursday, May 14, 2015 at 6:15 PM.

Legislator Litts requested, through the Chairman, that Counsel be present for the meeting on the 14th.

Motion No. 4 Resolution No. 188 – May 19, 2015

Motion Made By: Legislator Maio

Motion Seconded By: Legislator Allen

Text of Motion: **Resolved to approve Resolution No. 188** - Appropriating Funds From Bus Advertising On Buses - Amending The 2015 Ulster County Budget – Department Of Public Transportation (UCAT)

Resolution No. 188 Summary: This Resolution amends the 2015 Ulster County Budget by increasing Appropriation #AA.5630.5901-4000.4005 [Auto (Bus) Parts] by \$3,750.00 and Revenue #AA.5630.5901-3120.1789 [Bus Advertising Revenue] by \$3,750.00.

Discussion: None

Roll Call Vote: No

Voting In Favor: Legislators Allen, Archer, Bartels, Briggs, Litts, Maio, and Maloney

Voting Against: None

No. of Votes in Favor: 7

No. of Votes Against: 0

Disposition: Carried

Motion No. 5 **Resolution No. 189 – May 19, 2015**

Motion Made By: Legislator Maio

Motion Seconded By: Legislator Archer

Text of Motion: **Resolved to approve Resolution No. 189** - Authorizing The Chairman Of The Ulster County Legislature To Enter Into An Inter-Municipal For Computer Skills Education At The Ulster Works OneStop Center With Ulster County Board Of Cooperative Educational Services (BOCES) - Department of Employment And Training

Resolution No. 189 Summary: This Resolution authorizes the Chairman of the Ulster County Legislature to execute an Inter-Municipal Agreement, with any amendments thereto, with Ulster County BOCES in the amount of \$11,520.00, to provide computer skills education to customers of the Ulster Works OneStop Center for the period beginning July 1, 2015 and ending June 30, 2016, in the form as filed with the Clerk of the Ulster County Legislature or modified with the approval of the County Attorney.

Discussion:

Legislator Litts noted the need for an amendment to the contract as it states it is starting July 1, 2015 and ending June 30, 2015.

Roll Call Vote: No

Voting In Favor: Legislators Allen, Archer, Bartels, Briggs, Litts, Maio, and Maloney

Voting Against: None

No. of Votes in Favor: 7

No. of Votes Against: 0

Disposition: Carried

Motion No. 6 **Resolution No. 190 – May 19, 2015**

Motion Made By: Legislator Maloney

Motion Seconded By: Legislator Litts

Text of Motion: **Resolved to approve Resolution No. 190** - Scheduling A Public Hearing On The Addition Of Lands To Agricultural Districts, As Required By New York State Agriculture and Markets Law – Department Of Planning

Resolution No. 190 Summary: This Resolution directs the Clerk of the Ulster County Legislature to shall act in accordance with NYS Agriculture and Markets Law Section 303-b and cause a legal notice of said Public Hearing to be published, and provide a copy of the hearing notice in writing, to all municipalities that have lands proposed for inclusion in Agricultural Districts. The Resolution directs the Public Hearing to be held on June 16, 2015 at 7:15 PM, or as soon thereafter as the public can be heard, in the Legislative Chambers, Ulster County Office Building, 244 Fair Street, Kingston, New York.

Discussion: None

Roll Call Vote: No

Voting In Favor: Legislators Allen, Archer, Bartels, Briggs, Litts, Maio, and Maloney

Voting Against: None

No. of Votes in Favor: 7

No. of Votes Against: 0

Disposition: Carried

Motion No. 7 **Resolution No. 191 – May 19, 2015**

Motion Made By: Legislator Maio

Motion Seconded By: Legislator Archer

Text of Motion: **Resolved to approve Resolution No. 191** - Re-appointing Member and Alternate To The Ulster County Planning Board – Town Of Marbletown

Resolution No. 191 Summary: This Resolution states the Ulster County Legislature finds the Kristopher Lovelett of Stone Ridge, NY meets the training requirements for re-appointment to the Ulster County Planning Board and hereby re-appoints Kristopher Lovelett as a member to the Ulster County Planning Board representing the Town of Marbletown for a term to commence presently and end December 31, 2018.

The Resolution further states the Ulster County Legislature finds Sylvia Ricci of High Falls, NY meets the training requirements for re-appointment to the Ulster County Planning Board and hereby re-appoints Sylvia Ricci as an alternate to the Ulster County Planning Board representing the Town of Marbletown for a term to commence presently and end December 31, 2018.

Discussion: None

Roll Call Vote: No

Voting In Favor: Legislators Allen, Archer, Bartels, Briggs, Maio, and Maloney

Voting In Abstention: Legislator Litts

Voting Against: None

No. of Votes in Favor: 6

No. of Votes in Abstention: 1

No. of Votes Against: 0

Disposition: Carried

New Business: None

Old Business: None

Adjournment

Motion Made By: Legislator Litts

Motion Seconded By: Legislator Maio

No. of Votes in Favor: 7

No. of Votes Against: 0

TIME: 6:48 PM

Dated the 1st day of June, 2015

Krista J. Barringer, Deputy Clerk

Minutes Approved on: June 2, 2014