

# ULSTER COUNTY LEGISLATURE

TRACEY A. BARTELS, Chairwoman  
DAVID B. DONALDSON, Vice Chairman  
JONATHAN R. HEPPNER, Majority Leader  
KENNETH J. RONK, JR., Minority Leader  
VICTORIA A. FABELLA, Clerk



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## MINUTES

**AUGUST 13, 2019**

## PUBLIC HEARINGS

**6:05 PM**

**MEETING CALLED TO ORDER BY CHAIR: 6:12 PM**

**PLEDGE OF ALLEGIANCE TO THE FLAG:** Led by Vice Chairman David B. Donaldson.

**MOMENT OF SILENT MEDITATION:**

## ANNOUNCEMENTS

### **FIRE EVACUATION PLAN**

PLEASE NOTE THAT IN THE EVENT OF AN EMERGENCY THE FIRE DEPARTMENT HAS REQUESTED THAT LEGISLATORS AND ALL OTHERS MOVE AT LEAST ONE BLOCK AWAY FROM THE COUNTY OFFICE BUILDING IN ORDER NOT TO IMPEDE THE FIREFIGHTERS IN THEIR DUTIES

### **CELL PHONES**

Please silence cell phones for the duration of the Public Hearings.

**ROLL CALL:** Present: 16 Absent: 7 (Legislators Bartels, Collins, (Eckert arrived 6:18 PM), Haynes, Lopez, Maio, Joseph Maloney)

**6:13 PM - CALL OF THE 1st PUBLIC HEARING BY CLERK:**

On The Application For U.S. Department Of Housing Community Development Block Grant Funds (CDBG) Administered By The New York State Office Of Community Renewal – Minard Farms

**PUBLIC COMMENT:**

There was (1) speaker signed up for public comment.

1. Fred Demaio, Lloyd: Mr. Demaio, owner and 5<sup>th</sup> generation on the property of Minard Farms, shared his vision to automate and meet increased demands for cider production. Four positions will be added. He asked the Legislature to consider/support his application.

Motion by Minority Leader Ronk, second by Legislator Fabiano to adjourn the public hearing. All in favor.

Please Note: Complete content of the public comment period can be heard on the Ulster County Legislative Website.

**PUBLIC HEARING ADJOURNED: 6:18 PM**

**6:10 PM - CALL OF THE 2nd PUBLIC HEARING BY CLERK:**

On Proposed Local Law No. 3 Of 2019, A Local Law Amending Chapter 304, Article I Of The Code Of The County Of Ulster

**PUBLIC COMMENT:**

There were (2) speakers signed up for public comment.

1. Leeanne Thornton, Town of Saugerties Councilperson: Ms. Thornton spoke in support of amending Proposed Local Law No. 3 of 2019 regulations regarding trucking and the storing of construction debris affecting the community.

2. Paul Andreassen, Town of Saugerties Councilperson: Mr. Andreassen also spoke in support of amending Proposed Local Law No. 3 of 2019 regulations regarding trucking and the storing of construction debris effecting the community.

Motion by Legislator Herbert Litts, second by Majority Leader Heppner to adjourn the public hearing. All in favor.

Please Note: Complete content of the public comment period can be heard on the Ulster County Legislative Website.

**PUBLIC HEARING ADJOURNED: 6:23 PM**

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**6:23 PM - CALL OF THE 3rd PUBLIC HEARING BY CLERK:**

On Proposed Local Law No. 4 Of 2019, A Local Law Amending Local Law No. 2 of 2019, A Local Law Requiring Restaurants And Fast Food Service Establishments Provide Plastic Beverage Straws Solely Upon Request, To Include Plastic Stirrers, Plastic Cutlery And Condiment Packets

**PUBLIC COMMENT:**

There were no speakers signed up for public comment.

Motion by Legislator Herbert Litts, second by Minority Leader Ronk to adjourn the public hearing. All in favor.

**PUBLIC HEARING ADJOURNED: 6:24 PM**

**NEXT MEETING:**

The next Regular Meeting of the Ulster County Legislature will be held **Tuesday, August 20, 2019 at 7:00 PM** in the Legislative Chambers, Sixth Floor, Ulster County Office Building, 244 Fair Street, Kingston, New York.



**Riverkeeper Strongly Supports Proposed Local Law Number 4 of Ulster County**  
Testimony of Jeremy Cherson, Legislative Advocacy Manager  
August 13th, 2019

Riverkeeper strongly supports proposed local law number 4 of Ulster County, which would ensure stirrers, cutlery, and condiments are only offered to consumers upon specific request and support the increased adoption of these products made from biodegradable materials. Additional action on plastic pollution, beyond the recent implementation of the ban on single-use plastic bags and the straw by request law, is necessary to address the global plastic pollution crisis.

A recent report estimates that by 2050 the growing plastics industry will use between 10-13 percent of the global carbon budget (equivalent to over 615 five-hundred MW coal-fired powerplants), seriously threatening global efforts to combat climate change.<sup>1</sup>

Microplastics have been documented in waters and the bodies of marine life around the world, including here in New York. Studies have revealed concentrations as high as 578,333 microplastics per km<sup>2</sup> in parts of the Hudson.<sup>2</sup> To protect both human and environmental health, urgent action is needed to reduce the flow of plastic into our waterways.

Nationwide, straws and stirrers are among the top 10 most commonly found items at beach cleanups.<sup>3</sup> Data from our annual Riverkeeper Sweep on the Hudson and its tributaries mirror these national results. The average straw is used for only minutes or hours, but persists for centuries, breaking down into smaller microplastic particles that plague our waterways and act as magnets for industrial contaminants.<sup>4</sup>

Since they typically are not recyclable and are light enough to blow out of waste receptacles, the best opportunity for preventing plastic pollution from single-use plastic is to reduce their use. Proposed local law number 4 is a critical step in reducing the number of single-use items littering our streets and entering our waterways, and will ultimately protect the health of humans and ecosystems across Ulster County, New York State and the planet.

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<sup>1</sup> <https://www.ciel.org/wp-content/uploads/2019/05/Plastic-and-Climate-Executive-Summary-2019.pdf>

<sup>2</sup> [https://hudsonriverpark.org/assets/content/general/Microplastic\\_Short\\_Report\\_Final.pdf](https://hudsonriverpark.org/assets/content/general/Microplastic_Short_Report_Final.pdf)

<sup>3</sup> <https://oceanconservancy.org/wp-content/uploads/2018/07/Building-A-Clean-Swell.pdf>

<sup>4</sup> [http://publicfiles.surfrider.org/Plastics/Plastic\\_Straw\\_Program\\_Activist\\_Toolkit.pdf](http://publicfiles.surfrider.org/Plastics/Plastic_Straw_Program_Activist_Toolkit.pdf)

Contact Jeremy Cherson, Legislative Advocacy Manager, [jcherson@riverkeeper.org](mailto:jcherson@riverkeeper.org), 770-630-6790



**New York State**  
**COMMUNITY DEVELOPMENT**  
**BLOCK GRANT PROGRAM**

**Economic Development &**  
**Small Business Assistance**

**PROGRAM GUIDELINES**



**Homes and**  
**Community Renewal**

OFFICE OF COMMUNITY RENEWAL

ANDREW M. CUOMO, GOVERNOR  
RUTHANNE VISNAUSKAS, COMMISSIONER

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## **I. INTRODUCTION & BACKGROUND**

NYS Community Development Block Grant Program (NYS CDBG) is a federally-funded program that provides financial resources to assist in the development of viable communities by providing decent housing and a suitable living environment by expanding economic opportunities, principally for persons of low and moderate income. The Office of Community Renewal administers NYS CDBG funds for non-entitlement communities which are generally cities, towns and villages with populations under 50,000 and counties with populations under 200,000. There are approximately 1,300 eligible communities (units of local government) statewide.

New York State must ensure that not less than 70% of its CDBG funds are used for activities that benefit low-and moderate-income (LMI) persons (at or below 80% of median). This is achieved by granting maximum feasible priority to activities that meet one of the following federal National Objectives: benefit low- and moderate-income persons or families; or aid in the prevention or elimination of slums or blight; or meet an urgent community development need.

The NYS CDBG Economic Development programs achieve the National Objective by providing job and economic opportunities for persons from LMI families. NYS CDBG Economic Development programs provide funds to eligible local governments to assist qualifying businesses who undertake activities resulting in the creation or retention of job opportunities for persons from LMI families. Beginning May 1, 2015, the CDBG Economic Development and Small Business Assistance Applications will be available through an Open Round process in the Consolidated Funding Application (CFA) portal. Funding decisions are based, in part on the following: severity of need; public benefit; project or program feasibility; sustainability of activity outcomes; reasonableness of costs; consistency with the REDC's Strategic Plan; extent to which the activity complements other local, state, or federal programs; and public support for these locally-driven projects or programs.

## **II. ELIGIBLE APPLICANTS**

Eligible applicants are non-entitlement units of general local government (village, city, town or county), excluding metropolitan cities, urban counties and Indian Tribes that are designated entitlement communities. Non-entitlement areas are defined as cities, towns and villages with populations of less than 50,000, except those designated principal cities of Metropolitan Statistical Areas, and counties with populations of less than 200,000. The NYS CDBG program does not provide direct financial assistance to businesses.

Eligible applicants must apply on behalf of the business seeking NYS CDBG funds. The Office of Community Renewal (OCR) makes awards directly to the applicant community and does not provide direct financial assistance to businesses.

## **III. PROGRAM OBJECTIVE & FUNDING CATEGORIES**

Under the NYS CDBG Economic Development program there are two categories of funding activities:

1. Economic Development
2. Small Business

Economic Development and Small Business activities provide funds to local governments to support economic development projects that involve the creation or retention of permanent jobs, at least 51% of which must benefit LMI persons. In calculating employment opportunities to be used for determining the percentage of jobs that benefit LMI persons, the following applies:

- Part-time jobs must be converted to full-time equivalents (FTE). An FTE job is any combination of two or more part-time jobs that, when combined together, constitute the equivalent of a job of at least 40 hours per week.;
- Only permanent jobs count; temporary jobs may not be included;
- Seasonal jobs are considered to be permanent if the season is long enough for the job to be considered as the employee's principal occupation; and
- Jobs indirectly created or retained by an assisted activity are not eligible to be counted.

#### **IV. ELIGIBLE ACTIVITIES**

**1) Economic Development:** Funding is typically provided to eligible communities for traditional economic development activities such as business attraction, expansion, and retention projects to provide financial assistance to businesses for an identified CDBG eligible activity which will result in the creation or retention of permanent, private sector job opportunities principally for persons from low-and moderate-income families.

**2) Small Business Assistance:** Provides resources to eligible communities to foster small business development as a vehicle for sustainable economic development and growth while providing job opportunities for person from LMI families. For the purpose of this program, a small business is defined as a commercial enterprise that is independently owned, operated, and controlled, and has twenty-five (25) or fewer full-time equivalent employees at the time of application.

Eligible activities include providing assistance to businesses that are involved in sectors of manufacturing, warehousing and distribution, agri-business, high technology, research and development and traditional and innovative small business endeavors. Market driven businesses (i.e. restaurant, retail) will be considered when that business is an integral part of a community's revitalization efforts.

#### **V. ELIGIBLE USES OF FUNDS**

Eligible uses of NYS CDBG Economic Development funds include: acquisition of real property; financing of machinery, furniture, fixtures and equipment; building construction and renovation; working capital; inventory; and employee training expenses. Use of CDBG funds toward construction and renovation costs are subject to Davis Bacon Wage Rate requirements. This includes the cost of equipment that requires installation as well as the purchase of materials used for construction activities. Funds awarded under the NYS CDBG Small Business program may not be used for new construction activity.

The proposed project or program will be reviewed and evaluated for, but not limited to:

- Eligibility of activities, National Objective and overall program compliance,
- Project feasibility and to ensure business owner and community have the capacity to perform,
- Reasonableness of project costs,
- Commitment of all other funding sources, and
- Assurance that CDBG funds are not being substituted for non-federal funds and that CDBG funds do not over-subsidized private investment or provide undue enrichment.
- Consistency with the NYS HCR Investment Strategy and compliance with the Smart Growth Public Infrastructure Act.
- Project selection shall take into consideration the recommendation of the relevant regional economic development council or the Commissioner's determination that the proposed project aligns with the regional strategic priorities of the respective region.

OCR will use the guidelines that meet the requirements set forth in 24 CFR 570.482(e) and Appendix A to Part 570. The purpose is to select economic development projects which are financially viable and make the most effective use of NYS CDBG funds.

#### **VI. GUIDELINES, REQUIREMENTS AND LIMITATIONS**

##### **1) Economic Development program**

- a. Maximum award amount of \$750,000 (minimum \$100,000).
- b. NYS CDBG can fund up to 40% of a total project cost, not to exceed maximum award amount.
- c. Projects must result in the creation or retention of at least one permanent, FTE job for every \$15,000 of NYS CDBG funds awarded.
- d. NYS CDBG funds should be used as gap funding to induce project completion.

## 2) Small Business Assistance program

- a. Award amounts of \$25,000 to \$100,000 for assistance to individual business.
- b. Projects must result in the creation or retention of at least one FTE job per \$25,000 of CDBG funds provided.
- c. NYS CDBG can fund up to 40% of a total project cost.
- d. Minimum of 20% owner equity contribution to the project is required\*.
- e. \*To induce sustainable, green projects the equity contribution may be lowered to a minimum of 10% if the activity is certified by the community and OCR as a NYS CDBG Green project.

The maximum awards are not intended to serve as a target figure for requests for assistance. The amount of CDBG assistance should be based on need and CDBG funds should not be used to reduce the amount of non-federal financial support for the project. The equity requirement must be provided as cash and must not to be associated with debt of any kind.

A minimum of fifty-one percent (51%) of the jobs that are created or retained as a result of an economic development award must be either held by and/or made available to persons from low- and moderate-income (LMI) households.

- “taken (held) by” - A job is considered to be taken by a LMI person if, at the time their employment starts, that person is a member of a family whose income falls at or below the applicable Section 8 Income Limits. (Reference [www.huduser.org/datasets/il.html](http://www.huduser.org/datasets/il.html) for the most current income limits.) In the instance of retention, a job must be either held by LMI persons at the time CDBG assistance is provided and/or expected to turn over to LMI persons within two years.
- “available to” - A job is considered to be made available to a LMI person if the position does not require special skills acquired from substantial training or work experience, and education beyond high school is not a prerequisite to employment. Also, the assisted business must take actions to ensure that LMI persons receive first consideration for filling such jobs.

### Special Rules for Retained Jobs:

In order to consider jobs retained as a result of CDBG assistance, there must be clear and objective evidence that permanent jobs will be lost without CDBG assistance. For these purposes, “clear and objective” evidence that jobs will be lost would include:

- evidence that the business has issued a notice to affected employees or made a public announcement to that effect, or
- analysis of relevant financial records which clearly and convincingly shows that the business is likely to have to cut back employment in the near future without the planned intervention.

To meet the LMI jobs standard, 51% or more of the retained jobs must be either:

- known to be held by LMI persons at the time CDBG assistance is provided and/or
- jobs not known to be held by LMI persons, but which can be reasonably expected to “turn over” to LMI persons within two years. (This would involve the grant recipient and the business being assisted taking actions to ensure that such a job, upon turnover, will be either taken by or made available to LMI person in a manner similar to that pertaining to a newly created job, as discussed above.)

Applicants should only apply for the amount of funding that can be fully expended and the type of activities that can be completed within the specified project completion period of twenty-four (24) months. Applicants should not proceed with a project that cannot be completed within the specified timeframe or with the assumption that an extension of the project deadline will be considered.

## VII. APPLICATION PROCESS

The Open Round applications involve a two-step process. First, an applicant must complete a preliminary application called the Pre-Submission Form. The Pre-Submission Form will be reviewed by the Office of Community Renewal. Once the applicant clicks ‘Submit’ within the PreSubmission part of the application, the applicant will receive one of three notifications via email:

- **Accept-** The Pre-Submission has been approved and the applicant can proceed to the full application within the CFA Portal. An Invitation to Apply will be sent to the applicant via USPS mail. An applicant must complete the full application in the CFA portal within 60 days of the invitation to apply.
- **Reject-**The Pre-Submission form has not been approved. The applicant will not be able to proceed to the full application within the CFA Portal. An Invitation to Apply will not be sent.
- **Needs More Information-**OCR has determined that additional information is required before the application can be approved and an Invitation to Apply sent.

For all of the above, OCR staff will be in contact with the applicant to discuss the next steps.

The Open Round process for CDBG Economic Development and Small Business Assistance does not share the CFA deadline. Open Round applications may be submitted throughout the year. A CFA request for CDBG Economic Development or Small Business Assistance cannot include requests for other funding sources within the same application.

The following steps summarize the Open Round and PreSubmission process for NYS CDBG Economic Development projects:

**1) Citizen Participation:** Applicants must hold at least one (1) public hearing prior to the submission of the CDBG application for the purpose of obtaining citizens' views and responding to proposals and questions. The application must be made available to the public for inspection at the municipal office(s). Upon award, a recipient of CDBG funds must hold a minimum of one public hearing to report project accomplishments. For more information on citizen participation requirements, refer to the OCR Grant Administration Manual at [www.nyshcr.org](http://www.nyshcr.org)

**2) Submission of Applications:** Applications are project-based. Applicants will answer threshold questions to determine whether their project may be eligible for funding and from what funding source(s). Because some funding sources are only available to certain categories of project sponsors—such as municipalities, nonprofits, or businesses—two sponsors undertaking similar projects may qualify for different funding sources.

**3) The Office of Community Renewal Review:** Applications will undergo due diligence and technical review by the Office of Community Renewal (OCR). OCR will undertake a comprehensive review of the application to determine compliance with federal, state, and program regulations, policies, and statutes.

#### **OCR Scoring Criteria**

Applications are competitively rated and scored against each other and receive Program Assessment Scoring based on the following factors:

- Efforts to Affirmatively Further Fair Housing
- Quality of application
- Appropriateness of activity
- Severity of need
- Extent to which activity resolves identified need
- Capacity to complete activities in a timely & effective manner
- Public benefit and support for the proposed activity
- Project feasibility & schedule
- Leveraging and availability of other resources
- Reasonableness of project costs, including program delivery & administration
- CDBG and administrative performance history, if any
- Extent to which activity complements other federal, state, & local programs

HCR staff shall generally apply the criteria noted above when awarding funding for applications received through the Consolidated Funding Application Portal. In addition to the criteria noted above, HCR shall have the discretion to consider additional factors in determining the relative merits of projects.

**4) Post Award:** If funding is approved by the HTFC, the Recipient must undertake the following prior to the disbursement of funds.

- Participate in a Program Implementation Conference Call arranged by OCR Economic Development staff. All parties involved in the implementation of the project or program must participate.
- Execute the grant agreement and set up a non-interest bearing bank account specifically for the deposit and disbursement of NYS CDBG funds.
- Conduct an environmental review of the project and complete the environmental review record. Refer to the OCR Grant Administration Manual at [www.nyshcr.org](http://www.nyshcr.org) for additional information on the environmental requirements.

\* Additional economic development funds may be available for projects that may meet the New York State priorities for economic development and are consistent with federal, state, and program regulations, policies, and statutes.

We strongly recommend that you refer to the NYS CDBG Grant Administration Manual: (<http://nysdhcr.gov/Programs/NYS-CDBG/GrantAdministration.htm>), for additional program guideline details and statutory requirements. We also encourage you to contact us directly for information related any of the NYS CDBG Economic Development activities at (518) 474-2057 or visit our website at [www.nyshcr.org](http://www.nyshcr.org).

**PRELIMINARY BUDGET (USE & SOURCE OF FUNDS):**

**PROJECT (BUSINESS):** Minard Famrs Beverage Company, Inc

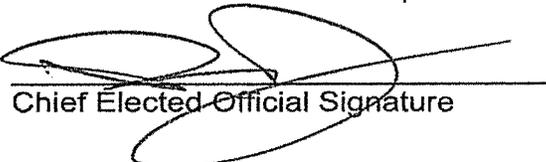
USE OF FUNDS	SOURCE OF FUNDING								
	NYS CDBG	EQUITY	Walden Savings Bank	C** Y/N		C** Y/N		C** Y/N	SUB-TOTAL
Combi E2500 wiht select options	\$ 100,000.00	\$ 15,596.00	\$ 100,000.00	Y					\$ 215,596.00
Freight		\$ 1,265.51							\$ 1,265.51
Compressor		\$ 16,278.25							\$ 16,278.25
Materials and Installation		\$ 17,900.00							\$ 17,900.00
									\$ 0.00
									\$ 0.00
									\$ 0.00
									\$ 0.00
<b>Administration*</b>									\$ 0.00
<b>Program Delivery*</b>									\$ 0.00
<b>TOTAL PROJECT COSTS</b>	\$ 100,000.00	\$ 51,039.76	\$ 100,000.00		\$ 0.00		\$ 0.00		\$ 251,039.76

\*For Economic Development and Small Business Assistance projects, program delivery and administrative costs **may not exceed \$16,000** of the total CDBG funds requested.

\*\*Committed funding is defined as written documentation provided by the funding source. For all committed funds, written documentation should be provided at the time of application.

Please note: NYS CDBG funds should be used as gap funding to induce project completion. NYS CDBG funds can fund up to 40% of the total project cost. For Small Business projects, a minimum of 20% equity contribution to the project is required.

I certify, to the best of my knowledge, that the information provided in the pre-submission form and any related attachments are true and accurate as of the stated date. I authorize OCR to make inquiries as necessary to verify the accuracy of the statements made and to evaluate this proposal for NYS CDBG Economic Development funding.

  
 Chief Elected Official Signature

Patrick K. Ryan  
 \_\_\_\_\_  
 Typed Name

7/9/2019  
 \_\_\_\_\_  
 Date



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### Plastics in the UC Legislative Chamber

Favorites

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Deleted Items 7

Drafts 9

Nettie Tomshaw

Inbox 155

Drafts 9

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Archive

Conversation History

Health & Human Serv

Junk Email 2

Leg Photos 2009

Legislative Updates

New World Purchasin

Notes

Family Court Reno

Public Works

Resolution Checkli

RSS Feeds

In-Place Archive - Nettie T

Groups

Office Group

Victoria Ann Fabella

Yesterday, 5:20 PM

Nettie Tomshaw; mary\_wawro@yahoo.com; kenronkjr@gmail.com; hectorsrodriguez@yahoo+24 more



Reply all |

Victoria A. Fabella, Clerk  
Ulster County Legislature  
244 Fair Street  
PO Box 1800  
Kingston, NY 12402  
(845) 340-3666  
vfab@co.ulster.ny.us

Victoria Ann Fabella

Yesterday, 5:15 PM

Victoria A. Fabella, Clerk  
Ulster County Legislature  
244 Fair Street  
PO Box 1800  
Kingston, NY 12402  
(845) 340-3666  
vfab@co.ulster.ny.us

**From:** Weisburd, Stana-Lea <weisburs88@my.sunyulster.edu>  
**Sent:** Tuesday, August 13, 2019 4:21 PM  
**To:** Victoria Ann Fabella <vfab@co.ulster.ny.us>  
**Subject:** Plastics in the UC Legislative Chamber

Dear Legislators,

I am very concerned about plastic usage, and it's impact on our planet. I understand that you are having a public hearing regarding the use of plastic stirrers and cutlery at the Ulster County Legislative Chamber. I wholeheartedly support the legislature's attempt to help us take better care of the planet by not using these things. Please vote in favor of this measure, and continue to find as many ways to decrease plastic use in our county as you are able.

Thank you for your time and attention to this matter. And for all of your diligent work for our community.

Sincerely,  
Stana-Lea Weisburd, RN, LMT, CBC  
21 Cooper Street  
New Paltz, NY 12561