



Ulster County Legislature
Standing Committee Meeting Minutes

April 2013

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
Ways & Means

Economic Development & Tourism Committee

Regular Meeting Minutes

DATE & TIME: April 3, 2013/6:00 PM
LOCATION: To accommodate crowd, meeting was moved from the Library Conference Room to the Legislative Chambers, 6th Floor, County Office Building
PRESIDING OFFICER: James Maloney, Chairman
LEGISLATIVE STAFF: Lisa K. Mance
PRESENT: Legislators Maloney, Loughran (arrived 6:09), Roberts, Maio and Wishnick
ABSENT: None
EXCUSED: None
QUORUM PRESENT: Yes
OTHER ATTENDEES: Leg. Chairman Terry Bernardo, Legs. Wayne Harris and Dean Fabiano, Legislative Clerk Victoria Fabella, Deputy Clerk Fawn Tantillo, Senior Leg. Employee Frank Reggero, Deputy Ken Crannell, Planning Board Deputy Chris White, Leg. Council Erica Guerin, Rochester Supervisor Carl Chipman, Wawarsing Supervisor Scott Carlsen, Michael Trainor – Nevele, David O’Halloran - Pine Grove Resort, Eliot Spitzer – Hudson Valley Resort, Nancy Taylor, Marty Williams, Jr., Timothy Dreher, Marty Williams, Sr., Jim Cristello, Geoff Walsh, Juan C. Bandon, Jamie Cole, Tobe and Meg Carey, Daily Freeman Reporter Patricia Doxsey, Peter Fluchere, Karin Vogel, Betsy Laik, Tom McCooey, Maryann Krum, Kathy Nolan, Patty Goodwin, Avery Pizzaro, Robe Case, Paul Craft, Dawn Fahey, George Bain, JM Michaels, Frances and John Nodor, Ana Palop- Velasquez, Barbara Coll, and Katherine Balestra

- Chairman Maloney called the meeting to order at 6:04 PM.

MOTIONS:

MOTION NO. 1
TEXT OF MOTION: RESOLVED to approve the March 6, 2013 Meeting Minutes
MOTION MADE BY: Legislator Loughran
MOTION SECONDED BY: Legislator Roberts
ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Maloney, Loughran, Roberts, Maio and Wishnick
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 5
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passes

Committee Chairman Maloney indicated that Draft Resolution Nos. 195 and 218 would be taken last.

MOTION NO. 2 **RESOLUTION No. 0192 – April 16, 2013**
TEXT OF MOTION: RESOLVED to approve Resolution No. 0192- The Ulster County Trails Advisory Committee – Ulster County Legislature Re-Establishing

Resolution Summary: The final report of the Ulster & Delaware Railroad Corridor “U & D Rail + Trail Feasibility Study issued in July 2006 concluded that the Corridor had potential for system providing transportation, economic development, tourism, and recreation benefits to Ulster County and the communities along the route. The Legislature is devoted to improving conditions for physical activity in the communities and for the general public’s health and wellbeing. The development of the trails in Ulster County promote healthy people opportunities. The NYS DOH and the UC Health Department offer programs aimed at reducing the incidence of childhood obesity, enhancing physical fitness ad reduce the risk of chronic diseases. The Rail + Trail Feasibility Study recommended that the County establish an ongoing Trails Advisory Committee (TAC) and recently complete UC Non-Motorized Transportation Plan

that incorporated the vision of a shared use Rail with Trail Corridor extending east to west across the entire County. The 2008-2013 Capital Projects Plan described \$13.1 million of Federally Funded Projects in Ulster County for Phase I and Phase II of the Ulster & Delaware Railroad Corridor for Rail + Trail development. A Railroad Advisory Committee has existed since 1983 to guide operations and funding initiatives for the functions of the railroad in the Corridor. The TAC will parallel and complement the activities of the RAC. In July 1008, the Health Services Committee sponsored Resolution No. 224 which established the TAC. The Ulster County Charter, all advisory committees, commission and board shall serve at the pleasure of the Ulster County Legislature.

Discussion: Committee Chairman Maloney recognized Kathy Nolan to provide a statement in support of the draft Resolution. Ms. Nolan stated the Resolution was submitted yearly to Legislature.

MOTION MADE BY: Legislator Loughran
MOTION SECONDED BY: Legislator Malo
ROLL CALL VOTE: No
VOTING IN FAVOR: Legs. Bernardo, Maloney, Roberts, Loughran, Malo and Wishnick
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 6
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passed Unanimously

Discussion: None

MOTION NO. 3 Resolution No. 0213– April 16, 2013

TEXT OF MOTION: **RESOLVED to approve Resolution No. 0213** – Appointing Member To The Ulster County Planning Board – Town of Saugerties – Department Of Planning

Resolution Summary: Pursuant to the Ulster County Charter and Administrative Code, the County Planning Board shall consist of 25 members and associated alternate members appointed by the County Legislature to serve for four-year terms. The Town or Village Board of each town and village in Ulster County shall recommend for consideration and appointment by the Legislature, one person and one alternate from that town or village. The Town of Saugerties Board had recommended the appointment of Paul Andreassen to the Ulster County Planning Board.

MOTION MADE BY: Leg. Maloney
MOTION SECONDED BY: Leg. Roberts
ROLL CALL VOTE: No
VOTING IN FAVOR: Legs. Bernardo, Maloney, Loughran, Roberts, Malo and Wishnick
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 6
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passed Unanimously

Discussion: None

MOTION NO. 4 Resolution No. 0221 - April 16, 2013

TEXT OF MOTION: **RESOLVED to approve Resolution No. 0221** – Authorizing The Continuation Of Agricultural District No. 1 – Hudson River – Towns of Esopus, Lloyd, Marlborough, New Paltz and Plattekill – Department Of Planning

Resolution Summary: The New York State Agricultural and Markets law provides for the review of agricultural districts every 8, 2 or 20 years after their creation. Agricultural District 1 was created on

February 18, 1973 with an 8 year review schedule and its anniversary date was revised in 2012, now requiring review in 2013. Ulster County published the 30-day notice as required and the UC Agricultural and Farmland Protection Board has met and provided a report as required, recommending the continuation of Agricultural District No.1 with modifications. The Legislature has considered the recommendations contained in the report dated March 14, 2013 and the comments received at the March 19, 2013 public hearing. The Legislature had received 3 requests for continued inclusion in the District from individuals whose properties were recommended for removal by the AFPB. In accordance with the provisions of SEQRA and Ulster County's SEQRA Type II List, the Legislature examined the proposed continuation of District with proposed modifications and determined it to be an unlisted action.

MOTION MADE BY: Leg. Maio
MOTION SECONDED BY: Leg. Roberts
ROLL CALL VOTE: No
VOTING IN FAVOR: Legs. Bernardo, Maloney, Loughran, Roberts, Maio and Wisnick
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 6
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passed Unanimously

Discussion: None

Committee Chairman Maloney recognized Legislative Chairman Bernardo who indicated that she would be abstaining from the vote.

Committee Chairman Maloney then recognized Dave O'Halloran of the Pine Grove Ranch, Michael Treanor of the Nevele Hotel, Elliot Spitzer of the Hudson Valley Resort, Town of Rochester Supervisor Carl Chipman and Town of Wawarsing Supervisor Scott Carlsen to speak prior to the vote with regard to Draft Resolution No. 195.

Motion to table draft Resolution defeated 2 – 3 (Noes: Legs. Maloney, Maio and Roberts)

MOTION NO. 5 Resolution No. 0195 – April 16, 2013

TEXT OF MOTION: **RESOLVED to approve Resolution No. 0195** – Supporting The Placement Of Video Lottery Terminals At The Hudson Valley Resort And The Pine Grove Ranch In The Town of Rochester

Resolution Summary: Resolution submitted at the request of the Town of Rochester Town Board supporting the placement of Video Lottery Terminals at the Hudson Valley Resort and the Pine Grove Ranch and had unanimously adopted Resolution #56-2013 on March 14, 2013. The placement of VLTs at the two resorts will provide an opportunity for economic growth and increased tourism in the Town of Rochester, Ulster County. If New York State agreed to license VLTs at the resorts in Ulster County, operating agreement between Ulster County and the resort properties would be required with Ulster County receiving a minimum 10% share of the resorts' net revenue, minus the NYS share.

MOTION MADE BY: Leg. Maloney
MOTION SECONDED BY: Leg. Maio
ROLL CALL VOTE: No
VOTING IN FAVOR: Legs. Maloney, Maio and Roberts
VOTING AGAINST: Legs. Loughran and Wisnick
NO. OF VOTES IN FAVOR: 3
NO. OF VOTES AGAINST: 2
DISPOSITION: Motion Passed

Discussion: None

MOTION NO. 6 **Resolution No. 0214– April 16, 2013**

TEXT OF MOTION: **RESOLVED to approve Resolution No. 0214** – Amending The 2013 Ulster County Budget In Order To Appropriate Unused Grant Funds -- Department of Planning

Resolution Summary: Resolution submitted on behalf of the Ulster County Department of Planning to amend the 2013 budget in order to account for \$52,305.43 in remaining funds pursuant to a contract with the NYS Housing Trust Fund to accept and implement a NYS Main Street Grant to assist businesses that suffered damages from Hurricane Irene and Tropical Storm Lee.

MOTION MADE BY: **Leg. Malo**
MOTION SECONDED BY: **Leg. Loughran**
ROLL CALL VOTE: **No**
VOTING IN FAVOR: **Legs. Maloney, Loughran, Roberts, Malo and Wishnick**
VOTING AGAINST: **None**
NO. OF VOTES IN FAVOR: **5**
NO. OF VOTES AGAINST: **0**
DISPOSITION: **Motion Passed Unanimously**

Discussion: **None**

MOTION NO. 7 **Resolution No. 0219 – April 16, 2013**

TEXT OF MOTION: **RESOLVED to approve Resolution No. 0219** – Supporting The Development Of The *Catskill Mountain Rail Trail*, Linking The Walkway Over The Hudson To The Ashokan Reservoir, Preserving The Railroad From Kingston to Phoenicia, And Expanding The Region's Interconnected Rail Trail Network Into A World-Class Tourism Destination

Resolution Summary: The County owns 38.6 miles of the former Ulster & Delaware (U&D) Railroad right-of-way, extending from City of Kingston westward to Delaware County border at Highmount. The U&D Railroad corridor runs to and along the Shokan Reservoir providing a unique opportunity to connect urban neighborhoods with Catskill Park. The development of the Catskill Mountain Rail Trail along the U&D corridor would eventually link to other county rail trails and eventually connect to the Hudson Valley Rail Trail and Walkway Over the Hudson. The construction of the Catskill Mountain Rail Trail and its connection to other regional trails, in combination with the existing over 2.5 miles restored Class II track in the City of Kingston and Town of Hurley currently used by the Catskill Mountain Railroad would increase tourism in the region. The Catskill Mountain Railroad had prepared a detailed proposal for dual usage rails with trails for the stretch of track from Kingston out to Ashokan, which will provide recreational opportunities for area residents and accessible to persons with disabilities, seniors and families with young children. The Catskill Mountain Rail Trail had attracted strong support from US Senator Schumer and NYS Governor Cuomo and \$2 million in Environmental Protection Fund funding for the project has been included in the 2013-2014 NYS Budget.

Discussion:

Leg. Loughran commented the previous evening, the Kingston Town Council supported rail trail but not a railroad, together with the City of Kingston Mayor, although information wasn't confirmed. Leg. Loughran didn't see the purpose of moving the Resolution forward and noted that he was troubled by the lack of work being completed. He wished to be clear that CMMR was a for-profit company and action such as this hadn't been taken with any other for-profit businesses. Leg. Loughran wanted proof that the work could get done in order for him to support the railroad.

Leg. Wishnick questioned policy issue whether it was desirable to have railroad with trail alongside and how it could benefit tourism and secondly, as a practical matter, could it be accomplished. Leg. Wishnick asked to hear from Deputy White from the Planning Board. Deputy White stated from a planning perspective, at the expiration of the Lease signed in 1991 expiring in 2016, the corridor from mid-town Kingston to Phoenicia was to have been brought up to Class I

standard and presently, the CMRR has only 12% of the corridor operational. Running rail with trail raised many issues including liability and costs and the County believed the area from Kingston to the Ashokan Reservoir, rail with trail wasn't feasible. Mr. White stated that the report prepared by recently by the railroad wasn't done independently and didn't contain cost figures or engineering and what was provided would be amazingly expensive. Planning would like the railroad to focus in area in which they were the strongest which was the Mt. Tremper area. Mr. White expressed support for railroad in Mt. Tremper but really believe it's not feasible for both in Kingston.

Leg. Harris expressed years past, he was the Chairman of the Economic Development Committee and at that time, it was the practice to then be on the Railroad Advisory Board. Leg. Harris indicated that he had opportunity to get familiar the people with the railroad and he had offered to serve if the Railroad Advisory Board was resurrected. Leg. Harris stated that the problem was that the Board hadn't met as of yet but without the Advisory Board at least meeting and reviewing certain information, ie. ALTA report, money issues, etc., he would like to study this before making a decision. Taking up the track was a one time deal and Leg. Harris didn't believe they had all the facts before taking action and now wasn't the time to move on the Resolution.

Leg. Maio made motion to table the Resolution, seconded by Leg. Wishnick.

MOTION MADE BY: Leg. Maio
MOTION SECONDED BY: Leg. Wishnick
ROLL CALL VOTE: No
VOTING IN FAVOR: Legs. Maloney, Loughran, Maio, Roberts and Wishnick
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 5
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passed Unanimously to Table Resolution

MOTION NO. 6 Resolution No. 0218-- April 16, 2013

TEXT OF MOTION: **RESOLVED to approve Resolution No. 0218** – Calling On The Ulster County Industrial Development Agency (UCIDA) To Establish A Policy Regarding Incumbent Legislators And Payment In Lieu Of Tax (PILOT) Agreements

Resolution Summary: The Ulster County Legislature created the IDA to "*promote, encourage, attract and develop job and business opportunities and economically sound commerce and industry in cities, towns and villages of Ulster County.*" The UCIDA has several under-performing PILOT agreements with companies that didn't deliver promised job creation. Underperforming PILOT agreements undermine the economy of Ulster County and the members of the UCIDA must enforce the terms of the PILOT agreements. Ulster County Legislators with PILOT agreements had a conflict of interest in appointing members to the UCIDA.

Discussion: Committee Chairman Maloney stated that Legislature appointed the members of the IDA and thereafter, they had their own policies and procedures and reported to Albany. The Chairman stated that to try put a policy in place because someone was a legislator, he believed was wrong and was politics at its worst.

Leg. Wishnick was recognized for sake of discussion, stating that looking forward, the Legislature needs to be held at a higher standard. Discussion between Chairman Maloney, Leg. Wishnick and Leg. Loughran with regard to IDA members, legislators and consequences of performance in PILOTs. Leg. Wishnick motioned to table the resolution, seconded by Leg. Loughran.

Motion to table Resolution defeated 2 – 3 (Noes: Legs. Maloney, Maio and Roberts)

MOTION MADE BY: Leg. Maloney
MOTION SECONDED BY: Leg. Wishnick
ROLL CALL VOTE: No
VOTING IN FAVOR: Legs. Loughran and Wishnick
VOTING AGAINST: Legs. Maloney, Maio and Roberts
NO. OF VOTES IN FAVOR: 2
NO. OF VOTES AGAINST: 3
DISPOSITION: Motion Failed to Pass

Leg. Loughran requested a written copy of the IDA by-laws.

Chairman Maloney recognized George Bain who spoke in support of the Catskill Mountain Railroad and thanked Leg. Maio for the postponement of the Resolution. Mr. Bain disagreed with the classification of "for profit" stated that it was on paper only. Mr. Bain also wished to state that there is Workers' Compensation Insurance paid for and contrary to what had been said, the work could be done once FEMA money had been released. Leg. Wishnick suggested the Rail and Trail individuals meet to try to come to an agreement. Leg. Maloney also recognized Joseph Michaels who spoke briefly in support of the CMRR stating that it was an all volunteer organization and encouraged people to visit the train to get a feel for the railroad experience.

- **There being no further business before the Committee, a motion was made by Legislator Maio seconded by Legislator Roberts, and carried to adjourn the Meeting at 7:25 PM.**

Dated the 12th day of April, 2013

Lisa K. Mance, Legislative Employee, Ulster County Legislature

Minutes Approved on: May 1, 2013

Environmental, Energy, & Technology Committee

Regular Meeting Minutes

DATE & TIME: April 4, 2013, 5:45 PM
LOCATION: Karen L. Binder Library, 6th Floor, COB, Kingston, NY
PRESIDING OFFICER: Chair Carl Belfiglio
LEGISLATIVE STAFF: Krista J. Barringer, Deputy Clerk
PRESENT: Legislators John Parete, Kenneth J. Ronk, Mary Wawro, and Kenneth Wishnick
EXCUSED: Legislators Tracey A. Bartels and Craig Lopez
QUORUM PRESENT: Yes
OTHER ATTENDEES: RRA Board Member Al Teetsel, RRA Board Member Charles Landi, RRA Compliance Officer Thomas A. Briggs, RRA Executive Director Tim Rose, League of Women Voters Observer Corp Member Vic Melville, Deputy County Executive Ken Crannell, Claryville Fire District Representative Charlie Breiner, and Frost Valley YMCA President and CEO Jerry Huncosky

- Chair Belfiglio called the meeting to order at 5:45 PM and requested attendees to sign in.

MOTION NO. 1 Approval of Minutes from January 10, 2013, January 23, 2013, February 7, 2013, and March 7, 2013

Motion Made By: Legislator Wawro
Motion Seconded By: Chair Belfiglio
Discussion: None
Roll Call Vote: No
Voting In Favor: Legislators Belfiglio, Parete, Ronk, Wawro, and Wishnick
Voting Against: None
No. of Votes in Favor: 5
No. of Votes Against: 0
Disposition: Carried

RRA Board Presentation:

RRA Board Member Teetsel reported to the Committee in a follow-up from last month's Environmental, Energy, and Technology Committee meeting, wherein the members voted to request the RRA Board move the time of their meetings, that the RRA Board did

vote to move their meeting to 5:00 PM for six months. He encouraged the Committee members to come to their meetings and speak during their public comment period. He noted if Committee members needed any information between meetings, they should call RRA Executive Director Rose, RRA Board Chair Smith, or RRA Finance Director Tim DeGraff to get answers as soon as possible. He noted he would promote this change during his radio talk show on WGHQ on Thursdays from 7:00 – 9:00 am. He noted it was difficult to get people to attend their meetings at 3:30 PM unless it was a hot topic.

Legislator Wishnick stated it would be helpful if the Committee members were included on the email distribution of the RRA Board's agendas and minutes. Chair Belfiglio stated correspondence was required to be submitted to the Clerk of the Legislature. Legislator Wishnick asked if it was possible to also send it to the Committee members individually. Chair Belfiglio felt it should remain with the Clerk of the Legislature. RRA Executive Director Rose stated he distributed the correspondence to the Clerk of the Legislature and felt adding the additional individual emails would add another layer.

It was decided that the Environmental, Energy, and Technology Committee emails would be added to the distribution list.

Guest Presenter: Charles Breiner – Claryville Fire Department – Flooding Concerns

Mr. Breiner thanked the Committee for allowing them time during the meeting. He commended the County efforts in responding after storms and keeping the roads open. He stated they have substantial roads that are flooding and the flooding is closing roads and cutting off portions of the community. He noted this impacted the Fire Department's ability to respond during floods to do rescue work. He noted a particular problem is located on Denning Road, just above the Fire House, where an old bridge that has been out of service for a number of years and a temporary bridge located right next to it. He noted these bridges are causing erosion and deposits in the river that are backing up the water and send it down Denning Road into the Fire House as well as several other houses right below it. He distributed a draft copy of the Neversink River Management Program with the New York State Department of Environment Protection (DEP) is a part of. He indicated the document discusses the problems with the bridges. He stated he sent Chairman Bernardo and Legislator Parete photographs he took from the recent high water a couple of weeks ago. Chair Belfiglio noted he received these photographs as well. He noted the pictures show the flooding but not the cause of the high water. Mr. Breiner stated he could not get to the root of the flooding problem as the high water prevented him.

Chair Belfiglio asked if Mr. Breiner met with the Public Works & Capital Projects Committee. Mr. Breiner stated he did not. Chair Belfiglio indicated Legislative discussion whether Environmental, Energy, and Technology was the appropriate committee. He noted the question being if the issue environmental or storm water management. Mr. Breiner indicated it was probably both.

Chair Belfiglio asked Mr. Breiner what he would like to see done by the Legislature. Mr. Breiner replied according to the management people, who are doing the Neversink Stream Management Plan, they feel the span of the bridge is not long enough. He indicated when the new bridge is replaced, and they hope that will be done soon, that the span should be longer to allow more water to go through under the bridge. He stated when the two bridges back up the water, it causes the water to go over the banks and when it settles down the debris, including gravel and rock, is deposited in the riverbed which reduces the space for the water to flow under the bridges. He noted the Fire House, which is frequently flooded, is certified as a Red Cross shelter.

Mr. Breiner clarified Denning Road is not a County Road, it is a Town Road. He noted the County is responsible for the bridge.

Mr. Breiner clarified Denning Road does not go up to the YMCA Frost Valley facility but that Frost Valley Road does, which is Ulster County Route 47.

Mr. Breiner clarified the bridge is located right past Town Hall.

Chair Belfiglio concurred with the safety concern if the Fire Department is unable to access a part of the Town due to a flood in an emergency.

Mr. Huncosky noted in the last rain storm, which included only a few inches, they were seeing more issues due to the deposits in the river, especially around that river bend. He noted it is taking less water to have the river wash into the road.

Legislator Parete asked if the County is planning to replace the bridge located near the Town Hall. Mr. Breiner stated that was his understanding.

Legislator Parete noted Phoenicia was having the same problem with the sediment building up and felt it was a Public Works concern with New York State Department of Environmental Conservation (DEC) involvement. He felt Town of Shandaken Supervisor Robert Stanley may be of assistance as they were able to get it down with an emergency. Mr. Breiner, noted as a homeowner, he was aware of how difficult that is.

Mr. Breiner noted the Neversink Management Team cited the bridge as an environmental and safety problem. He felt the DEC should give permit due to the environmental concerns.

Legislator Parete asked if the Town had applied for any permits with the DEC. Mr. Breiner stated he did not know.

Mr. Huncosky noted the wait of removing the old bridge so that the water can flow more freely and that the temporary bridge was put in eight years ago with the intent of being there for just 18 months. Chair Belfiglio clarified that the temporary bridge was put in by the County. Mr. Huncosky and Mr. Breiner confirmed this. Mr. Huncosky noted the desire to get the old and the temporary bridge out and replace with a new bridge that will allow the water to flow more freely. Mr. Breiner requested that this action be expedited.

Legislator Ronk stated he would contact Deputy County Executive Sudlow. Chair Belfiglio indicated he spoke with Deputy County Executive Sudlow, who indicated it was a public works issue and not the County's responsibility. Legislator Ronk stated his question of Deputy County Executive Sudlow would be the Town Road versus County Bridge conflict in governance.

Mr. Breiner noted County Route 97 was rebuilt and the flood this past September took out what was rebuilt. He noted there was a temporary road in place and it was a problem for YMCA Frost Valley as they receive frequent deliveries of food, particularly in the summertime. He noted the Fire Department and the YMCA staff assisted in the evacuation of the children after Irene through a washed out road.

Mr. Breiner confirmed the road to Frost Valley is County Route 47.

Legislator Parete noted other Town of Denning concerns regarding the messes that the flooding creates and reiterated he felt the Public Works & Capital Project Committee would be where the ownership and plans can be discussed.

Mr. Breiner stated they are waiting for the County to put the bridge in and indicated a possible delay may be with the old bridge having some historical value.

Chair Belfiglio indicated Public Works & Capital Project Committee Chairman Dean Fabiano has expressed interest in this issue at his Committee.

Mr. Breiner indicated there was a DEP concern with the bridge needing a longer span to allow more water to flow. Legislator Parete noted with the sediment deposits will fill in no matter how long the span. Mr. Breiner indicated water backs up down the road.

Legislator Ronk noted with streambank revitalization efforts specified in the report, it might be beneficial to have this go before Soil and Water as well. Legislator Parete noted the community needs a new bridge.

Legislator Parete suggested Mr. Breiner get a hold of Public Works & Capital Project Committee Chairman Dean Fabiano. Chair Belfiglio indicated he would call him after this meeting.

Mr. Huncosky reiterated the difficulty of the flooding breaking up the town and that they are unable to get rescue equipment up to Frost Valley with less and less water causing these issues.

Mr. Breiner noted there were two properties between him and the river and now with a few inches of rain, he has riverfront property.

Mr. Breiner noted they did attempt to lower the limit on the old bridge until it was understood the fire trucks would not be able to cross the bridge, at which time the temporary bridge was placed.

Motion No. 2 Draft Resolution No. 0184.1 – April 16, 2013

Text of Motion: Resolved to approve Draft Resolution No. 0184 - Requesting The Introduction Of Legislation To Amend Article 13-G Of The Public Authorities Law Relating To The Ulster County Resource Recovery Agency

Motion Made By: Legislator Ronk for discussion

Motion Seconded By: Legislator Belfiglio

Resolution Summary: This Resolution requests the introduction of legislation by representatives of the County of Ulster in the State Senate and Assembly to amend Article 13-G of the Public Authorities Law to provide for the following:

- A. An increase from 5 to 7 in the number of Board Members of the Ulster County Resource Recovery Agency as defined in section 2050-b(1) of the Public Authorities Law (hereinafter, the “Agency”);
- B. A provision that the two new Board members of the Agency shall, notwithstanding any other provision of the law, be members of the Ulster County Legislature, appointed by the Chairman of the Legislature and confirmed by the Legislature with one appointee recommended by the Majority Leader of the Ulster County Legislature and one member recommended by the Minority Leader of the Ulster County Legislature and that the Legislative appointees would serve for a term expiring December 31st of the year of the appointment or until their successor is qualified, or unless such Legislator’s service on the County Legislature terminates, whichever is earlier; Vacancies would be filled in the same manner as the original appointment;
- C. Amending section 2050-c of the Public Authorities Law to provide that effective January 1, 2016, a total of two members of the five members of the Agency who are not members of the Ulster County Legislature shall be appointed by the Chairman of the Ulster County Legislature upon the recommendation of the Minority Leader of the Ulster County Legislature;
- ~~C. Authorization for the County Legislature to, via local law, form an Advisory Board to the Resource Recovery Agency with the powers and responsibilities as follows:~~
 - ~~1. The Advisory Board, if formed, would be subject to the provisions of Articles 6 and 7 of the Public Officers Law guaranteeing Freedom of Information and Open Meetings requirements;~~
 - ~~2. The Advisory Board’s members would serve for a term of one year or until their successors are qualified, who would consist of:~~

- ~~I. Two members appointed by Ulster County Legislature upon the recommendation of a majority of the Supervisors and Mayors of the Towns, Villages, and Cities within the County of Ulster as expressed through an organized association made up of such persons or if no such association exists, as determined by the Ulster County Legislature, then by a signed writing of such Supervisors and Mayors during the first two weeks of January of each calendar year.~~
- ~~II. Two members of the County Legislature who shall not be on the Board of the Agency appointed by the Chairman of the Ulster County Legislature, with one being recommended by the Majority Leader and the other being recommended by the Minority Leader of the Ulster County Legislature.~~
- ~~III. A member appointed by the Ulster County Executive, and if he or she shall decline to make such an appointment within sixty days of the creation of the Advisory Board, then annually thereafter by the Legislature.~~
- ~~3. The responsibilities of the Advisory Board, if formed, are to be described in a local law of the County of Ulster. The Advisory Board would be entitled to:~~
 - ~~I. Notice of all meetings of the Agency from the Executive Director of the Agency;~~
 - ~~II. Elect a Chairperson and Secretary of the Advisory Board;~~
 - ~~III. Counsel as appointed by, if at all, the Ulster County Legislature;~~
 - ~~IV. Coverage by insurance for its actions as prescribed by the Ulster County Legislature for the members of the Advisory Board acting in their capacity as members of such Board;~~
 - ~~V. Reject non-operational decisions of the RRA Board within two weeks of receipt of written notice of such decisions by the Secretary of the Advisory Board (provided that if the Advisory Board rejected any decision of the Agency's Board, the Agency would be able to override such rejection and affirm the rejected policy by a vote of five Board members of the Agency);~~
 - ~~VI. Non-operational decisions capable of being rejected by the Advisory Board shall be described in a local law of the County of Ulster and may include any or all of the following:~~
 - ~~a. Contractual decisions relating to disposal capacity and disposal location of solid waste;~~
 - ~~b. Disposal fee increases;~~

- ~~e. Expanding or reducing what materials are required to be processed through or accepted by the Agency;~~
- ~~d. An annual budget for the Agency;~~
- ~~e. An annual or other capital plan for the Agency;~~
- ~~f. Pre-approval of the issuance of any bonds by the Agency.~~

~~D. The local law may further provide for responsibilities of the Agency with respect to providing administrative support for the Advisory Board by the Agency.~~

~~E. The local law may further authorize the Advisory Board to enact rules of procedure for its own governance and that it shall organize at or by a particular time each year.~~

~~The Resolution authorizes the Chairperson and Deputy Chairperson of the Energy, Environment and Technology Committee to, in consultation with the Majority and Minority Leaders, consult with any member of the New York State Legislature on behalf of the County Legislature to describe and detail any legislative language to be proposed by such member of the New York State Legislature as a result of this Resolution and that a copy of this resolution shall be transmitted to the members of the New York State Legislature who represent Ulster County in the New York State Legislature, the Executive Director and Board Members of the Agency, and New York State Department of Environmental Commissioner Joseph Martens.~~

Discussion:

Chair Belfiglio felt there was Committee consensus to ditch the Advisory Board concept which was an idea two month ago that seems viable for checks and balance as well as oversight. He noted Legislators agree that expanded oversight is needed. He suggested striking out Sections D-F of the Resolution. He noted the Committee received Legislator Ronk's communication of last month. Legislator Ronk indicated RRA Board Chair Smith reported being willing to sit down to discuss veto power over large bonds , between \$250,000 and \$500,000. Chair Belfiglio and Legislator Ronk suggested this would be a contract amendment. He stated he would like to see Legislative voting power over bonding, tipping fees and disposal fee increases. Legislator Ronk felt these items were the job of the RRA Board and that at that point, the Legislature would just abolish the Board and take the responsibilities for running the RRA. He state he was not in favor of that and felt they needed to have faith in their two Legislators to be appointed to the Board. Chair Belfiglio noted the Committee's desire to have the two Legislators appointed be from the Environmental, Energy, and Technology Committee. Legislator Ronk concurred with this position as the Environmental, Energy, and Technology Committee members would have the expertise on the issues. Legislators discussed Legislative liaisons.

RRA Executive Director Rose noted the appointment of Legislators to the Board is not unique and referenced the Oneida-Herkimer RRA as one that has legislators on the Board from each County.

Legislators discussed adding the Environmental, Energy, and Technology Committee reference in the Resolution.

Legislator Parete discussed the reason for his no vote on the Resolution.

Chair Belfiglio discussed the need for language specifying Environmental, Energy, and Technology Committee appointments.

RRA Board Member Landi noted the changes need to be approved by New York State.

Legislator Ronk motioned to strike items D, E, F in their entirety from the Resolution. Chair Belfiglio seconded the motion.

While Committee members read the Resolution and proposed amendment, RRA Executive Director Rose introduced Thomas Briggs as the new RRA Compliance Officer and noted he was also a part-time Sheriff's Deputy.

Chair Belfiglio called the vote on the Amendment. Legislators Belfiglio, Ronk, Wawro, and Wishnick voted yes and Legislator Parete voted no. The amendment passed 4-1.

Chair Belfiglio discussed the Legislative appointments being from the Environmental, Energy, and Technology Committee. He noted the Legislature may have exerted pressure on the Board in the past and the dynamic is the percentage of votes on the Board.

Legislators discussed the minority and majority power structure. Legislator Ronk did not feel appointment language should be too specific. Legislative Counsel Guerin suggested having the language in the rules of the Legislature. Chair Belfiglio noted the Legislator appointments to the RRA Board would have to adhere to the RRA Bylaws.

Legislators discussed the role of Legislative members on the RRA Board to ensure oversight.

RRA Board Member Landi noted the RRA would be hosting a tour to Seneca Meadows on April 18th and reported the County Executive had approved the use of a County bus for the tour.

Legislator Parete moved the question and Legislative Counsel Guerin advised the Committee that discussion was now closed.

Roll Call Vote: No
Voting In Favor: Legislators Belfiglio, Ronk, Wawro, and Wishnick
Voting Against: Legislator Parete
No. of Votes in Favor: 4
No. of Votes Against: 1
Disposition: Carried

Motion No. 3 Draft Resolution No. 0189 – April 16, 2013

1. Text of Motion: Resolved to approve Draft Resolution No. 0189 - Amending The Rules Of Order Of The Ulster County Legislature To Require the Recording of Legislative Meetings and Standing Committee Meetings

Motion Made By: Legislator Ronk for discussion

Motion Seconded By: Legislator Wawro

Resolution Summary: This Resolution amends Rule 7 of the Rules of Order of the Ulster County Legislature, entitled “RULES FOR COMMITTEES” by adding a section labeled “DD” to read as follows:

DD. All Standing Committees and Special Committees shall be audio recorded digitally. All audio recordings shall be uploaded to the web within 72 hours of a meeting’s adjournment or completion. All audio recordings shall be maintained electronically by the Office of the Clerk of the Legislature and on the Ulster County Legislature’s website and for a minimum of one year and until financial or physical limitations adversely impact their future storage; and, be it further

The Resolution further indicates these changes to the Rules of Order of the Ulster County Legislature shall take effect upon an affirmative vote of this body subsequent to two consecutive readings.

Discussion:

Legislator Ronk noted in a previous Resolution brought by Legislator Bartels, passed by the Legislature, he had made the point that there was nothing in the Rules indicating that they must record the minutes and that the recording of the minutes was done as a tool for doing minutes. He felt a new administration could decide to stop the process.

Legislator Wishnick proposed an amendment to item DD to ensure this governed all meetings that fall under public meeting law. Legislator Ronk noted special information sessions were not recorded and no attendance was taken.

Legislators discussed the type of meetings to be covered with this Resolution. Legislator Wishnick felt the standard should be where the Legislature had to give public notice the meeting should be recorded.

Legislator Ronk stated the current Resolution is specific to the section specifying Committees. Legislators discussed amending to include all committees and decided to allow it to be addressed on the floor.

Chair Belfiglio felt the Resolution is not protecting anything as a future Legislature can remove this provision. Legislator Ronk felt this adds teeth and requires any changes to go through the readings process.

Legislator Parete noted if there was no machine or a technology failure and the Committee is not fully functional, the Committee is not to meet. Legislator Ronk was agreeable to add a Resolve in Legislator Bartels's Resolution, notwithstanding technology difficulties or that technical difficulties would not constitute a violation of this Resolution but Legislator Bartels indicated it was not necessary. Legislator Parete reiterated the position that if the machine does not function, the Committee does not meet. Legislator Ronk concurred with this position.

Roll Call Vote:	No
Voting In Favor:	Legislators Parete, Ronk, Wawro, and Wishnick
Voting Against:	Legislator Belfiglio
No. of Votes in Favor:	4
No. of Votes Against:	1
Disposition:	Carried

Motion No. 4 Draft Resolution No. 0193 – April 16, 2013

2. Text of Motion: Resolved to approve Draft Resolution No. 0193 - Confirming Appointment Of A Member To The Environmental Management Council

Motion Made By: Legislator Ronk

Motion Seconded By: Legislator Belfiglio

Resolution Summary: This Resolution confirms the appointment of Kristen T. Schara of Hurley as a member of the Ulster County Environmental Management Council for the term May 1, 2013 thru April 30, 2016.

Discussion:

Legislator Ronk clarified the resume of Ms. Schara was on file. Deputy Clerk Barringer confirmed it was.

Roll Call Vote: No

Voting In Favor: Legislators Belfiglio, Parete, Ronk, Wawro, and Wishnick
Voting Against: None
No. of Votes in Favor: 5
No. of Votes Against: 0
Disposition: Carried

Motion No. 5 Draft Resolution No. 0196 – April 16, 2013

3. Text of Motion: Resolved to approve Draft Resolution No. 0196 - Appointing
And Reappointing Members To The Soil And Water Conservation
District Board

Motion Made By: Legislator Belfiglio for discussion

Motion Seconded By: Legislator Wawro

Resolution Summary: This Resolution confirms the appointment or reappointment of Leonard Tantillo of Gardiner and William A. Wilklow of Highland representing the Farm Bureau, Frederick VanNostrand of New Paltz representing the Grange, Joe Hasbrouck of Kingston as a Member-at-Large for a term to begin April 1, 2013 thru December 31, 2015 and Tracey A. Bartels of Gardiner and Kenneth J. Ronk, Jr. of Wallkill for a term to begin April 1, 2013 thru December 31, 2013 to the Soil and Water Conservation District Board.

Discussion:

Legislator Ronk expressed excitement at being appointed and looking forward to serving on the board. He felt Soil and Water does an awesome job and was eager to learn more about their operations.

Roll Call Vote: No
Voting In Favor: Legislators Belfiglio, Parete, Ronk, Wawro, and Wishnick
Voting Against: None
No. of Votes in Favor: 5
No. of Votes Against: 0
Disposition: Carried

Motion No. 6 Draft Resolution No. 0211 – April 16, 2013

4. Text of Motion: Resolved to approve Draft Resolution No. 0211 - Supporting A
Local Government Efficiency Grant Application

Motion Made By: Legislator Ronk

Motion Seconded By: Legislator Wawro

Resolution Summary: This Resolution supports and approves the LGE Grant application in the amount of \$43,375.00 and designates Ulster County BOCES as the Lead Agency for the "Technology Efficiency Study Project" and commits to its portion of the required local share, or \$1,084.50.

Discussion:

Chair Belfiglio noted the \$4,338 listed in the fourth WHEREAS appeared to be a grant writer fee and was being divided equally among the four entities. He noted the Resolution listed a required local share and asked where the money is coming from. Legislator Ronk noted it was a Resolution supporting a grant application and a follow-up Resolution would indicate the financial impact when the grant was actually awarded. Deputy Clerk Barringer noted the last RESOLVE committed \$1,084.50. Legislator Ronk noted the local share was 10% of the grant and stated he would contact the Budget office to determine why there was no financial impact listed.

Legislators voted pending the response from Budget Director Hanson. Legislator Ronk noted they may need to add a financial impact.

Roll Call Vote:	No
Voting In Favor:	Legislators Parete, Ronk, Wawro, and Wishnick
Voting Against:	None
Abstaining from the Vote:	Legislator Belfiglio
No. of Votes in Favor:	4
No. of Votes Against:	0
No. of Votes in Abstention:	1
Disposition:	Carried

Old Business: Climate Smart Committee

Chair Belfiglio discussed the difficulty the Climate Smart Committee had in getting members after it was enacted. He felt the Legislature needed to re-attempt following a communication from a New Paltz constituent was received and distributed in the Committee packets. Chair Belfiglio noted he had tried to reach out to Mr. Jim Littlefoot to serve at the suggestion of former Legislator Laura Petite. He felt the Environmental, Energy, and Technology Committee should either abolish the Climate Smart Committee or make appointments.

Legislator Ronk motioned the Chair of the Environmental, Energy, and Technology Committee to solicit interest of membership. Legislator Wawro seconded the motion for discussion.

Legislative Counsel Guerin noted the Legislature could advertise for Climate Smart Committee members.

Chair Belfiglio felt the Chair should not be alone in seeking members to the Climate Smart Committee.

On the motion, Legislators Parete and Ronk voted yes and Legislator Belfiglio, Wawro, and Wishnick voted no. Motion failed.

Legislator Wishnick suggested the Committee members work together to generate some interest and bring some names to the next meeting.

Chair Belfiglio suggested the Committee review and discuss the Climate Smart Committee appointments line by line. He reviewed each of the categories listed in the Resolution.

Legislator Ronk suggested the Town of New Paltz Transfer Station is an environmental organization and nominated Laura Petite.

Chair Belfiglio motioned for the Environmental, Energy, and Technology Committee Chair to solicit and take suggestions from Committee members. Legislator Wawro seconded the motion and the motion passed with a unanimous vote of all attending Environmental, Energy, and Technology Committee members.

Old Business: Flow Control Amendment

Legislator Parete clarified when the Legislature voted on flow control back in December 2012, the amendment that was added to the law. Chair Belfiglio replied it was to add the SEQRA and the AIS Report. Chair Belfiglio stated he pulled the Resolution and asked to resubmit the Resolution with an amendment as motioned by Legislator Ronk. Legislator Parete noted this environmental report was never brought before the Environmental, Energy, and Technology Committee. He stated he never saw the documents. Legislator Ronk stated there was no SEQRA as it was a negative declaration. Legislator Parete replied based on his research, he would dispute that there should have been a negative declaration. Legislative Counsel Guerin stated the County Attorney made the determination that this fell under the Negative Declaration purview and submitted all paperwork to determine the Negative Declaration a day or so after the Legislature's vote.

Legislator Parete read the criteria for a Negative Declaration and requested through the Chair that the County Attorney be requested to provide to the supporting documents to determine a Negative Declaration.

Legislator Ronk motioned that the Chair of the Environmental, Energy, and Technology Committee invite Bea Havranek to explain the Negative Declaration for Flow Control and provide the documentation as submitted in advance of the next Committee meeting. Chair Belfiglio seconded the motion and the motion passed unanimously.

Adjournment

Motion Made By: Legislator Ronk

Motion Seconded By: Legislator Parete

No. of Votes in Favor: 5

No. of Votes Against: 0

TIME: 6:55 PM.

Dated the 8th day of April, 2013

Krista Barringer, Deputy Clerk

Minutes Approved on: May 2, 2013

Health and Personnel Committee

Regular Meeting Minutes

DATE & TIME: April 8, 2013, 5:30 PM

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

PRESIDING OFFICER: Chairman Robert T. Aiello

LEGISLATIVE STAFF: Krista Barringer, Deputy Clerk

PRESENT: Legislators Jeanette Provenzano, Carl Belfiglio, and Kenneth J. Ronk (arrived 5:43)

ABSENT: Legislator Robert S. Parete

QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislative Counsel Erica Guerin, League of Women Voters of the Mid-Hudson Region Representative Lee Cane, Ulster County Trails Advisory Committee Representative Kathy Nolan and Deputy County Executive Ken Crannell.

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

MOTION NO. 1 **RESOLVED To Approve the Minutes of February 4, 2013 and March 4, 2013**

Motion Made By: Legislator Provenzano

Motion Seconded By: Legislator Belfiglio

Discussion: Legislator Belfiglio noted an auto correct error which indicated he was Chair Belfiglio in the second paragraph of the third page. Deputy Clerk Barringer will amend to minutes to correct this.

Roll Call Vote: No

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

Voting Against: None

No. of Votes in Favor: 4

No. of Votes Against: 0

Disposition: Carried

Old Business (Monthly Personnel Report) :

Chairman Aiello asked the Committee members if they had any questions regarding the report. Legislator Belfiglio noted there were permanent CNAs and LPNs hired at Golden Hill and asked if they should be looking at temporary and contracting for these position.

Deputy County Executive Crannell stated the County does utilize some temporary and contract employees and noted they contract with Manpower for clerical positions. He noted the facility has a trend of replacing 3-4 CNAs every month and indicated the high demand for nurses. He stated they identified a candidate for this less than full-time position who desired an alternate work schedule that fit well with the facility.

Legislator Belfiglio noted the use of a temporary agency would offer a cost savings as they would not have to include the benefit package and would meet the ultimate goal of the County in selling the facility to save money. Deputy County Executive Crannell noted the position was less than full-time and was an LPN with no benefits. He reiterated the County will hire four CNAs and have four leave within a month span of time. He stated in regards to nursing, the contracting agencies are not necessarily able to provide nurses that meet the facility's staffing needs for specific shifts.

Legislator Belfiglio confirmed if the Committee members had additional questions they should contact Deputy County Executive Crannell. Deputy County Executive Crannell suggested the members call Deputy County Executive Sudlow as he is the Deputy County Executive that oversees Personnel.

Old Business (Guest Speaker – Paul Fowler, Proposed Legislation) :

Chairman Aiello noted Mr. Fowler phoned to indicate he would be unable to attend tonight's meeting. Legislators discussed Mr. Fowler's proposed legislation presentation at the Law Enforcement Committee.

Motion No. 2 Draft Resolution No. 0212 – April 16, 2013

Text of Motion: Resolve to Approve Draft Resolution No. 0212 - Authorizing An Agreement Between The County Of Ulster And The Ulster County Staff Association (NYSUT, AFT, NEA, AFL-CIO) For The Years 2011 Through 2014

Motion Made By: Legislator Provenzano

Motion Seconded By: Legislator Belfiglio

Resolution Summary: This Resolution approves the Memorandum of Agreement between Ulster County and the Ulster County Staff Association as well as the execution of a final agreement in accordance with the terms set forth in the Memorandum of Agreement as reached by parties on February 20, 2013.

Discussion:

Deputy County Executive Crannell clarified the aspects of the union agreement which included zero percent increase in 2011 and 2012; 1.75% in 2013; and 2% in 2014. He noted this contract affects about 30 employees.

Legislator Provenzano stated if both the union and the County Executive were happy with the agreement then she would support it.

Deputy County Executive Crannell clarified in regards to the change in health insurance, the seven bullet in the agreement indicates that new employees hired after the ratification of the agreement shall contribute 20% of the County's cost for health insurance. He noted the current employees are consistent with the other union agreement.

Legislator Belfiglio clarified an agreement was approved in 2011. Deputy County Executive Crannell noted this agreement was for the Staff Association and not the CSEA union. He noted this agreement is a four year agreement.

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

Motion No. 3 Draft Resolution No. 0192 – April 16, 2013

1. Text of Motion:

Resolve to Approve Draft Resolution No. 0192 - Re-Establishing The
Ulster County Trails Advisory Committee – Ulster County Legislature

Motion Made By: Legislator Belfiglio

Motion Seconded By: Legislator Provenzano for discussion

Resolution Summary: This Resolution creates and re-establishes a Trails Advisory Committee which shall consist of not more than Eleven (11) Voting Members to be appointed by the Members of the Ulster County Legislature for the purposes of advising the Ulster County Legislature on trail-related issues and advising the Legislature on the adoption, repeal or amendments to Laws and Regulations as they relate to Ulster County Trails. The members of the Ulster County Trails Advisory Committee, as appointed annually by the Members of the Ulster County Legislature, shall consist of three members of the Ulster County Legislature (Legislators Mary Beth Maio, John Parete, and Craig Lopez); two members of the trails community (Kathy Nolan and George Daxis); one member of the historical community (Steve Rice); two members of the hiking & biking communities (John Adams and Katie Scott-Childress); one member of the other non-motorized transportation communities (Eunice F Shumalski); two local Government Officials (Carl Chipman, Town of Rochester Supervisor and Scott Carlsen, Town of Wawarsing Supervisor); and two non-voting members (New York City Department of Environmental Protection (DEP) representative James Bogner and New York State Department of Transportation

(DOT) representative Lisa Mondello). The Resolution further notes representatives of Ulster County government are invited to attend all meetings of the TAC, and may be asked from time to time to participate and advise the Trails Advisory Committee at the request of the Trails Advisory Committee. The Ulster County Trails Advisory Committee is required by the Resolution to update and report to the Ulster County Legislature's Health and Personnel Committee and the Economic Development and Tourism Committee as to its findings, conclusions and recommendations on an annual basis.

Discussion:

Legislator Belfiglio queried how all the members were chosen. Ms. Nolan noted she was in attendance as a representative and immediate past Chair of the Ulster County Trails Committee and in particular Chairman Steve Rice who was unable to attend. Ms. Nolan noted the Committee has been re-established every year. She stated at the end of the calendar year, the Committee sends notice to all those on their distribution lists an invitation to serve on the Committee. She noted there are eleven members with nine voting members and this year, as in all previous years, they have had the same number of volunteers as the positions to be filled. She stated they supplied the biographies on all those that were volunteering, other than the Legislators. She felt it was a very qualified group with trails experience. She stated they did seek volunteers for the municipal leader. She noted the language of the Resolution is the same each year with the only change being the names of those people being recommended. She felt for the Committee to further their work, their members need to know a fair amount about what is happening with the trails. She noted the volunteers tend to come from the people who have been attending the meeting. She indicated if the Committee preferred a change in how they found volunteers to nominate, they would be open to this. She noted there have been new people over the years and a few members that have been on since the Committee was founded.

Legislator Provenzano asked why this Committee was being re-established every year. Ms. Nolan replied it was how they were told the Committees had to be re-established every year. She noted a longer appointment would make it easier for them but they may need to replace volunteers who may drop out. Legislator Ronk noted Legislator Robert Parete created the Committee back in July 2008 and stated with Legislator Parete's input on it, he was not opposed to two-year terms to coincide with Legislative terms. Legislator Provenzano suggested amending the Resolution to allow for two-year terms.

Ms. Nolan noted the Resolution had already been to the Economic Development and Tourism and was approved as is. Legislator Ronk suggested they could amend on the floor and reiterated his suggestion that they be two year terms to coincide with the term of a Legislator. He suggested these appointments should expire in December of this year and the volunteers be re-appointed in January 2014 for their first two-year term. Legislators discussed appointments holding over until new appointments.

Legislator Provenzano asked how the three Legislators were selected. Ms. Nolan replied they all volunteered as they were previous appointments.

Legislators agreed to leave the Resolution as is for this year and allow the two-year appointments to begin next year.

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

New Business: None

General Discussion:

Legislator Ronk noted the hope that the Sheriff's Department union arbitration would be similar to the Staff Association agreement. He noted the Town of Lloyd recently received a beneficial arbitrator's award. Deputy County Executive Crannell noted in the City an arbitrator commented with the property tax cap aside, the residents could afford to pay more property taxes in the City.

Legislator Belfiglio asked about the 20% health insurance contribution and what the current health insurance contribution was. Deputy County Executive Crannell noted it was about 15%. Legislator Ronk noted the contribution amount varied union to union but that most were before a set date 10% and after 15%.

Legislator Provenzano stated she received a phone call regarding a proclamation that would recognize April as Autism Awareness month. She noted in the first sentence it referred to Autism as a mental health issue. Deputy Clerk Barringer noted the language was taken from the National Autism community. Legislators discussed Autism as a mental health or developmental disorder. Chair Belfiglio requested Legislative Counsel Guerin to determine the language of the first whereas on the proclamation.

Adjournment

Motion Made By: Legislator Ronk
Motion Seconded By: Legislator Belfiglio
No. of Votes in Favor: 4
No. of Votes Against: 0
TIME: 6:00 pm
Dated the 9th day of April, 2013
Krista J. Barringer, Deputy Clerk
Minutes Approved on: April 29, 2013

Law Enforcement & Public Safety Committee

Regular Meeting Minutes

DATE & TIME: April 2, 2013 5:30 PM
LOCATION: Ulster County Law Enforcement Center, The Rotunda
PRESIDING OFFICER: Kenneth Ronk, Deputy Chairman
LEGISLATIVE STAFF: Lisa K. Mance
PRESENT: Legislators Ronk, Maio, Briggs and Belfiglio
ABSENT: None
EXCUSED: Chairman Richard Parete
QUORUM PRESENT: Yes
OTHER ATTENDEES: Legislator David Donaldson, Sheriff Paul VanBlarcum, Undersheriff Frank Faluotico, DA D. Holley Carnright, Legislative Council Erica Guerin, Deputy Executive Robert Sudlow, T/O Ulster Supervisor James E. Quigley, III, Sheriff Sgt. Abe Markowitz, Sgt. Perry Soule, Deputy Sheriff Jim Tiano, T/O Ulster Police Chief Anthony Cruise, Paul Fowler and James Freligh

Deputy Chairman Ronk called the meeting to order at 5:31 PM.

MOTIONS:

MOTION NO. 1
TEXT OF MOTION: RESOLVED to approve the March 5, 2013 Meeting Minutes
MOTION MADE BY: Legislator Belfiglio
MOTION SECONDED BY: Legislator Briggs
ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Ronk, Belfiglio, Briggs and Maio
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 4
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passes

Draft Resolution No. 0197 taken out of order.

MOTION NO. 2
TEXT OF MOTION: RESOLUTION No. 0197- April 16, 2013
RESOLVED to Approve Draft Resolution No. 0197 - Amending The 2013 Ulster County Budget - Appropriating Unexpended Funds From The New York State Office Of Homeland Security And Emergency Services For The State Homeland Security Program - Ulster County Sheriff's Office

Resolution Summary: Pursuant to Resolution No. 8 dated January 23, 2012, the Legislative Chairman executed an agreement with the NYS Office of Homeland Security and Emergency Services for the State Homeland Security Program in the amount of \$332,000.00 for the period September 1, 2011 through August 31, 2014. The contract is Federally funded to be administered by the NYS Homeland Security and Emergency Services Agency and requires no matching County funds. To date, there remains an unexpended balance of \$112,216.00 that the Sheriff requests be appropriated and the 2013 UC Budget be amended accordingly. The funds will be used to purchase communication equipment and accessories required to leverage current equipment to achieve more efficient and acute terrorism readiness.

Discussion:	None
MOTION MADE BY:	Legislator Briggs
MOTION SECONDED BY:	Legislator Belfiglio
ROLL CALL VOTE:	No
VOTING IN FAVOR:	Legislators Ronk, Malo, Belfiglio and Briggs
VOTING AGAINST:	None
NO. OF VOTES IN FAVOR:	4
NO. OF VOTES AGAINST:	0
DISPOSITION:	Motion passed to adopt Resolution

MOTION NO. 3	RESOLUTION No. 0194 – April 16, 2013
TEXT OF MOTION:	<u>RESOLVED to approve Resolution No. 0194-</u> Establishing The Ulster County Law Enforcement Sustainability And Efficiency Commission

Deputy Chairman Ronk recognized Leg. Donaldson for purposes of discussion regarding the commission.

Leg. Donaldson stated that when looking at budgets, the County is footing more of the bill and it isn't any longer feasible for some cities/municipalities to maintain their own police department and a better shared services agreement should be looked into. Leg. Donaldson indicated that he had witnessed a duplication of services which was ultimately a waste of service and better coordination was necessary. His belief was that a commission from outside working objectively with the police agency could develop a better consolidation of services without added costs. Sheriff VanBlarcum asked who specifically, "they" was meant to be and that he was concerned that if the Legislature and the County Executive were responsible for selecting who was to be placed on the commission, it wouldn't be fair somewhere down the line. Leg. Donaldson indicated he didn't believe services were being run efficiently to which the Sheriff responded that it was important for Leg. Donaldson to attend the Chiefs of Police Meeting, prior to passing the resolution, provide his opinion to the Chiefs and obtain input from the members. Leg. Belfiglio stated that a conclusion was being made on a resolution that was forming in Committee. Sheriff VanBlarcum asked that Leg. Donaldson attend the Chiefs' meeting the following morning, at which there would be 50 individuals that would be able to answer his questions and provide their recommendations regarding moving the Resolution forward. Undersheriff Faluotico commented in his capacity as Vice-Chairman of the Police Chiefs that Legislator Donaldson should make an appointment if attending and took issue with the purpose of the proposed Resolution. Leg. Donaldson indicated that he didn't draft the proposed resolution, it was drawn up by council and that the major problem was that agencies were cash-strapped and that bringing outside people to look at the situation could be a good thing. Deputy Ronk asked if Leg. Donaldson was amenable to a discussion with the Committee in changing the structure of the proposed makeup of the Commission. Discussion ensued between Leg. Donaldson and Deputy Ronk regarding amendments in Committee versus at Session. Deputy Ronk proffered the suggestion of having the Sheriff and District Attorney (or designee) to serve on the Commission. District Attorney was willing to be considered but questioned who the intended members were, to which Deputy Ronk responded the Sheriff, himself, Leg. Donaldson and each would get 3 appointments (that none of the other appointments were defined). Deputy Ronk continued with the proposed list, suggesting the County Executive (or proposed designee), a representative from the Town Supervisors Assn. (since they were greatly affected with their Town budgets) and representative to the Police Chiefs Assn., in addition to the Minority and Majority Leaders and agreeing that the maximum number of individuals serving would be 9. Sheriff VanBlarcum asked why not ask for volunteers interested in the matter. Leg. Donaldson wanted individuals that had abilities to complete the research, to which Deputy Ronk noted the premise of leaving the appointments undefined addressed the issue. Deputy Ronk also stated he believed there had already been a study commissioned by CREO regard police efficiency. Leg. Belfiglio remarked the 6-month timeframe for the commission to present a report was unrealistic, referencing a document provided by the Sheriff in 2011 regarding New Jersey police departments. Undersheriff Faluotico asked why Gerald Benjamin was being considered referencing that Mr. Benjamin, as a past Legislative Chair, may already have a particular pre-existing view toward the Sheriff's Department. Leg. Briggs indicated he would vote "no" unless clear direction as to who would be on Commission could be determined. Leg. Maio supported her vote of "no" with statement that the Resolution should have come out

of the Law Enforcement Committee that has worked well in the past with the Sheriff's Department and that members of the Law Enforcement should have more input with regard to the Resolution. DA Carnright stated that he was willing to be involved and wished to be present if the Resolution were to come back to the Committee. Undersheriff Faluotico went on record asking who would be the overseeing force, the Sheriff or a countywide police force overseen by the Executive to which Leg. Donaldson responded that was not something he wished to see.

Motion to table Resolution

MOTION MADE BY: Legislator Briggs
MOTION SECONDED BY: Legislator Maio
ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Ronk, Briggs, Maio, and Belfiglio
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 4
NO. OF VOTES AGAINST: 0
DISPOSITION: POSTPONED UNTIL APRIL 30, 2013 LAW ENFORCEMENT AND PUBLIC SAFETY COMMITTEE MEETING

Deputy Ronk asked members to consider who they would want on the commission, possibly having discussion With Leg. Donaldson.

MOTION NO. 4
TEXT OF MOTION:

RESOLUTION No. 0198- April 16, 2013
RESOLVED to Approve Draft Resolution No. 0198 - Amending The 2013 Ulster County Budget - Appropriating Unexpended Funds From The New York State Office Of Homeland Security And Emergency Services For The Law Enforcement Terrorism Prevention Program - Ulster County Sheriff's Office

Resolution Summary:

Pursuant to Resolution No.189 dated August 16, 2011, the Legislative Chairman executed an agreement with the NYS Office of Homeland Security and Emergency Services for the Law Enforcement Terrorism Prevention Contract in the amount of \$151,551.00 for the period August 1, 2010 through July 31, 2013. The contract is Federally funded to be administered by the NYS Homeland Security and Emergency Services Agency and requires no matching County funds. To date, there remains an unexpended balance of \$151,551.00 that the Sheriff requests be appropriated and the 2013 UC Budget be amended accordingly. The funds will be used to purchase information sharing software for terrorism intelligence/early warning system and the requisite training for use of the software.

Discussion:

None

MOTION MADE BY: Legislator Briggs
MOTION SECONDED BY: Legislator Maio
ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Ronk, Maio, Belfiglio and Briggs
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 4
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion passed to adopt Resolution

**MOTION NO. 5
TEXT OF MOTION:**

RESOLUTION No. 0210- April 16, 2013
RESOLVED to Approve Draft Resolution No. 0210 – Authorizing The Chairman Of The Ulster County Legislature To Execute An Agreement With The New York State Division Of Criminal Justice Services For Participation In The Crimes Against Revenue Program – District Attorney

Resolution Summary:

The Ulster County DA has been awarded \$99,500 in funding by the NYS Division of Criminal Justice Services (DCJS) for participation in the Crimes Against Revenue Program (CARP) for the term January 1, 2013 through December 31, 2013. The funds will be used exclusively to continue to fund a designated ADA to specialize in the investigation and prosecution of revenue crimes against NYS committed within Ulster County. The DA requests the County Chairman be authorized to execute an agreement with the NYS DCJS for participation in CARP for the term January 1, 2013 through December 31, 2013 in the amount of \$99,500.00.

Discussion:

DA Carrnright indicated that the program had been a great success.

MOTION MADE BY:	Legislator Briggs
MOTION SECONDED BY:	Legislator Mlao
ROLL CALL VOTE:	No
VOTING IN FAVOR:	Legislators Ronk, Malo, Belfiglio and Briggs
VOTING AGAINST:	None
NO. OF VOTES IN FAVOR:	4
NO. OF VOTES AGAINST:	0
DISPOSITION:	Motion passed to adopt Resolution

**MOTION NO. 6
TEXT OF MOTION:**

RESOLUTION No. 0216 - April 16, 2013
RESOLVED to Approve Draft Resolution No. 0216 - Authorizing The Chairman Of The Ulster County Legislature To Execute An Intermunicipal Agreement With Various Municipalities For The Operation Of U.R.G.E.N.T. (Ulster Regional Gang Enforcement Narcotics Team) – Ulster County Sheriff

Resolution Summary:

URGENT operates as a county-wide gang and narcotics law enforcement team consisting of law enforcement personnel from various agencies throughout Ulster County. The existence of the unit will benefit Ulster County and serve as a resource for all police and law enforcement agencies within Ulster County. URGENT is overseen by the District Attorney and Ulster Sheriff. Local municipalities have been invited to participate in URGENT and have been given a Cooperative Agreement for execution to formalize their participation. By Resolution dated February 20, 2013, the Town of Lloyd approved the Town's participation and authorized the Town Supervisor to execute the Cooperative Agreement with the County. It is anticipated that additional municipalities will elect to participate in URGENT and seek to become parties in the Cooperative Agreement.

Discussion: Deputy Ronk recognized Supervisor Quigley. Supervisor Quigley presented explanation as to why Town of Ulster chose not to participate, giving example of an incident that occurred in 2009 with regard to an URGENT arrest which included an officer from the Town of Ulster and an officer from the City of Kingston. Allegations arose regarding the treatment of the criminal at the time of arrest and at the present time, the Town of Ulster has been forced to defend the Ulster police officer as a result of the charges against him. Supervisor Quigley asked that the

Legislature consider indemnification of local agencies that contribute resources to Countywide task force and operations while under the control of the Sheriff's Department. Supervisor Quigley stated that the Town would not be participating in URGENT until the issue was resolved and may very well pull out of the emergency services team and that the Town Board wouldn't subject its taxpayers to that type of liability. Leg. Belfiglio asked Supervisor about liability incurred by police force when operating within the Town jurisdiction and asked why the County wasn't being sued. Chief Cruise asked to address Committee to explain the circumstances predicated the lawsuit and why the County wasn't sued in addition to the Town of Ulster. Chief Cruise stated that the County rejected responsibility on the Notice of Claim and the expense fell upon the Town. Leg. Briggs noted indemnification clause in agreement and discussion took place with regard to indemnification clause in prior Agreement and present Agreement. Undersheriff Faluotico asked if consideration could be given to obtaining an umbrella policy that could be added to the County insurance to prevent type of situation that occurred with the Town of Ulster and URGENT, acknowledging that the smaller Towns don't have resources to protect themselves financially. Council Guerin asked through the Deputy Chair to Mr. Quigley if the Contract that the Town of Ulster had, was there no provision for an indemnification. Supervisor Quigley indicated that there was a contract in 2007, but none existed in 2008, 2009 or 2010 and the Town pulled out of URGENT in 2010. Council Guerin noted observation of Leg. Briggs to present indemnification clause contained within the Agreement and encouraged that Attorney Kovacs review the content. Deputy Ronk asked intentions of Committee with regard to the action to be taken on the Resolution. DA Carnright stated that any agency not currently involved in URGENT that had an interest in a countywide effort, to contact the DA in the hopes of working out issues but as to the current agreement, asked the Committee to accept and that it had been approved by its current members. Chief Cruise asked Committee if County could take another look at the lawsuit and help financially. Leg. Belfiglio noted he was voting no only due to liability to Towns and asked if there was a way to "sweeten the pot" to provide protection to the participating Towns. DA Carnright addressed Leg. Belfiglio's concerns and the type of work performed by URGENT that wasn't efficiently or financially able to be undertaken by local forces and indicated that whether a Town participated or not, there was a benefit.

MOTION MADE BY:	Legislator Briggs
MOTION SECONDED BY:	Legislator Maio
ROLL CALL VOTE:	No
VOTING IN FAVOR:	Legislators Ronk, Maio, and Briggs
VOTING AGAINST:	Legislator Belfiglio
NO. OF VOTES IN FAVOR:	3
NO. OF VOTES AGAINST:	1
DISPOSITION:	Motion passed to adopt Resolution

- **MONTHLY REPORTS:** The following Sheriff's reports were distributed to the Committee and remain on file in the Office of the Clerk of the Legislature:

- **2013 Monthly Board-In Revenue and Counts and Telephone Revenues**

Sheriff VanBlarcum noted that a deal had been made with Sullivan County that help increased board-in revenues.

- **NEW BUSINESS:**

Deputy Robert Sudlow – Stop DWI - Deputy Ronk noted that Deputy Sudlow was not able to stay and would be addressing the Committee in May.

Paul Fowler – Wished to raise issue of crimes against children to the Committee. It was recommended by Leg. Briggs that Mr. Fowler contact Michael Berg and that may be the avenue for him to approach if the concern was counseling or education.

Sgt. Abe Markowitz asked if he could address regarding the 911 Nuisance Law at the next month's meeting.

There being no further business before the Committee, a motion was made by Legislator Malo, seconded by Legislator Belfiglio, and carried to adjourn the meeting at 6:35 P.M.

**Dated the 10th Day of April, 2013
Lisa K. Mance, Legislative Employee
Minutes Approved: April 30, 2013**

Laws and Rules, Governmental Services Committee

Committee Meeting Minutes

DATE & TIME: April 15, 2013 / 6:00 PM
LOCATION: Karen L. Binder Library, 6th Floor, County Office Building, 244 Fair Street, Kingston, NY
PRESIDING OFFICER: Kevin Roberts, Chairman
LEGISLATIVE STAFF: Franklin R. Reggero
PRESENT: Legislators Roberts, Donaldson, Robert Parete, Loughran, Malo, and Ronk
ABSENT: Legislators Fabiano
QUORUM PRESENT: Yes
OTHER ATTENDEES: Legislator Hector Rodriguez; Erica Guerin, Counsel to the Legislature; Ken Crannell, Deputy County Executive; Dr. Tsoubris, Astor; Dr. Smith, Sheryl Kumar and Judith Dagirmanjian, Dept. of Mental Health; Victor Melville, League of Women Voters; Patricia Doxey, Dally Freeman.

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

I. DISCUSSION:

Chairman Roberts recognized the guests from the Astor and the Department of Mental Health. Chairman Roberts further stated that he had an opportunity to tour the New Paltz Astor facility for Children and Family and recognized Dr. Tsoubris who provided an overview and locations of services provided to the residents of Ulster County.

Chairman Roberts recognized Dr. Sheryl Kumar, Deputy Director of Mental Health who stated that Local Law number 1 has been the catalyst for focusing on providing Mental Health clinicians in schools throughout the County without any County contribution. Judith Dagirmanjian, Local Government Unit, Director for Child and Family Mental Health Services stated that her office along with Ulster County BOCES have developed a survey for schools districts in the County to complete and assist in identifying the needs for Mental Health in the schools. She expects a two week turn around on the surveys.

Deputy Chairman R. Parete thanked the members for their comments and asked they extend the deadline of the survey's due to school districts being in the middle of their budget process, possibly for three weeks. They agreed.

Mr. Crannell thanked Chairman Roberts for interest and taking the time to tour the Astor facility becoming familiar with the issues.

Dr. Tsoubris stated that Astor will be having an Open House in the near future and he will inform the Legislature of the day and time.

Chairman Roberts called for further questions or discussion, hearing none. On to Resolutions.

II. RESOLUTIONS:

MOTION NO. 1 Resolution No. 65 – April 16, 2013

TEXT OF MOTION: **RESOLVED to approve Resolution 65** - Setting A Public Hearing On Proposed Local Law No. 1 Of 2013 (A Local Law Of The County Of Ulster, New York, Known As The "The Ulster County School-Based Mental Health and Safety Act of 2013"), To Be Held On Tuesday, May 14, 2013 At 7:00 PM.

Resolution Summary: Setting a Public Hearing on Tuesday, May 14, 2013 at 7:00 PM.

MOTION MADE BY: Legislator R. Parete
MOTION SECONDED BY: Legislator Maio

DISCUSSION: Chairman Roberts recognized Deputy Chairman R. Parete who asked if the schools are authorized to be reimbursed Medicaid or Medicare expenses. Ms. Kumar stated no they are not. Mr. Crannell stated that the provider would bill the client directly and the schools would provide in-kind services.

Legislator Ronk asked Legislator R. Parete if he agreed to remove the funding sources in the resolution. Legislator Parete stated that he would agree to remove the funding if the Law will be supported by the Legislature.

Chairman Roberts recognized Legislative Counsel Ms. Guerin who stated that in accordance with the Rules of Order, the Resolution may be referred back to the originating committee with recommendations.

Chairman Roberts motions that the Laws Rules and Governmental Services Committee is the originating committee and with unanimous consent, 6 in favor and 0 opposed.

Chairman Roberts recognized Legislator Donaldson who stated that the resolution can be amended on the floor of the Legislature and subsequently voted on the night of Legislative Session.

Chairman Roberts recognized Legislator R. Parete who stated he would prefer to have the Local Law debated in committee with as much input as possible prior to going to before the entire Legislature.

Chairman Roberts called for further discussion, hearing none.

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

MOTION NO. 2 Draft Resolution No. 0189 – April 16, 2013

TEXT OF MOTION: RESOLVED to approve Draft Resolution 0189 - Amending The Rules Of Order Of The Ulster County Legislature To Require the Recording of Legislative Meetings and Standing Committee Meetings.

Resolution Summary: Amending the Rules of Order that require the recording of standing Committee meetings.

MOTION MADE BY: Legislator Ronk
MOTION SECONDED BY: Legislator Donaldson

DISCUSSION: Chairman Roberts recognized Legislator Ronk who stated that this resolution will require the Clerk of the Legislature to record and publish audio recordings from all standing Committee meetings.

Chairman Roberts stated that he does not support this resolution based on present practice of the Clerk in posting audio recordings and further stated it is duplicative in nature.

Chairman Roberts called for further discussion, hearing none.

ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators R. Parete, Loughran, Donaldson, Malo and Ronk
VOTING AGAINST: Legislator Roberts
NO. OF VOTES IN FAVOR: 5
NO. OF VOTES AGAINST: 1
DISPOSITION: Motion Passed

MOTION NO. 3 **Draft Resolution No. 0200 –April 16, 2013**

TEXT OF MOTION: **RESOLVED to approve Draft Resolution 0200** - Appropriating Funds From The Liability And Casualty Reserve Fund For Payment Of A Judgment – Amending The 2013 Ulster County Budget -- Department Of Insurance.

Resolution Summary: A decision and judgment was entered by the Honorable Frederick J. Scullin, Jr., Senior United States District Court Judge on March 20, 2013 against Ulster County in the amount of \$285,005.71; payment of this judgment was not included in the 2013 Ulster County Budget.

MOTION MADE BY: Legislator Ronk
MOTION SECONDED BY: Legislator Donaldson

DISCUSSION: **Chairman Roberts** motioned seconded by **Legislator Donaldson** to approve as amended by the Ways and Means Committee, with no money coming from contingency, unanimously adopted 6-0.

Chairman Roberts calls for further discussion, hearing none.

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

MOTION NO. 4 **LATE Draft Resolution No. 0220 – April 16, 2013**

TEXT OF MOTION: **RESOLVED to approve Draft LATE Resolution 0220** - Rescinding Resolution No. 410 Of December 6, 2006 And Authorizing Ulster County To Pay For The Cost of Election Expenses Thereby Relieving The Various Municipalities Of Responsibility For Payment.

Resolution Summary: Resolution No. 410 of December 6, 2006, which authorized the County of Ulster to charge back the towns and the City of Kingston for the cost of elections be rescinded.

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

DISCUSSION: **Chairman Roberts** recognized **Legislator Donaldson** who stated that he would like to debate this resolution and has spoken with the sponsor.

Chairman Roberts with unanimous consent, 6 in favor 0 opposed; referred back to committee for lateness to allow for proper debate.

Chairman Roberts called for further discussion, hearing none.

ROLL CALL VOTE: No
VOTING IN FAVOR: None
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 0
NO. OF VOTES AGAINST: 0
DISPOSITION: Referred to Committee

MOTION NO. 5 Draft LATE Resolution No. 0221 – April 16, 2013

TEXT OF MOTION: **RESOLVED to approve Draft LATE Resolution 0221** - Authorizing The Continuation Of Agricultural District No. 1 –Hudson River – Towns Of Esopus, Lloyd, Marlborough, New Paltz and Plattekill – Department Of Planning.

Resolution Summary: The Ulster County Legislature approves the continuation, with modifications, of Agricultural District No. 1 in the Towns of Esopus, Lloyd, Marlborough, New Paltz and Plattekill in accordance with the recommendations of the AFPB as filed with the Clerk Ulster County Legislature, as Agricultural District No. 1 Hudson River, Ulster County.

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

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

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

MOTION NO. 6 Draft LATE Resolution No. 0222 – April 16, 2013

TEXT OF MOTION: **RESOLVED to approve Draft LATE Resolution 0222** - Approving Home Rule Request For Senate Bill No. S4516 And Assembly Bill No. A5130 Authorizing Ulster County To Continue The Additional 1% Rate Of Its Sales And Compensating Use Tax For Two More Years.

Resolution Summary: Requesting the enactment of Senate Bill No. S4516 and Assembly Bill No. A5130 entitled "An act to amend the tax law and Chapter 200 of the laws of 2002 amending the tax law relating to certain tax rates imposed by the County of Ulster, to impose an additional 1% sales and compensating use tax.

MOTION MADE BY: Legislator Loughran
MOTION SECONDED BY: Legislator Maio

DISCUSSION: Chairman Roberts called for further discussion, hearing none calls for a vote.

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

II. DISCUSSION

Chairman Roberts opened discussion regarding a special meeting of the Laws Rules and Governmental Services Committee to debate and discuss the Rules of Order. Unanimous consent to convene the special meeting on April 22, 2013 at 6:00 was agreed to by the Committee.

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 Maio** at 6:48PM.

Dated the 18th day of March, 2013
Franklin R. Reggero, Sr. Legislative Employee
Minutes Approved on: 22nd day of April 2013 / frr

Laws and Rules, Governmental Services Committee

Committee Meeting Minutes

DATE & TIME: April 22, 2013 / 6:00 PM
LOCATION: Karen L. Binder Library, 6th Floor, County Office Building, 244 Fair Street, Kingston, NY
PRESIDING OFFICER: Kevin Roberts, Chairman
LEGISLATIVE STAFF: Franklin R. Reggero
PRESENT: Legislators Roberts, Donaldson, Fabiano, Robert Pareto, Loughran, Malo, and Ronk
ABSENT: None
QUORUM PRESENT: Yes
OTHER ATTENDEES: Legislator Bartels; Langdon Chapman, Counsel to the Legislature; Victor Melville, League of Women Voters.

- Chairman Roberts called the meeting to order at 6:05 PM.

I. DISCUSSION:

Chairman Roberts opened the meeting by stating that Legislative Counsel have worked to provide a draft copy of revised Rules of Order for the Committee to work with, as well as the current copy of the Rules along with comments from Legislator Bartels. (See attached documentation).

Chairman Roberts recognized Legislator Donaldson who stated that he supports some changes to the Committee process; however, the ability for a single Legislator to bring a Resolution to the floor of the Legislature should not be infringed.

Chairman Roberts recognized Legislator R. Pareto motioned that the Committee start at the beginning of the new document and discuss each of the proposed changes sequentially. Seconded by Legislator Ronk.

Chairman Roberts opened discussion on RULE 3. Resolutions, Local Laws, Rules for Procedure for Presentation and Consideration.

- Discussion on Sponsorship and a procedure to define Co-Sponsorship. Committee recommended language changes to be made in track changes format to be approved at a later date.

Chairman Roberts opened discussion and debate on Committee of Original and Secondary Jurisdiction. Rule 3 Section 1C (a).

- Discussion on the process for determining the Committee of Original Jurisdiction. Chairman Roberts motions to change language adding a fill in the blank for each sponsor to complete upon submission of Resolutions in regards to Committee of original jurisdiction. No official vote; however unanimous consent.

Chairman Roberts opened discussion and debate on Types of Resolutions and deadlines. Rule 3 Section 1C (b).

- Discussion on categories of Resolutions and submission deadlines. Legislator Ronk stated that the new language was added in an attempt to reduce the amount of LATE Resolutions and set criteria for each type. Legislator Donaldson stated that the new language regarding Special Resolutions complicates and confuses the process.

- Chairman Roberts recognized Legislative Counsel Chapman for clarification on proposed changes on the types of resolutions and the deadlines of each type.

- Chairman Roberts continues discussion on types of and deadlines of resolutions.

For Consideration For The Apr 22
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RULES OF ORDER

ULSTER COUNTY LEGISLATURE

EFFECTIVE UPON ADOPTION (Clerk shall insert date of adoption)

RULE 1. RULES OF ORDER NOT SUBJECT TO EXECUTIVE APPROVAL.

The Rules of Order of the Ulster County Legislature, except where any portion or section thereof has been made part of the Charter of the County of Ulster, pertain solely to the conduct of the Ulster County Legislature. Thus, as a result and pursuant to §C-12 of the Charter (Submission of Enactments for Executive Approval; Veto and Veto Override) are not subject to County Executive approval.

RULE 2. AMENDMENT OF RULES.

The Rules shall not be rescinded, altered or amended, nor any additional Rule added thereto except by timely presentation to the Clerk of the Legislature, as and in the form of resolution, and by a majority vote of the total members of the Legislature and only after having been read at two consecutive meetings of the Legislature.

RULE 3. RESOLUTIONS, LOCAL LAWS, RULES FOR PROCEDURE FOR PRESENTATION AND CONSIDERATION.

- A. *Adoption, amendment and repeal.* The County Legislature may adopt, amend and repeal resolutions by a majority vote of the total number of its members. Each resolution shall embrace only one subject and may relate to property or any other subject of County concern not required by the Charter or applicable law to be provided by local law. Resolutions shall not be subject to referenda.
- B. *Procedure.* Except as otherwise provided in the Charter, all procedural details relating to the adoption, amendment and repeal of resolutions shall be as provided in the Administrative Code or applicable law. The procedural details shall also be governed by these Rules to the extent they are not inconsistent with the Charter, Administrative Code or applicable law.
- C. Procedure for the submission and consideration of resolutions in Committee.
1. Introduction: Any Legislator may introduce a Resolution by drafting or causing the same to be drafted and filing the same with the Clerk of the Legislature. The Sponsor shall be deemed to be the Legislator whose name first appears on the Resolution. Legislators may co-sponsor the Resolution by asking the Sponsor or Clerk to add their name to the Resolution as a Co-Sponsor. The Clerk shall refer the Resolution to a Committee of Original Jurisdiction based on the Rules of the Legislature and may also refer the matter to one or more Committees of Secondary Jurisdiction. There shall be three different types of Resolutions: "Regular Resolutions"; "Late Filed Resolutions" and "Special Resolutions". The Resolutions

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Special Resolution may be converted by the Clerk into a Special Resolution and acted on that Committee as a Special Resolution.

A Late Filed Resolution once approved by a Committee of original jurisdiction may be considered by a Committee of secondary jurisdiction before the next Regularly scheduled meeting of the County Legislature at the option of the Chair and Deputy Chair of a Committee of secondary jurisdiction, and if not considered at that time by a Committee of secondary jurisdiction, then it shall be considered as a Regular Resolution by such committee(s) of secondary jurisdiction at the next Regular meeting of such committee(s) of secondary jurisdiction.

(c). Special Resolutions. A Resolution that is not a Regular Resolution or a Late Filed Resolution shall be deemed a Special Resolution if, when introduced, it is requested by the sponsor to be deemed a Special Resolution.

A Special Resolution shall be referred to and may be placed on an agenda of the Laws and Rules, Governmental Services Committee at the option of the Chairperson of the Laws and Rules, Governmental Services Committee if any of the following two circumstances exist:

- (i) The Resolution was introduced upon the request of the County Executive, Comptroller, Sheriff, District Attorney, or County Clerk, which shall be specifically identified as being introduced at their request. The Resolution, if meeting this criteria, shall contain an explanation, acceptable to the Chairperson of the Legislature or the Chairperson of the Laws and Rules, Governmental Services Committee from the County Executive, Comptroller, Sheriff, District Attorney, or County Clerk, explaining why the Resolution was sent for introduction to the Clerk of the Legislature on the date it was sent and why it is necessary that the Resolution must be acted upon at the next meeting of the County Legislature.
- (ii) The Resolution is of financial consequence or potential financial consequence for the County, the timeliness of which requires or favors action by the full Legislature at its next meeting, as determined by the Chairperson of the Legislature or Chairperson of the Ways and Means Committee.
- (iii) The Resolution relates to a matter of public safety and the failure to act would negatively impact the people of Ulster County as certified by the Sheriff, Legislature Chairperson, Chairperson of the Law Enforcement and Public Safety Committee or District Attorney;
- (iv) That another governmental entity (Town/Village/City/School District/State/Federal government) or division or agency thereof

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County Executive or otherwise entered into the minutes or official records in track changes format.

D. Consideration by the Legislature of Resolutions which have passed Committee. If a Resolution of any kind passes all necessary Committees (in its original form or as amended in any Committee) which have jurisdiction over it, it is eligible for consideration by the full Legislature and shall be so considered at the next regularly scheduled meetings of the Legislature.

E. Petition to Discharge. No Resolution shall be considered by the full Legislature unless it shall have been passed by all necessary Committees unless the following procedure is implemented:

(a) The sponsor of a Resolution defeated in Committee shall, within five calendar days, file with the Clerk of the Legislature, a document, on a form prescribed by the Clerk of the Legislature, known as a "Petition to Discharge" (which Petition to Discharge shall be numbered by the Clerk);

(b) At least ten Legislators, within thirty days of such Petition's being filed with the Clerk of the Legislature, shall have signed such Petition. Such signature may be an actual signature on the Petition to be held in the custody of the Clerk, or a written request to the Clerk (hand delivered, mailed, e-mailed, or faxed and in any event, received by the Clerk within thirty days of such Petition's being filed) that the Clerk place such Legislator's name to the Petition. If a Legislator does not personally sign the petition, the request from the Legislator to the Clerk to add that Legislator's name shall be appended to the Petition;

(c) Thereafter if Legislators shall sign the Petition to Discharge, as described above, the matter shall be referred to the next full meeting of the County Legislature for a vote provided such full meeting is at least ten days from the date the tenth signature having been made on or name placed upon the Petition to Discharge;

F. Procedure for the submission and consideration of Local Laws: The routing process of a proposed local law, before adoption by the Legislature, shall be as follows:

1. A Legislator may introduce a proposed local law by filing it with the Clerk, who shall number the proposed local law. The Clerk shall number the proposed local law as "Proposed Local Law Number ___ of the year ____" and then refer the proposed local law to a Committee of appropriate jurisdiction. Upon the presentation of the local law for adoption by the Legislature, the Clerk shall number the proposed local law based on the actual order such proposal, if

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shall not be forwarded to the County Executive or otherwise entered into the minutes or official records in track changes format. The track changes format shall show new language as underlined and any removed language with a strikethrough line.

7. . Upon approval by the Legislature of a proposed local law, the Clerk shall cause the same to be sent to the County Executive pursuant to the County Charter.

8. Process if a proposed local law is defeated in Committee: If a proposed local law is defeated in Committee it shall be deemed defeated except that if it is defeated by one vote, the sponsor may file with the Clerk a Petition to Discharge such local law (which the Clerk shall number). If a majority of Legislators sign such Petition within thirty days, the Clerk shall and hereby is authorized to set a public hearing on such proposed local law in the form it was defeated in. Such public hearing shall be held at the next regularly scheduled meeting of the Legislature in the same calendar year but at least twenty one days from the 12th signature being placed on the Petition to Discharge. The process for gathering and placing signatures on such Petition to Discharge shall be the same as if it were a Resolution, other than the number shall be 12 signatures and the Clerk shall send written confirmation of any signature or name the Clerk him or herself places on the Petition to the Majority and Minority Leader. After a public hearing on such proposed local law, a Member of the Laws and Rules, Government Operations Committee may generate a Resolution calling for the Legislature to adopt the proposed local law. Such resolution shall either be a Regular, Consent, or Late Filed Resolution depending on when it was filed and if it meets the other definition of such Resolution except that in order to utilize a Petition to Discharge such resolution, a majority of signatures of the Legislature shall be required.

G. The rules as provided for herein shall govern at all times except when the Rules of Procedure or sections thereof may be suspended, such as during the holding of Annual Session or when otherwise voted upon.

H. Notwithstanding any other rules herein contained for the period of time from the close of business on the day preceding the annual session of the County Legislature, all resolutions to be considered during the Annual Session shall be presented to the Clerk and time and date-stamped at least 48 hours prior to any meeting or adjourned meeting in annual session, and shall not be considered by the County Legislature unless the consideration thereof has been approved by a majority vote of the total membership of the Laws and Rules, Governmental Services Committee.

I. Divisibility of Resolutions. During a meeting of a Committee, a resolution embracing more than one subject matter may be divided into two Resolutions upon the request of a majority of a Committee or upon the request of the members of the Committee numbering one less than a majority. The Clerk or a person authorized by the Clerk shall number a new Resolution which shall require a member of such

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Committee meetings with the Clerk of the Legislature to ensure that members of Committees are not scheduled to be at more than one Committee at a time or at more than one physical location in one night except upon the agreement of the affected Legislator(s). Committee Meetings shall be noticed to the Members of the Committee by the Clerk of the Legislature or her designee at least 48 hours in advance by electronic, regular mail, or personal notice unless waived by such Member. The Chair with the consent of the Deputy Chair of the Committee may change the Regularly scheduled meeting date and the Clerk shall notify the Members and media of such change. Nothing shall preclude the calling of properly noticed Special Committee meeting(s) by the Chair of the Committee to consider such matters as the Chair of such Committee shall deem appropriate which are not otherwise inconsistent with these Rules.

RULE 6. CHAIRMAN EX-OFFICIO MEMBER OF ALL LEGISLATIVE COMMITTEES

The Chairman shall be a member ex-officio of all legislative committees with a vote thereon. The Chairman's presence at a meeting shall be counted in determining whether a quorum is present; however, the presence of the Chairman at such meeting will not increase the number of votes necessary to pass a particular matter unless all sitting members are present. Any vacancies occurring during the year on any Standing or Special Committee of the Legislature shall be filled by the Chairman without delay. *[Amended Pursuant to Resolution No. 233 dated September 9, 2009].*

RULE 7. RULES FOR COMMITTEES.

- A. The Rules of Order of the Legislature, except Rule 10(J), shall apply to all Committee meetings.
- B. The Standing and Special committees of the Legislature shall conduct all items of their business open to the public and press, except where executive sessions are mandated or authorized under the law. Notices of all committee meetings shall be made available to the public and press by the Clerk of the Legislature. The weekly committee meeting agendas, where available, shall be posted in a public place.
- C. An agenda of all matters before a committee shall be prepared by the Clerk of the Legislature upon request of the Chairman of a Committee.
- D. The Standing and Special committees shall keep minutes of all meetings including the date and time of meeting and committee members in attendance. The original of said minutes shall be filed with the Clerk of the Legislature as soon as possible, but not to exceed 20 business days after the next Regular Committee meeting, at which time the minutes shall be reviewed and accepted. The Clerk of the Legislature or his/her designee shall maintain an official record of each committee's

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**RULE 9. ORGANIZATION OF THE LEGISLATURE – CHAIRMAN,
MAJORITY, MINORITY LEADERS.**

- A. *The organizational meeting of the County Legislature shall be conducted on or before the second Tuesday of January in each year, at the time and place designated in a written notice to be given each Legislator by the Clerk of the County Legislature not later than five days prior to such meeting. In the event of a vacancy in the office of the Clerk of the County Legislature, or his or her inability or failure to act in accordance with the provisions of this section, notice shall be given by the County Clerk. In that event, the County Clerk shall determine the time and place designated in a written notice to be given by the County Clerk to each Legislator, the Executive, the Clerk of the County Legislature, and the County Attorney not later than three days prior to such meeting. Public notice to such meeting shall also be given by the County Clerk at the same time written notice is given to the public officials referenced herein.*
- B. *At this organizational meeting, the members of the Legislature shall select a Chairman at the call of the Clerk of the Legislature in each year. The Chairman shall appoint members of the County Legislature to serve on such committees as are provided by the rules of such Legislature. The Clerk of the County Legislature shall preside at all meetings of the Legislature until such time as a Chairman has been designated by election or appointment. The failure to elect a Chairman or appoint committee members shall not prevent the County Legislature from transacting its ordinary business.*
- C. *The Chairman within 10 days of having been elected as Chairman of the Legislature shall appoint a Vice Chairman. The Vice Chairman shall, in the absence of the Chairman, preside over each duly constituted meeting of the Legislature and have and exercise all of the powers and duties of the Chairman at any meeting over which the Vice Chairman is called to preside. The Vice Chairman, except as herein limited and/or provided, shall have and exercise those additional powers and duties as may be authorized by resolution of the Legislature, provided that such resolution shall specify the dates during which the Vice Chairman may exercise such powers and duties, and that the powers and duties authorized to the Vice Chairman shall not be exercised by the Chairman during the designated time period. The Vice Chairman shall at no time appoint a person to an office or position of employment with the County, nor appoint the Chairman or members of any committee of the Legislature, except as specifically authorized by the Legislature as provided herein. The Vice Chairman may in the absence of the Chairman from the County, or upon the Chairman's authorization, execute all agreements on behalf of the County which the Legislature authorized the Chairman to execute.*
- D. *In the event of vacancy in the office of Chairman, the County Legislature shall fill that office in the manner provided by its rules. Should the County Legislature fail to select a Chairman within 30 days after that office shall become vacant for any reason, the County Executive shall appoint a member of the County Legislature to serve as Chairman for the balance of the calendar year. In the case of a vacancy in*

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Chairman. [*Amended pursuant to Resolution No. 275 dated January 22, 2013.*]

3. Each regular session and all adjourned sessions shall be open for the consideration of any matter which, in accordance with these rules, may be properly brought to the attention of the Legislature.

B. Special Meetings.

1. *Special Meetings may be conducted at such times and places and upon such conditions and notice to all members as the County Legislature by rule may provide.*
2. Special Meetings shall be held at the call of the Clerk of the Legislature upon the direction of the Chairman or upon the filing with the Clerk of the Legislature a written request, signed by a majority of the members of the Legislature.
3. Notice in writing stating the time, place, and purpose of the special meeting shall be served personally or by mail upon each member by the Clerk of the Legislature at least forty-eight hours before the date fixed for holding the meeting or a member may waive the service of the notice for such meeting by a writing signed by him/her. Only business specified in the notice thereof may be transacted at a special meeting.

- C. Quorum.** The majority of the duly constituted membership of the Legislature shall constitute a quorum for the transaction of business, but a less number may adjourn.

- CC. Videoconference.** [*Amended pursuant to Resolution No. 293 dated December 4, 2012.*] Regular and special meetings may be attended via videoconference, when the following process and criteria are met and implemented:

1. Any Legislator requesting to attend a meeting via videoconference pursuant to Section 103(c) of the Public Officers Law may file a written request with the Clerk of the Legislature as soon the Legislator becomes aware of the meeting and that he or she will not be able to personally attend the meeting in the Legislative Chambers.
2. The Clerk of the Legislature shall make arrangements for the videoconferencing; provided, however, that if there is a cost to the County of Ulster chargeable to the Legislature, the Clerk shall first ascertain whether the Legislature has sufficient funds to pay the costs if chargeable to the Legislature, and shall, prior to agreeing to incur such costs, receive approval from the Chairman of the Legislature.
3. The Chairman of the Legislature shall permit such videoconferencing if it reasonably appears to him or her that sufficient funds are available and will not otherwise be necessary for the operation of the Legislature during the fiscal year. The video conference shall be conducted in a manner compliant with State Law and shall ensure that all Legislators have the

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11. Special order of the day.
12. Announcements of Committee Meetings.
13. Memorial Resolutions for Adjournment.
14. Adjournment.

G. Decorum.

1. The Chairman shall take the chair promptly at the hour specified for the convening of the Legislature and shall preserve order and decorum. In debate, he/she shall prevent personal reflections and confine members to the questions under discussion. The Chairman shall decide all questions of order, which decisions shall be final, unless an appeal is taken to the Legislature and sustained.
2. The Chairman, in the absence of the Vice Chairman at a meeting, may call any other member to take his/her place in the chair. This presiding officer may call any other member to take his/her place in the chair. This substitution shall not extend beyond adjournment.
3. Any Legislator who engages in personal attacks upon any other member of the Legislature shall yield the floor at the Chairman's order.

H. Appeal from the Chair's Ruling. On every appeal, the Chairman shall have the right to assign the reason(s) for his/her decision. If the question on which the appeal is taken was not debatable, the Legislature shall decide the case without debate. If debatable, no member shall speak more than once. The Chairman shall put the question: "Shall the ruling of the Chairman be sustained, and the decision of the Chair stands as the judgment of this Legislature?" In the event of a tie vote, the ruling of the Chair shall be deemed to be sustained.

I. Acting Chairman. In the absence of the Chairman and Vice Chairman from any meeting of the Legislature, the members present and voting, by a majority of the votes, shall select a member of the Legislature to serve as Acting Chairman at such meeting. The Acting Chairman shall have and exercise all the powers and duties of the Chairman at the meeting for which he/she is called to preside.

J. Privilege of the Floor. The following shall apply to privilege of the floor:

1. No person shall be entitled to the privilege of the floor during the session of the Legislature, unless permission has been granted by the Chairman 48-hours prior to the meeting, by written request, except during that part of the agenda reserved for public comment at the commencement of each regular meeting.
2. Any person, who either digresses from the subject matter concerning which he/she has been granted permission to address the Legislature, or engages in a personal attack upon the character of any member of the Legislature, shall

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1. Any member shall have the right to have his/her vote recorded and entered upon the minutes at his/her request, without explanation, and without requiring the ayes and noes to be called.
 2. On roll call, the ayes, noes and abstentions shall be taken on any questions whenever so required by law, or by any member, and whenever so taken shall be entered in the proceedings of the Legislature, and the Clerk shall record the names of the members and the way each shall have respectively voted.
- P. Borrowing Money. The ayes and noes shall be taken on all resolutions or other proceedings involving the granting of authority to borrow money and such other resolutions and proceedings as the statute requires.
- Q. Vote on Distinct Propositions. If the question in debate contains several propositions, the same shall be divided by the Chairman at the request of any member, to the end that a vote may be taken on each proposition, but a motion to strike out and insert shall be deemed indivisible.
- R. When a Member may be Excused from Voting. Every member who shall be in the Legislative Chamber when a question is stated by the Chairman shall vote. A member may be excused from voting on a question in which he/she has a direct personal or pecuniary interest not common to other members of the Legislature. The member must state his/her connection with the question.
- S. Speaker to be Recognized by Chair. No member wishing to speak shall proceed until he/she shall have addressed the Chairman from his/her place and shall have been recognized by the Chairman.
- T. Suspension of Rules by 2/3 Consent. These rules of order may at any time during the session be suspended by a 2/3 consent of all members of the Legislature present; however, the member making application for such suspension must state the purpose for which the same is asked.
- U. Presentation of a Motion. When a question shall be under consideration, no motion shall be received except as herein specified, which motions, termed subsidiary motions shall have precedence in the order named, to wit:
1. For an adjournment of the Legislature.
 2. A call of the Legislature.
 3. For the previous question.
 4. To lay on the table.
 5. To postpone indefinitely.
 6. To postpone to a certain day.
 7. To go immediately into a Committee of the Whole on the pending subject or another matter.
 8. To recess.

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BB. All Points of Order not Covered by These Rules. On all points of order not covered by these rules of order of this Legislature, the most current Robert's Rules of Order shall prevail. In the event that a point of order shall arise which shall not be covered by either the Rules of the Legislature or by the most current Robert's Rules of Order, the Rules of the New York State Assembly shall be followed.

RULE 11. CLERK OF THE LEGISLATURE; DUTIES.

- A. *A Clerk of the County Legislature shall be appointed by the Chairman of the County Legislature at its organizational meeting, or at an adjourned meeting thereof, in the manner provided by its rules. The Clerk shall be and remain an elector of the County, and he or she shall serve at the pleasure of the Legislative Chairman and until his or her successor shall be appointed and shall qualify. A vacancy in the office of Clerk shall be filled by appointment of the Chairman. The Chairman may appoint such Deputy Clerks and employees as the Legislature may require.*
- B. The Clerk of the Legislature shall make up the agenda including all items received by him/her pursuant to these rules.
- C. All local laws, resolutions, reports and other matters proposed and to be placed upon the agenda for a regular or special meeting of the Legislature shall be submitted to the Clerk of the Legislature in the time and set forth herein under Rule 3 (C).
- D. In making up the agenda, the Clerk of the Legislature shall group items in the following order unless otherwise directed by the Legislature:
1. Public comment session
 2. Unfinished business
 3. Communications from governmental officials, departments and agencies
 4. Notices and petitions
 5. Reports of standing committees
 6. Reports of special committees
 7. Special orders
 8. Motions and resolutions
- E. The agendas shall be numbered consecutively each year and shall have the items thereon separately numbered beginning with number one (1) for each agenda and continuing consecutively through to the last number and shall contain the title of each item.
- F. The Clerk of the Legislature shall furnish to each County Legislator, the County Executive, the County Attorney, Legislative and Minority Counsel, and post on the

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Rules of Order Notes From Legislator Bartels

Rule 3 C.

3 C1 I'm concerned about the fact that this does not allow for a true co-sponsor, in the sense of a co-author. In the event that two legislators actually author a resolution or a law together there should be the ability to recognize and respect their work jointly. The way that this is set up presumes one legislator as the lead, with all other legislators acting as supporters. In the situation where there exists more than one author, more than one person would both want and deserve a say as to amendments, etc.

Why does the Clerk make the referral to the committee of original jurisdiction rather than the sponsor of the resolution? How do we make a determination of original jurisdiction versus secondary jurisdiction? There are certainly examples where a resolution applies equally to more than one committee.

3C1a I don't agree with extending the time for the regular resolutions to 10 days prior to the first scheduled meeting. Right now it is as little as five. What is wrong with the Wednesday before? We have enough lates as it is.

In the event that a regular resolution will also be referred to a secondary committee, why does it have to be after the primary committee? Depending on the scheduling of meetings, it could push the whole process one month. If the sponsor feels confident about bringing it to the secondary committee first, why can't they? Also, what happens if it fails the secondary committee? Does it still go to the floor?

3C1b What happens if it is less than 96 hours before the committee meeting? Then it has to be introduced as a Special or skip the Clerk and go right to the Chair and Deputy Chair, requiring Laws and Rules to maybe be converted to a special resolution?

Second paragraph -- as I read it, says that a resolution can totally skip the filing process with the Clerk and go directly to a committee with the consent of the Chair and Deputy Chair. Why would we allow that? Again, why is that not just a late resolution? Also, what happens if Laws and Rules does not convert to a Special Resolution?

requirement and we need to maintain some requirement that a committee act. Failure to act should move a resolution forward.

Separate Note - I would like to see the opportunity for a resolution to get to the floor, even if it fails. I realize that this is a controversial point. I would see this working with the 90 day delay as it exists now. I believe that this is important for the possibility of a localized issue important to one or several legislators and their districts.

3F. The numbering of the Rules seems problematic. This should be 3D. All preceding capital letters should be lower cases and realigned. They all refer to 3C – Procedure for submission and consideration.

That said, I'll refer to numbers as listed.

3F3. I would like to see "minor changes" changed to non-substantive. "Minor changes" is too subjective. Also, saying "in consultation" does not mean that it requires the sponsor's approval.

3F5. Laws should be sent back to the originating committee rather than Laws and Rules for work after the public hearing. Laws and Rules should make no substantive changes. An originating committee has presumably worked for months on the issue and is the qualified committee to weigh the public comment and amend. Laws and Rules' input should be limited to technical/legal issues.

3F8. why does it require that a member of Laws and Rules generate a resolution to adopt the local law? Local laws can cover all types of issues and might not have support of Laws and Rules on a content basis, it seems unfair to give so much power to the individual members of one committee.

3I. Should we allow for a way to divide on the floor, in the event that it has passed committee with multiple subject matters? Also, what about sponsor consent? We need to be clear that this is only for such cases where there truly are separate subjects contained within, not where some members are looking to strike a controversial portion of a resolution. Also, this section should be under the resolution section not following local laws – again, a numbering issue.

Rule 10A – Are we missing charter language?

ULSTER COUNTY LEGISLATURE

Legislative Programs, Education & Community Services Committee Regular Meeting Minutes

DATE & TIME : April 10, 2013 / 5:00pm
LOCATION : Ulster County Community College, St. John Business Seminar Room, George Clinton Hall, Room 118, Stone Rldge, New York
CHAIRMAN : Wayne Harris
RECORDER : Janet Salanitri, Adm. Assistant, SUNY, Ulster Co. Community College
LEGISLATORS
PRESENT : Chairman Harris, Legs. Craig Lopez and Donald Gregorius
ABSENT : Legs. Donaldson and Wawro (Excused)
OTHERS
PRESENT : Mark Komdat, Dean of Administration, SUNY Ulster Co. Community College; Kenneth Crannell, Deputy Ulster County Executive; Lee Reidy, Executive Director, Cornell Cooperative Extension; Teresa Brundage, Assistant to Leg. Lopez; Victor Melville, Observer for League of Women Voters; Margie Menard, Ulster County Library Association; and Evelyn Clarke, Director of Ulster Co. Youth Bureau
QUORUM : Yes

A QUORUM BEING PRESENT CHAIRMAN HARRIS CALLED THE MEETING TO ORDER AT 5:10pm

Chairman Harris advised the Committee that the County Historian, The Youth Bureau, The Office for the Aging and The Veteran's Service Agency had all filed their annual reports and a copy of each was attached to each Committee member's packet. Chairman Harris then asked for a motion to approve the minutes of the March 13th meeting.

MOTION #1:

Text of Motion : Resolved to approve the Minutes of the meeting of this Committee of March 13, 2013 as amended.
Motion Made : Leg. Lopez
Seconded : Leg. Gregorius
Voice Vote : Yes
In Favor : Leg. Lopez, Gregorius and Chairman Harris
Opposed : None
No. In favor : 3
No. Opposed : 0
Disposition : Motion passed – Minutes of March 13, 2013 approved as amended and presented.

CORNELL COOPERATIVE EXTENSION OF ULSTER COUNTY

Report by : Lee Reidy, Executive Director

Report : Ms. Reidy distributed the Ulster Current and advised that Cornell was celebrating its 150th Anniversary and Cooperative Extension its 100th Anniversary on June 1st with a celebration at Kingston Plaza. She said CCE started in the Pierson House in 1913. She gave a brief history of the land grant system 150 years ago when Lincoln was President. He said spring planting was starting and the Master Gardeners will be holding their Annual Garden Day at U.C. Community College on Saturday. Also, said Ms. Reidy, the tree seedlings will be distributed next week. The Master Gardeners are also doing work on the Xeriscape Garden at the college, putting in some walkways, a children's garden and other things.

Ms. Reidy said there will be an Open House for members of the Legislature and other elected and appointed officials to meet their board members and staff at their Education Center, 232 Plaza Road on Tuesday, April 16th from 3:30-5:00pm. She said they are also planning an agricultural bus tour to visit some of the farms this year to see the economic impact of farming in the area. There was also a brief discussion of Sullivan CCE which had its funding cut by its Legislature by 20% of \$83,000. She said they are having a hard time now but they have a new Director who has some good ideas and they are trying to find some innovative financing to keep their educators employed and programs going.

There was a discussion of the cold spring and its effect on the growers; Ms. Reidy said they prefer it. She said last year it was too warm too early and that was not good for the fruit crop.

Resolutions : None

ULSTER COUNTY LIBRARY ASSOCIATION

Report by : Margie Menard

Report : The committee voted on the Resolution for funding as set forth below . Ms. Menard thanked the Committee and said one of the things this funding has allowed is for more and continued cooperative work between the various libraries especially in their collections. Leg. Gregorius wanted to make sure that all of the libraries in the system are making their customers aware of the resources that are being made available through this allocation. Ms. Menard said all of the libraries are doing more outreach and publicity among their populations.

Resolution : Resolution #0190 -for the April 16, 2013 Legislature session.

MOTION #2- RESOLUTION #0190

Text of Motion : Authorizing the 2013 Appropriation for the Ulster County Libraries Program in the sum of \$74,250.00.
Motion Made : Leg. Gregorius
Seconded : Leg. Lopez
Voice Vote : Yes
In Favor : Chairman Harris, Legs. Gregorius and Lopez
Opposed : None
No. In Favor : 3
No. Opposed : 0
Disposition : Motion passed. Resolution #0190, U.C. Libraries Appropriation, unanimously approved.

ULSTER COUNTY YOUTH BUREAU

Report by : Evelyn J. Clarke, Director

Report : Ms. Clarke, with the assistance of Mr. Crannell, reviewed her Annual Report as well as the NYS OCFS Office of Youth Development 2013 Funding Allocation Charts and Resource Allocation Plan and the Youth Bureau Annual Administrative Summary. She advised that there is an additional allocation of \$1,828 and there may be a further budget amendment appropriation.

Ms. Clarke reviewed some of the agencies services through the Youth Bureau, including the Boys and Girls Clubs, CASA of Ulster, YWCA Teen Parent, Family of Woodstock, YCMA programs, Friends of Little Ones and Family Domestic Violence Programs among others. She said her office reviews all applications for funding and does all interviews. Also, the state cut all funding about 10%. Her staff consists of herself and one half-time person. Mr. Crannell said the county tries to make sure funds go into services rather than administrative. Ms. Clarke said she relies heavily on help from her Board which meets the third Thursday of the month at 5:30pm in the conference room at Flatbush Avenue. She advised she also works closely with DSS, Family of Woodstock and the Probation Department and is also involved with the Youth Workforce Investment Board.

Leg. Gregorius asked if the STRIVE program and the college's presence at Sophie Finn School would be of a beneficial collaborative effect with the Youth Bureau and Ms. Clarke said she would certainly look into it. Leg. Lopez asked about oversight procedures and Ms. Clarke said agencies have to submit quarterly reports as well as annual reports and assessment reports.

Resolutions : Resolution #0199 - for the April 16, 2013 Legislature session.

MOTION # 3 ON RESOLUTION #0199

Text of Motion : Approving the New York State Office of Children and Family Services 2013 Resource Allocation Plan and Amending the 2013 Ulster County Budget – Youth Bureau.

Motion Made : Leg. Lopez

Seconded : Leg. Gregorius

Voice Vote : Yes

In Favor : Chairman Harris, Legs. Gregorius, and Lopez

Opposed : None

No. In Favor : 3

No. Opposed : 0

Disposition : Motion passed. Resolution #0199 unanimously approved.

SUNY, ULSTER COUNTY COMMUNITY COLLEGE:

Report by : Mark Komdat, Dean of Administration

Report : There was a brief discussion on the motion before this Committee to set June 11, 2013 as the date of the public hearing on the College's tentative 2013-14 budget and the Committee voted on same as set forth below. The Dean also advised that Pulitzer Prize winning poet Jorie Graham would be on campus tomorrow at 10:00am in the College Lounge and invited all present to attend.

Dean Komdat said enrollment was 50 FTEs or 5% over for spring. Also, taking fall 2012, Winternet, Spring 2013 and projected summer enrollments, the college may be 3% over projections and not the 2% under as originally thought. He said part of this may be due to Dutchess's dorms pulling less local students than expected.

Regarding the President's residence, the contract has been prepared, is with the buyer, and we are awaiting its return with the down-payment. The renovations to the older portion of the Kelder property will have to wait for the college's share of the selling price so the furniture in the residence will have to go into storage, and we are currently soliciting bids for that purpose.

The feasibility study for Sophie Finn has been completed and a Capital Project Resolution may be coming to this Committee shortly. The Dean said he has been working with the College Attorney, the County Attorney and the attorney for the Kingston School District for a transfer of the building. This won't move forward without the consent of the Kingston Board of Education and a public referendum. He also said an outright purchase is more economically practicable for several reasons, among them the fact that we would have to have an extremely long-term lease to satisfy The SUNY Construction Fund in order to obtain funding. Also, the cost of long-term rent would far exceed the proposed purchase price of \$300,000. Dean Komdat said the time-line is hard to set at this point. The Kingston School Board vote is April 17th and the Public Referendum is May 21st.

The Dean said the college will also be coming before this Committee with a resolution to amend our 2011/12 budget to provide for additional state aid due to our actual enrollment. Leg. Gregorius said someone at Ways and Means raised the question about if the college gets more state aid does that mean the county can pay less. This brought up the matter of Maintenance of Effort. Dean Komdat said the increase in state aid amounted to \$150 per FTE and the reason for the increase in state aid was to try and make up for the extreme cuts we sustained for the past few years, i.e., to balance the equation. He said his goal is not to have to increase tuition again in 2013-14.

Leg. Gregorius asked about the progress of the water situation. Dean Komdat said he had just had a meeting with the interested parties, some of whom have changed over the past years. The big concern was that we weren't allowing for a large enough water line. He said the owners of the easement want a direct connection to the line running across their property which is a problem. He said they are getting close to some agreements but probably won't start construction until spring 2014.

Resolutions : Resolution #0215 for the April 16, 2013 Legislature session.

MOTION #4 ON RESOLUTION #0215

Text of Motion : Setting a Public Hearing on the Tentative Budget of the Ulster County Community College for the Year 2013-2014 to be Held on Tuesday, June 11, 2013 at 6:30pm.
Motion Made : Leg. Lopez
Seconded : Leg. Gregorius
Voice Vote : Yes
In Favor : Chairman Harris, Legs Lopez and Gregorius
Opposed : None
No. In Favor : 3
No. Opposed : 0
Disposition : Motion passed. Resolution #0215 unanimously approved.

OTHER BUSINESS:

Vic Melville, Observer for The League of Women Voters said he had some more handouts from the SUNY New Paltz Center for Research, Regional Education and Outreach conference "Food Insecurity in Ulster County" he had attended.

ADJOURNMENT MOTION #4

There being no further business before this meeting, on motion duly made by Leg. Lopez and seconded by Leg. Gregorius and carried, the meeting adjourned at 6:15 pm.

Dated the 15th day of April, 2013

Janet Salanitri, Recorder

Minutes Approved On May 8, 2013.

Public Works & Capital Projects Committee

Regular Meeting Minutes

DATE & TIME: April 3, 2013 @ 5:00 PM
LOCATION: Karen L. Binder Library, 6th Floor County Office Building
PRESIDING OFFICER: Chairman Dean Fablano
LEGISLATIVE STAFF: Franklin Reggero
PRESENT: Chairman Dean Fablano, Jim Maloney, John Parete and Kevin Roberts
ABSENT: Thomas Briggs
QUORUM PRESENT: Yes
OTHER ATTENDEES: Bob Sudlow, Deputy County Executive; Sue Ronga, DPW.

Chairman Fablano:

- Called the meeting to order at 5:05 PM

MOTION NO. 1

Text Of Motion: RESOLVED to approve the Minutes of March 6th meeting.
Motion Made By: Legislator Maloney
Motion Seconded By: Legislator Roberts
Roll Call Vote: No
Voting In Favor: Fablano, Maloney, John Parete and Roberts
Voting Against: None
No. Of Votes In Favor: 4
No. Of Votes Against: 0
Disposition: Motion Passes

RESOLUTIONS:

MOTION NO. 1 **DRAFT Resolution No. 0202, April 16, 2013**

Text Of Motion: RESOLVED to approve Draft Resolution No. 0202 – Establishing Capital Project #386, Reconstruction Of Various Roads In Ulster County – Department Of Public Works (Highways And Bridges). BOND Resolution No. 0203 Required.

Resolution Summary: Establish Capital Project No. 386 for the County's Share of \$400,000.00 for the repair of various roads throughout the County.

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

Discussion: **Chairman Fablano** asked for a time clarification on the start of these new capital projects. Ms. Ronga stated that these projects will for this year 2013.

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

Roll Call Vote: No
Voting In Favor: Briggs, Fablano, Maloney, John Parete and Roberts
Voting Against: None

No. Of Votes In Favor: 4
No. Of Votes Against: 0
Disposition: Motion Passes

MOTION NO. 2 Draft Resolution No. 0204, April 16, 2013

Text Of Motion: RESOLVED to approve Draft Resolution No. 0204 – Amending Capital Project No. 262, A Project For The Bridge Replacement On Mud Tavern Road Over The Dwaarkill – Transportation Improvement Project (TIP) Not On The State Highway System – Public Works (Highways And Bridges). **BOND Resolution No. 0205 Required.**

Resolution Summary: The Ulster County 2013-2018 Capital Program is amended to increase the Project by \$18,983.00 from \$225,000.00 to \$243,983.00, and made available to cover the cost of participation in the above phase of the project.

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

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

Roll Call Vote: No
Voting In Favor: Fabiano, Maloney, John Parete and Roberts
Voting Against: None
No. Of Votes In Favor: 4
No. Of Votes Against: 0
Disposition: Motion Passes

MOTION NO. 3 Draft Resolution No. 0206, April 16, 2013

Text Of Motion: RESOLVED to approve Draft Resolution No. 0206 – Establishing Capital Project Nos. 362, 364 through 367 and Nos. 382-384 – Roof Repairs – Various County Buildings – Amending The 2013 - 2018 Capital Program - Department Of Public Works (Buildings And Grounds) **BOND Resolution No. 0207 Required.**

Resolution Summary: Capital Projects No. 362, No. 364, No. 365, No. 366, No. 367, No. 382, No. 383 and No. 384 be established and funded in a total amount of \$1,100,000.00 in order to provide roof repairs and/or replacement to the above named County buildings.

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

Discussion: **Chairman Fabiano** recognized **Legislator Maloney** to elaborate on the details of the property.

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

Roll Call Vote: No
Voting In Favor: Fabiano, Maloney, John Parete and Roberts
Voting Against: None
No. Of Votes In Favor: 4
No. Of Votes Against: 0
Disposition: Motion Passes

MOTION NO. 4 Draft Resolution No. 0208, April 16, 2013

Text Of Motion: RESOLVED to approve Draft Resolution No. 0208 – Establishing Capital Projects Nos. 387 Through 390 For Replacement/Reconstruction Of Various County Bridges And Box Culverts – 2013 Bridge Replacement Program – Highways And Bridges. **BOND Resolution No. 0209 Required.**

Resolution Summary: The Ulster County 2013-2018 Capital Program is amended to create Capital Project Numbers 387-290 for various County Bridges and Box Culverts.

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

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

Roll Call Vote: No
Voting In Favor: Fabiano, Maloney, John Parete and Roberts
Voting Against: None
No. Of Votes In Favor: 4
No. Of Votes Against: 0
Disposition: Motion Passes

MOTION NO. 5 Draft Resolution No. 0217, April 16, 2013

Text Of Motion: RESOLVED to approve Draft Resolution No. 0217 – Authorizing an Inter-municipal Agreement With The Town Of Wawarsing To Install Automatic Vehicle Locators (AVLS) - Capital Project No. 335 — Department Public Works (Highways And Bridges).

Resolution Summary: The Chair of the Ulster County Legislature is authorized to enter into an inter-municipal agreement, and any amendments thereto, with the Town of Wawarsing for the installation and operation of Automatic Vehicle Locators (AVLS) on Town vehicles as part of the Local Government Efficiency Grant.

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

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

Roll Call Vote: No
Voting In Favor: Fabiano, Maloney, John Parete and Roberts
Voting Against: None
No. Of Votes In Favor: 4
No. Of Votes Against: 0
Disposition: Motion Passes

DISCUSSION:

Chairman Fabiano recognized Sue Ronga, Deputy Commissioner Public Works for a DPW update:

- 1) Buildings and Grounds update
- 2) Highway and Bridges update

Chairman Fabiano stated that he would like to study the feasibility of installing cameras to monitor the parking areas around the County building due to recent damage to vehicles utilizing the parking area. Mr. Sudlow stated that he will look into the cost and associated expenses of installing a video monitoring system.

Chairman Fabiano recognized **Legislator J. Parete** who asked Mr. Sudlow for a Debt Service update from the County to get an idea of how much debt is being paid off monthly.

Chairman Fabiano recognized **Legislator Maloney** who asked Ms. Ronga the status of Sotille Road in the Town of Ulster. Ms. Ronga stated that her department is looking into the sinking problem and will provide an update at the next meeting.

Chairman Fabiano called for more discussion, hearing none.

The next Committee Meeting is May 1, 2013 at 5:00 PM.

There being no further business before the meeting, on the motion duly made by **Legislator Maloney**, seconded by **Legislator Roberts**, and carried, the meeting adjourned at 5:30 pm.

Dated the 6th day of March 2013
Franklin R. Reggero, Committee Clerk
Minutes Approved on: 1st day of May 2013 / frr

Ways & Means Committee

Regular Meeting Minutes

DATE & TIME: April 9, 2013 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 Gerentine, Gregorius, Harris, Maloney, Malo, Provenzano and Rodriguez.
ABSENT: None
QUORUM PRESENT: Yes
OTHER ATTENDEES: Legislators Bartels, Briggs and Belfiglio; Paul Van Blarcum, Sheriff; James Hanson and Lisa Cutten Budget Office; Beatrice Havranek, Sue Plonski and Roland Bloomer, County Attorney Office; Chris White, Planning Department; Bonnie Szpulecki, Insurance Officer

- Chairman Gerentine called the meeting to order at 5:15 PM.
-

I. RESOLUTIONS:

MOTION NO. 1 Draft Resolution No. 0190
TEXT OF MOTION: RESOLVED, Appropriation For Ulster County Libraries Program.
MOTION MADE BY: Legislator Gregorius
MOTION SECONDED BY: Legislator Harris
DISCUSSION: Chairman Gerentine calls for further discussion, hearing none.
ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Gerentine, Gregorius, Harris, Maloney, Malo, Provenzano and Rodriguez.
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 7
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passed

MOTION NO. 2 Draft Resolution No. 0191
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 Provenzano
MOTION SECONDED BY: Legislator Gregorius
DISCUSSION: Chairman Gerentine calls for further discussion, hearing none.
ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Gerentine, Gregorius, Harris, Maloney, Malo, Provenzano and Rodriguez.
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 7
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passed

MOTION NO. 3 **Draft Resolution No. 0197**

TEXT OF MOTION: **RESOLVED**, Amending The 2013 Ulster County Budget - Appropriating Unexpended Funds From The New York State Office Of Homeland Security And Emergency Services For The State Homeland Security Program - Ulster County Sheriff's Office.

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

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

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

NO. OF VOTES IN FAVOR: **0**
NO. OF VOTES AGAINST: **7**
DISPOSITION: **Motion Passed**

MOTION NO. 4 **Draft Resolution No. 0198**

TEXT OF MOTION: **RESOLVED**, Amending The 2013 Ulster County Budget - Appropriating Unexpended Funds From The New York State Office Of Homeland Security And Emergency Services For The Law Enforcement Terrorism Prevention Program - Ulster County Sheriff's Office.

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

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

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

VOTING AGAINST: **None**
NO. OF VOTES IN FAVOR: **7**
NO. OF VOTES AGAINST: **0**
DISPOSITION: **Motion Passed**

MOTION NO. 5 **Draft Resolution No. 0199**

TEXT OF MOTION: **RESOLVED**, Approving The New York State Office Of Children And Family Services 2013 Resource Allocation Plan, Amending The 2013 Ulster County Budget - Youth Bureau.

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

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

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

VOTING AGAINST: **None**

NO. OF VOTES IN FAVOR: 7
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passed

MOTION NO. 6 Draft Resolution No. 0200

TEXT OF MOTION: **RESOLVED**, Appropriating Funds From The Liability And Casualty Reserve Fund For Payment Of A Judgment – Amending The 2013 Ulster County Budget – Department Of Insurance.

MOTION MADE BY: Legislator Maloney
MOTION SECONDED BY: Legislator Malo

DISCUSSION: **Chairman Gerentine** recognized **Legislator Harris** motioned that the amount requested to be taken out of the account allocated for settlements and not contingency, seconded by **Legislator Malo**. **Chairman Gerentine** recognized Mr. Hanson who stated that because of the amount of the settlement it was the intent of the Budget Office to replenish the amount of the settlement in account; however after a discussion with the Chairman it was decided to pay the settlement from the existing account and should the need arise to increase the amount of the account in the future due to other settlements against the County then it will be discussed at that time.

Chairman Gerentine recognized Ms. Havranek who explained the details and history of the settlement terms. Ms. Havranek stated that she will provide a copy of the judgment to the Clerk of the Legislature. Ms. Havranek also stated that the County may have more settlements in the current year.

Chairman Gerentine recognized **Legislator Gregorius** who stated that he is concerned with the frequency of settlements against the County and believes that the Committee should take a closer look into all settlement matters.

Chairman Gerentine recognized **Legislator Provenzano** asked what happens to the employees that are found responsible for the allegations that the County must then pay for.

Sheriff Van Blarcum stated that he fired the individual and was in turn sued for discrimination to which he was awarded \$15,000 and further stands by his decision.

Chairman Gerentine recognized **Legislator Rodriguez** who clarified that **Sheriff Van Blarcum** was not the Sheriff at the time of the incident. **Sheriff Van Blarcum** stated that several measures and additional training requirements have been implemented to prevent these types of instances.

Chairman Gerentine recognized **Legislator Bartels** who asked Ms. Havranek to provide a list of pending law suites against County. Ms. Havranek stated she would provide that information.

Chairman Gerentine stated that he would support a motion for **Legislator Gregorius** to head a sub-committee to review current procedures that may prevent future law suites or insurance claims against the County. **Legislator Gregorius** accepted the task from the Chairman.

Chairman Gerentine calls for further discussion, hearing none.

Chairman Gerentine calls for a vote on the amendment, adopted unanimously 7-0, on the Resolution:

ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Gerentine, Gregorius, Harris, Maloney, Malo, Provenzano and Rodriguez.
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 7

NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passed

MOTION NO. 7 Draft Resolution No. 0201

TEXT OF MOTION: RESOLVED, Authorizing The Chairman Of The Ulster County Legislature To Enter Into An Agreement With Empire State Development For A Grant.

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 Gerentine, Gregorius, Harris, Maloney, Maio, Provenzano and Rodriguez.
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 7
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passed

MOTION NO. 8 Draft Resolution No. 0202

TEXT OF MOTION: RESOLVED, Establishing Capital Project #386, Reconstruction Of Various Roads In Ulster County – Department Of Public Works (Highways And Bridges).

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

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

ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Gerentine, Gregorius, Harris, Maloney, Maio, Provenzano and Rodriguez.
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 7
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passed

MOTION NO. 9 Draft BOND Resolution No. 0204

TEXT OF MOTION: RESOLVED, Amending Capital Project No. 262, A Project For The Bridge Replacement On Mud Tavern Road Over The Dwaarkill – Transportation Improvement Project (TIP) Not On The State Highway System – Public Works (Highways And Bridges).

MOTION MADE BY: Legislator Harris
MOTION SECONDED BY: Legislator Gregorius

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

ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Gerentine, Gregorius, Harris, Maloney, Maio, Provenzano and Rodriguez.
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 7

NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passed

MOTION NO. 10 Draft Resolution No. 0206

TEXT OF MOTION: **RESOLVED**, Establishing Capital Project Nos. 362, 364 through 367 and Nos. 382-384 – Roof Repairs – Various County Buildings – Amending The 2013 - 2018 Capital Program - Department Of Public Works (Buildings And Grounds).

MOTION MADE BY: Legislator Malo
MOTION SECONDED BY: Legislator Maloney

DISCUSSION: Chairman Gerentine recognized Mr. Hanson to explain the amendment to the final appropriations amounts.

Chairman Gerentine recognized Legislator Rodriguez who motioned the above amendments, seconded by Legislator Harris, and unanimously adapted 7-0, on the Resolution:

Chairman Gerentine calls for further discussion, hearing none.

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

VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 7
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passed

MOTION NO. 11 Draft Resolution No. 0208

TEXT OF MOTION: **RESOLVED**, Establishing Capital Projects Nos. 387 Through 390 For Replacement/Reconstruction Of Various County Bridges And Box Culverts – 2013 Bridge Replacement Program – Highways And Bridges.

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

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

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

VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 7
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passed

MOTION NO. 12 Draft Resolution No. 0210

TEXT OF MOTION: **RESOLVED**, Authorizing The Chairman Of The Ulster County Legislature To Execute An Agreement With The New York State Division of Criminal Justice Services For Participation In The Crimes Against Revenue Program – District Attorney.

MOTION MADE BY: Legislator Harris

MOTION SECONDED BY: Legislator Malo
DISCUSSION: Chairman Gerentine calls for further discussion, hearing none.
ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Gerentine, Gregorius, Harris, Maloney, Maio, Provenzano and Rodriguez.
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 7
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passed

MOTION NO. 13 Draft Resolution No. 0212
TEXT OF MOTION: RESOLVED, Authorizing An Agreement Between The County Of Ulster And The Ulster County Staff Association (NYSUT, AFT, NEA, AFL-CIO) For The Years 2011 Through 2014.
MOTION MADE BY: Legislator Provenzano
MOTION SECONDED BY: Legislator Harris
DISCUSSION: Chairman Gerentine calls for further discussion, hearing none.
ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Gerentine, Gregorius, Harris, Maloney, Maio, Provenzano and Rodriguez.
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 7
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passed

MOTION NO. 14 Draft Resolution No. 0214
TEXT OF MOTION: RESOLVED, Amending The 2013 Ulster County Budget In Order To Appropriate Unused Grant Funds – Department Of Planning.
MOTION MADE BY: Legislator Rodriguez
MOTION SECONDED BY: Legislator Maloney
DISCUSSION: Chairman Gerentine calls for further discussion, hearing none.
ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Gerentine, Gregorius, Harris, Maloney, Maio, Provenzano and Rodriguez.
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 7
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passed

MOTION NO. 15 Draft Resolution No. 0215
TEXT OF MOTION: RESOLVED, Setting A Public Hearing On The Tentative Budget Of The Ulster County Community College For The Year 2013 - 2014 To Be Held On Tuesday, June 11, 2013 At 6:30 PM.

MOTION MADE BY: Legislator Harris
MOTION SECONDED BY: Legislator Provenzano

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

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

VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 7
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passed

MOTION NO. 16 Draft Resolution No. 0217

TEXT OF MOTION: **RESOLVED**, Authorizing an Inter-municipal Agreement With The Town Of Wawarsing To Install Automatic Vehicle Locators (AVLS) - Capital Project No. 335 — Department Public Works (Highways And Bridges).

MOTION MADE BY: Legislator Harris
MOTION SECONDED BY: Legislator Maloney

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

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

VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 7
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passed

MOTION NO. 17 Draft Resolution No. 0220

TEXT OF MOTION: **RESOLVED**, Rescinding Resolution No. 410 Of December 6, 2006 And Authorizing Ulster County To Pay For The Cost of Election Expenses Thereby Relieving The Various Municipalities Of Responsibility For Payment.

MOTION MADE BY:
MOTION SECONDED BY:

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

ROLL CALL VOTE: No
VOTING IN FAVOR: None

VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 0
NO. OF VOTES AGAINST: 0
DISPOSITION: No Action Taken

MOTION NO. 18

Draft Resolution No. 0222

TEXT OF MOTION:

RESOLVED, Approving Home Rule Request For Senate Bill No. S4516 And Assembly Bill No. A5130 Authorizing Ulster County To Continue The Additional 1% Rate Of Its Sales And Compensating Use Tax For Two More Years).

MOTION MADE BY:

Legislator Harris

MOTION SECONDED BY:

Legislator Malo

DISCUSSION:

Chairman Gerentine calls for further discussion, hearing none.

ROLL CALL VOTE:

No

VOTING IN FAVOR:

Legislators Gerentine, Gregorius, Harris, Maloney, Malo, Provenzano and Rodriguez.

VOTING AGAINST:

None

NO. OF VOTES IN FAVOR:

7

NO. OF VOTES AGAINST:

0

DISPOSITION:

Motion Passed

II. MISCELLANEOUS DISCUSSION:

Chairman Gerentine asked for any and all input to the Request For Proposal for the Independent Auditor be submitted to the Clerk of the Committee.

Chairman Gerentine calls for further discussion, hearing none.

-
- **There being no further business before the Committee, a motion was made by Legislator Malo seconded by Legislator Gregorius and carried to adjourn the meeting at 6:00 PM.**
-

Dated the 9th day of April, 2013

Franklin R. Reggero, Legislative Staff

Minutes Approved On: 16th day of April 2013 / frr

Ways & Means Committee

Regular Meeting Minutes

DATE & TIME: April 16, 2013 5:30 PM
LOCATION: Karen L. Binder Library, Sixth Floor, County Office Building
PRESIDING OFFICER: Richard Gerentine, Chairman
LEGISLATIVE STAFF: Franklin R. Reggero
PRESENT: Legislators Gerentine, Gregorius, Maloney, Malo, Provenzano and Rodriguez.
ABSENT: Legislator Harris
QUORUM PRESENT: Yes
OTHER ATTENDEES: Ken Crannell, Deputy County Executive; James Hanson and Lisa Cutten Budget Office; Sue Plonski and Roland Bloomer, County Attorney Office.

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

I. RESOLUTIONS:

MOTION NO. 1 **Bond Resolution No. 99**

TEXT OF MOTION: **RESOLVED**, Authorizing The Cost Of Road Reconstruction And Resurfacing Throughout And In And For The County Of Ulster, New York, At A Maximum Estimated Cost Of \$400,000, And Authorizing The Issuance Of \$400,000 Bonds Of Said County To Pay The Cost Thereof.

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

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

ROLL CALL VOTE: **No**
VOTING IN FAVOR: **Legislators Gerentine, Gregorius, Maloney, Malo, Provenzano and Rodriguez.**
VOTING AGAINST: **None**
NO. OF VOTES IN FAVOR: **6**
NO. OF VOTES AGAINST: **0**
DISPOSITION: **Motion Passed**

MOTION NO. 2 **Bond Resolution No. 0101**

TEXT OF MOTION: **RESOLVED**, Authorizing Certain Costs In Connection With The Replacement For The Bridge On Mud Tavern Road, In And For The County Of Ulster, New York, At A Maximum Estimated Cost Of \$18,983, And Authorizing The Issuance Of \$18,983 Serial Bonds Of Said County To Pay The Cost Thereof.

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

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

ROLL CALL VOTE: **No**
VOTING IN FAVOR: **Legislators Gerentine, Gregorius, Maloney, Malo, Provenzano and Rodriguez.**
VOTING AGAINST: **None**
NO. OF VOTES IN FAVOR: **6**
NO. OF VOTES AGAINST: **0**
DISPOSITION: **Motion Passed**

MOTION NO. 3 **Bond Resolution No. 0103**

TEXT OF MOTION: **RESOLVED**, Authorizing The Reconstruction Of Roofs At Various County Facilities, In And For The County Of Ulster, New York, At A Maximum Estimated Cost Of \$896,400, And Authorizing The Issuance Of \$896,400 Serial Bonds Of Said County To Pay The Cost Thereof.

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: **None**
VOTING AGAINST: **Legislators Gerentine, Gregorius, Maloney, Maio, Provenzano and Rodriguez.**
NO. OF VOTES IN FAVOR: **0**
NO. OF VOTES AGAINST: **6**
DISPOSITION: **Motion Passed**

MOTION NO. 4 **Bond Resolution No. 0105**

TEXT OF MOTION: **RESOLVED**, Authorizing The Replacement And Reconstruction Of Various Bridges And Box Culvers Throughout And In And For The County Of Ulster, New York, At A Maximum Estimated Cost Of \$775,000, And Authorizing The Issuance Of \$775,000 Bonds Of Said County To Pay The Cost Thereof.

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

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

ROLL CALL VOTE: **No**
VOTING IN FAVOR: **Legislators Gerentine, Gregorius, Maloney, Maio, Provenzano and Rodriguez.**
VOTING AGAINST: **None**
NO. OF VOTES IN FAVOR: **7**
NO. OF VOTES AGAINST: **0**
DISPOSITION: **Motion Passed**

II. MISCELLANEOUS DISCUSSION:

Chairman Gerentine stated that the Committee should start thinking about the proposed County take over of safety net and any input that a member may have. Mr. Crannell stated that the current proposal is a phased in three year take over.

Chairman Gerentine recognized **Legislator Gregorius** who stated that it will important to know the total sales tax receipt information. Mr. Hanson stated that if he had to speculate he would say that the County is on budget in regards to sales tax.

Chairman Gerentine recognized **Legislator Provenzano** who stated that the Committee must be certain of sales tax gains before spending funds that are not realized until after the fact.

Chairman Gerentine calls for further discussion, hearing none.

-
- There being no further business before the Committee, a motion was made by Legislator Rodriguez seconded by Legislator Maio and carried to adjourn the meeting at 5:46 PM.
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Dated the 16th day of April, 2013
Franklin R. Reggero, Legislative Staff
Minutes Approved On: Draft / fr