

ULSTER COUNTY LEGISLATURE

TERRY L. BERNARDO
Chair 845-340-3699

KENNETH J. RONK
Majority Leader 845-340-3900

DAVID B. DONALDSON
Minority Leader 845-340-3900



P.O. Box 1800
KINGSTON, NEW YORK 12402
Telephone: 845 340-3900
FAX: 845 340-3651

VICTORIA A. FABELLA
Clerk 845-340-3696

LANGDON C. CHAPMAN
Counsel 845-340-3900

CHRISTOPHER RAGUCCI
Minority Counsel 845-340-3900

REPORT ON LEGISLATIVE ISSUES 2012 ULSTER COUNTY LEGISLATURE

Dear Residents:

I am providing this report to discuss the 2012 Legislative Session of the Ulster County Legislature. In January, when I was first elected Chairman, I said to my colleagues: “Our obligation (as Legislators) is simple. We are here to provide excellent service to the public.”

While I had the privilege of laying out an agenda in January, the reality is that agenda was developed in consultation with my colleagues, such as Legislator Richard Gerentine, whose wisdom and experience has been invaluable to me. Working together has been the foundation of this Legislature; agreeing enthusiastically when we can and disagreeing civilly when we must.

It was my view that a true legislative agenda had not been laid out with this kind of detail, since we had changed over to the Charter form of government. With a substantially larger Executive staff and all the Department heads and County staff reporting directly to the Executive, and not the Legislature, the County Executive has the resources and highly paid staff to propose many ideas, and does so. This report is intended to highlight some of the initiatives the Legislature focused on, without attempting to ignore some of the things that we accomplished together based on proposals by the County Executive.

Whatever successes we have had, are all of ours, and whatever frustrations have existed, we are striving to overcome, because taxpayers deserve nothing less than we can give, in trying to provide excellent public service.

2012 started with many still reeling from the devastation caused in 2011 by the worst natural disaster in the history of Ulster County, Hurricane Irene. The damage it caused, in conjunction with Tropical Storm Lee on its tail, was devastating to many areas of the County. People lost their homes, bridges and roads were destroyed, and local farmers lost millions of

dollars in crops. At the January 23rd Session, the Legislature passed Resolution No. 16, adopting the provisions of the “Hurricane Irene And Tropical Storm Lee Assessment Relief Act.” Recognizing that many families in Ulster County suffered substantial losses in the value of their property as a result of the storms, Legislator Jim Maloney sponsored the resolution and strongly advocated to help provide some much needed relief to these taxpayers.

In the weeks and months that followed, the Legislature addressed several other issues:

FIRST IN THE STATE BRINE LAW

One of the issues that both the public and the Legislature agreed upon enthusiastically was the issue of hydraulic fracturing brine. After hearing from a vocal constituency on the topic, the Legislature adopted Local Law Number 6 of 2012, a local law of the County of Ulster, New York known as the “Hydraulic Fracturing Brine Prohibition Act.” What began in February of 2012, with a proposal brought forth by Legislator Ken Wishnick, became a model policy throughout New York State.

That local law:

- Banned the use of hydraulic fracturing brine on county roads and property;
- Required contractors to certify they don't use hydraulic fracturing brine in county work;
- Required bid specifications to clarify that hydraulic fracturing brine could not be used in county contracts;
- Provides for criminal and civil penalties if the law is violated.

In addition to Legislator Wishnick, Carl Belfiglio, the Chairman of the Environment, Energy and Technology Committee led his Committee through many meetings and discussions on this. Both are to be commended for their leadership.

UNITED IN BATTLE AGAINST THE NYC DEP

County Executive Hein had long fought the New York City Department of Environmental Protection (DEP) without any substantive support or assistance from the County Legislature until this year. As we promised the Executive in January, we partnered with him to take on the NYC DEP and we followed through.

The Legislature also spoke as one, taking on New York City to urge the New York State Department of Environmental Conservation (DEC) to reject efforts to allow for a minimal penalty on the NYC DEP for their polluting the Esopus Creek. Several Legislators travelled to Albany and met with top NYS DEC staff on the issue. The Legislature also re-located its

monthly meeting to New Paltz so Legislators could attend a NYS DEC hearing on the issue. Legislators spoke at the hearing, issued a resolution opposing the NYS DEC's efforts to "go soft" on the NYC DEP, and continue to fight to hold the NYC DEP accountable for their poor environmental management. The research and efforts of Legislator Craig Lopez, in helping to identify so many of the different problems with the NYS DEC's plan – which really was letting the New York City DEP get away with polluting our environment, was very helpful.

Ultimately, we urged the State Department of Environmental Conservation to substantially modify its proposed consent order – which was little more than a slap on the wrist against the NYC DEP for polluting the Esopus Creek and elsewhere.

Legislator Bob Aiello went on record in July asking fellow legislators to unite and prepare to undertake the necessary steps to move forward with an Article 78 proceeding to challenge the consent order. If the NYS DEC fails to do its job, and fails to substantively change their proposed consent order as the Legislature and County Executive have demanded, a determination will be made if we as a County need to sue the NYC DEP and the NYS DEC.

I hope it does not come to that, but fear it may. If the NYS DEC lets us down, we will hold the hearings necessary to justify the litigation and ultimately hold the NYS DEC and the NYC DEP accountable for their abuse of our environment.

NOT JUSTICE, BUT CLOSER TO IT FOR THE PEOPLE OF WAWARSING

The Legislature also announced an agreement in August by the NYC DEP to provide more funding to the Town of Wawarsing, something Ulster County Legislators pushed hard for. In January, we promised the people of Wawarsing we would fight for them, and together, the Legislature has done just that.

In particular, the NYC DEP has promised another \$12.5 million to cover damage in the town of Wawarsing. Of that, \$5.5 million will be allocated towards grants that will be available to impacted Wawarsing property owners, so they can make repairs, and \$7 million will be put toward extending the Napanoch Water System to include 275 more properties.

Quite simply, the County Legislature had not been forceful in speaking out against the NYC DEP and NYS DEC this year. The credit for that long sought funding, goes to the homeowners who fought for years - and this is the year we won a large battle against Gotham.

In addition, as promised, led by returning Legislator T.J. Briggs and freshman Legislator Craig Lopez, we lobbied for more State aid for Wawarsing flood victims as well, and Senator Bonacic secured another \$1.5 million for flood buyouts, on top of the State's original funding of several million dollars, to help those who want to move, do so.

For me, personally, the flood buyouts are incredibly sad and rewarding at the same time. I have worked with so many Legislators and others in elected office for the past three years to secure the flood buyout funds. I also want to credit Senator John Bonacic for first proposing the buyout in 2008. Nobody wants to leave their homes, but for so many, this was a nightmare that otherwise would have had no end.

TRUTH IN TAXATION AND THE SAFETY NET TAKEOVER

As part of working together, throughout 2012, many County Legislators attended their local Town Board meetings with me – a first for a County Legislative Chairman, at least in anyone’s recent memory. Legislators Dean Fabiano and Mary Wawro were two Legislators who joined me in these Town Board visits and demonstrated the fact that every Legislator I went with was obviously well regarded by their local Town Board and very tuned into local needs. It is from the concerns expressed loudest though, in places like Ulster, Wawarsing, Rochester, and Saugerties, that our next accomplishment as a team occurred.

Supervisor Jim Quigley and Legislator Jim Maloney spearheaded the effort toward a “Truth in Taxation” law. As promised in January, we developed a local law to detail the overwhelming cost of State mandates and have explained those costs in information being sent to taxpayers.

Likewise, Town officials have rightly complained for years that Ulster County has refused to assume the “Safety Net” costs that nearly every other County in the State has. This year, as part of the budget, the County started what we hope to be a three-year process of completely taking over the Safety Net costs from our Towns and the City of Kingston.

In this, the County Executive’s fourth year in office, he made a concerted effort with us to focus on Safety Net and offered a workable plan. While many, especially Legislators David Donaldson, Peter Loughran, and Jeanette Provenzano, wish this was done sooner, the Legislature made Safety Net an issue from day one this year and now the Towns and the City of Kingston can begin the plans to operate without this significant mandate on their backs. Legislators representing Saugerties, Bob Aiello, Dean Fabiano, and Mary Wawro, and Legislators Craig Lopez and T.J. Briggs, representing Wawarsing, were all vocal proponents of obtaining relief for the Towns they represent. The three-year take-over process has started and the partnership of the Legislature, Executive and local municipal leaders will be required to see this through completion.

ECONOMIC DEVELOPMENT

More results came with a promise made in January by the Legislature to seek to have local representation on the Olympic Regional Development Authority (ORDA) Board, and to work to have ORDA take over the operation of Belleayre Mountain. Not only did ORDA

takeover Belleayre's operation this year, but the Legislature requested and Governor Cuomo graciously agreed, to nominate Legislator John Parete to the ORDA Board. In June, I had the pleasure of going with John to Albany to watch the New York State Senate unanimously confirm John to appointment on the ORDA Board.

Also, at the request of the State Legislature, the Ulster County Legislature recommended Town of Shandaken Supervisor, Robert A. Stanley and Michael Bernholz of the Town of Olive to serve on the Community Advisory Council for ORDA.

ORDA will now operate the Belleayre Mountain Ski Center. I know ORDA will be more attentive to our needs . . . because if they aren't, I know John Parete will be there to back us up.

The Legislature also successfully prioritized two other issues, thanks to the leadership of Legislative Vice-Chair Jim Maloney and City of Kingston Legislators David Donaldson, Peter Loughran, and Jeanette Provenzano. These Legislators worked together to successfully lobby for \$1.2 million for the Hudson Promenade project – which will create quality housing and grow jobs in the City of Kingston and Town of Ulster.

In January, I promised we would fight for State aid for this project – aid which was not granted last year and I am pleased to report that just last week, Governor Cuomo allocated \$1.2 million for the project. I know the strong support of the team of City of Kingston and Town of Ulster Legislators was important in ultimately winning this funding. Economic Development and Tourism Committee Chair Jim Maloney led the legislature's support for Wolf-Tec Inc. and Stavo Industries Inc.'s purchase and renovation of the former Colony Liquor property at 132 Flatbush Avenue in Kingston resulting in the retention of one hundred and twelve jobs and adding thirty-five more as part of an Ulster County Industrial Development Agency incentive package.

Further, the Legislature fulfilled a promise made in January to urge the NYS DEC to stop dragging its feet on the Williams Lake project in Rosendale. The Williams Lake project developers had publicly complained that the NYS DEC was unnecessarily slowing them down. The County Legislature's Economic Development Committee, led by Legislator Jim Maloney, brought in the Williams Lake developers to hear about the project, and passed a resolution urging the NYS DEC to move faster. Almost immediately, results were achieved as the Williams Lake project proponents announced that soon thereafter, the NYS DEC was now working cooperatively on the project.

GOOD GOVERNMENT

Golden Hill Local Development Corporation

I know the two Majority Legislature appointments, citizens from the community at large, to the Golden Hill Local Development Corporation (LDC) offered strong and diverse talents in helping the LDC sell the Golden Hill Nursing Home.

We went out and found qualified citizens who could contribute based on expertise. The Republican Majority appointed a qualified Medical Doctor who had specialized experience in elder care. She inspected the facility operated by the company that ultimately bought Golden Hill and found it to be well run – so we have independent verification of the quality of care. We also appointed an appraiser on the business end who provided critical assistance in negotiating the complex sale of Golden Hill.

While Comptroller Auerbach and I both opposed appointing Legislators to the LDC Board, as we believe it represents an inherent conflict of interest, Minority Leader Donaldson appointed Legislator Jeanette Provenzano to the Board. There is no question in my mind that Legislator Provenzano contributed to the LDC Board and certainly her compassion for the elderly is well known.

Overall, I believe the LDC did a great job and the right buyer was selected.

Charter Revision: A Successful Compromise

The Legislature also successfully worked to pass a Charter revision law. Undoubtedly the charter revisions would not have been possible without the leadership and efforts of the Chairman of Laws and Rules, Legislator Kevin Roberts and Minority Leader David Donaldson, both of whom worked tirelessly with staff to ensure the Charter revisions were agreeable to the full Legislature.

Legislative staff and Legislators ultimately proposed a breakthrough compromise – the first in New York, where independent re-districting of a County Legislature can take place. The breakthrough happened after weeks of tense negotiations with the Charter Commission, which failed to produce any result until Legislative staff offered the solution, which Legislators and the Charter Revision commission embraced. Independent redistricting is good government. We found a solution that worked for all and we can all be proud of that.

In addition, as I promised in January, the Legislature resisted efforts by the County Executive to gain more power under the Charter. The County Executive had sought to require a super-majority to reject his appointments. As promised, we opposed that, and the County Executive's proposal for more power was not enacted. The Legislature also successfully

opposed the Executive from being able to submit legislation directly and issue subpoenas – powers few, if any County Executives have.

Partnering with Law Enforcement

Led by Law Enforcement and Public Safety Committee Chairman Richard Parete and Deputy Chairman and Majority Leader Ken Ronk, the Legislature maintained a strong relationship with both the Sheriff and the District Attorney. Together, they straightened out some police car issues and opened honest and educated dialogues. I was honored to work a shift with the Sheriff's road patrol and another day working a shift with correction officers at the Ulster County jail. This partnership and open government helps us to better serve both the employees of the Sheriff's branch of government and the residents that they serve.

The Legislature was disappointed the County Executive swept the jail's telephone accounts to the general budget, and that we could not provide the raises the District Attorney desired but we have continued the open and honest dialogue with the County Executive, the Sheriff, and the District Attorney, that will ensure the safety and security of all Ulster County residents.

Embracing Technology

This year a wireless network was created on the 6th floor. While the network is currently being expanded for better public usage, technology is key to a better ability to participate in government. This new wireless technology will ensure Legislators, Legislative staff, Executive staff, media representatives and most importantly the public will have immediate access to information when making policy decisions for Ulster County.

The Legislature made a conscious endeavor in 2012 to create greater transparency in government. Along those lines, the Legislature will now post the audio recordings of their Committee meetings online recognizing this is another aspect of good government proposed by Legislator Tracey Bartels. The capturing and sharing publicly of the substantive deliberation in the Committees ensures everyday citizens have the ability to observe, witness, and actively participate in the development of policy and performance standards for Ulster County.

Committees are now places of vigorous debate and individual voices are being heard as witnessed by Majority Whip Mary Beth Maio, a member of four Legislative Committees and the Ulster County Trails Advisory Committee, who promotes good government through honest, non-political discussion.

Participation in open government was not limited to Ulster County borders as two Legislators, Robert Parete and Wayne Harris, explored the opportunity to participate in the monthly Legislative session through cyberspace.

Lyme Disease Task Force

Legislative action was the impetus behind the creation of the Ulster County Lyme Disease Committee with Legislator Robert Aiello leading the charge as sponsor and Committee Chair to ensure the Ulster County Legislature took a proactive role in the prevention, education, and research of Lyme Disease to protect and enhance the health, safety, and welfare of Ulster County residents by examining public health policy decisions, disseminating information to the public, regularly reviewing published public and private treatment guidelines and other activities related to the diagnosis, prevention, and research of Lyme Disease. A well attended public hearing resulted in a County action plan.

PARTNERING WITH THE EXECUTIVE

In government, nothing gets done alone. The County Executive asked the Legislature to consider several proposals this year which were adopted, or modified and then adopted.

Whether I disagreed with some of these proposals or my colleagues disagreed with others, democracy is about voting, and majority rules; preferably enthusiastically and civilly.

Ideas became proposals and proposals became policy. Together, the Legislature and County Executive partnered to accept the challenge and recommend some long awaited policies. The Legislature embraced some of the Executive's proposals and turned them into policy. Together, the Legislature and the Executive:

- Consolidated County tourism services with the City of Kingston;
- Enacted County Executive Hein's proposal for "flow control" to give the RRA a trash monopoly;
- Provided a slight reduction in County property taxes;
- Enacted County Executive Hein's proposal to charge an additional registration fee on motor vehicles as sponsored by Legislators Don Gregorious and Hector Rodriguez;
- Privatized children's mental health services;
- Budgeted a new in-house business creation center; and
- Authorized funding to help County Executive Hein to further explore his STRIVE program.

LOOKING FORWARD

While this was my first year as Chairman, and it was not free of "freshman jitters," I know any mistakes we made were honest and that differences of opinion, and the fact that they are allowed and expressed so freely, is truly what separates America from so many other nations.

As a relatively new Legislator, I was certainly tested early by some of my more experienced colleagues. Some of it was pure politics and sometimes there were mistakes I made, but

ultimately I have learned from them and will return better for it in the New Year.

Toward the end of this year, I saw a stronger sense of unity in the Legislature and an interest by many Legislators in working even more on policy issues next year – together. Progress will be made as we follow the example of Legislator Richard Gerentine, who led the Ways and Means Committee and the Special Committee on the Future of the RRA in meaningful, open, and dynamic discussions regarding issues like flow control and the RRA, and the Safety Net takeover. I believe this Legislative body is committed to tackling tough policy issues next year, as we did this year. I welcome that commitment and thank each of my colleagues for their hard work and allowing me the privilege of serving as Chairman of our County's Legislature.

Sincerely,

Terry L. Blosser Bernardo
Chairman, Ulster County Legislature