ULSTER COUNTY LEGISLATURE

MINUTES

APRIL 17, 2012

REGULAR MEETING 7:00 PM
PUBLIC HEARING 7:05 PM

MEETING CALLED TO ORDER BY CHAIRMAN: 7:07 PM

PLEDGE OF ALLEGIANCE TO THE FLAG: Led by Chairman Terry L. Bernardo

MOMENT OF SILENT MEDITATION:

ANNOUNCEMENTS

FIRE EVACUATION PLAN

PLEASE NOTE THAT IN THE EVENT OF AN EMERGENCY THE FIRE DEPARTMENT HAS REQUESTED THAT LEGISLATORS AND ALL OTHERS FOLLOW THE EVACUATION ROUTES FROM THE GYMNASIUM AND MOVE AWAY FROM THE BUILDING IN ORDER NOT TO IMPEDE THE FIREFIGHTERS IN THEIR DUTIES

CELL PHONES

Please silence cell phones for the duration of Session.

MICROPHONES

Please be reminded to use your microphones when speaking so that you are recorded for the official record.
ROLL CALL: Present: 22 Absent: 1

(LOGISLATOR Aiello)

*PRIVILEGE OF THE FLOOR:

Chairman Terry L. Bernardo granted Privilege of the Floor to Butch Dener. Mr. Dener, an organ donor recipient himself, will present information regarding Organ Donor Month and sharing the joys of family. He will be joined by living donor recipient Geraldine Buck, and full donor recipient Charles Lyonhart, who will speak about their personal experiences helping to change lives.

Chairman Terry L. Bernardo called upon Legislator Jeanette Provenzano, Deputy Chairman of the Health and Personnel Committee, to present a Proclamation to Butch Dener, on behalf of the Ulster County Legislature, declaring the month of April Organ Donor Month. Legislator Provenzano invited the other members of the Health and Personnel Committee: Legislators Belfiglio, Ronk, and Robert Parete to join her in presenting the Proclamation. Legislator Robert Aiello, Chairman of the Health and Personnel Committee was not present.

*Privilege of the Floor preceded the Public Hearing.

CALL OF THE PUBLIC HEARING BY CLERK: Proposed Local Law No. 1 Of 2012 (A Local Law Known As The “Hydraulic Fracturing Brine Prohibition Act”)

PUBLIC COMMENT: There were 61 speakers at tonight’s public hearing.

1. Amanda LaValle – Coordinator of the Ulster County Dept. of Environment. Ms. LaValle shared statement on behalf of the County Executive. Stated a major issue of continuing concern not only of the County Executive’s Administration but of the people of Ulster County. Not only the issue of hydrofracking. Second issue causing apprehension of many concerned about the environment, was the potential use of brine on County roads. On April 12, the County Executive signed Executive Order Executive #1 of 2012, banning potential use of all hydrofracking byproducts on any and all county roads. Because of time constraints in passing of a local law, the Co. Exec took action to immediately alleviate public concern. County Executive applauds Ulster County Legislature for their efforts and looks forward to signing local law and encourages municipalities within the County to do the same.
2. **Scott Carlsen – Supervisor of the Town of Wawarsing.** Thanked Legislature for holding meeting in venue where all could attend, great example of local government. Commended Legislature as a whole for taking time to look at the Law and get it right. Pointed out that Craig Lopez called Mr. Carlsen with concern of local company in Ellenville that uses a brine product on road invented long before the hydrofracking brine. The company employs many and is used nationwide. Fear was that law was too general and could have negative impact on this local company. Mr. Carlsen put the owner of the company in touch with Leg. Lopez. On a personal note, he hoped that the Legislature does the right thing, dangerous chemicals are not wanted on the roads.

3. **Susan Zimet – Town of New Paltz Supervisor** – Indicated that Legislature had passed a ban on hydrofracking on County property. Indicated that Leg. Maloney had asked a year ago why the ban only applied to County property. She indicated that it was only the first step. She had recently attended Supervisors meeting in which every supervisor spoke about coming together to adopt a bill to ban fracking in every town within Ulster County. Hoping that Ulster may be first county to have every Town to do a ban bill. Spoke about the Utica shale which is under the Marcellus shale and is within Ulster County. Companies were going to doors in Rochester trying to obtain lease signatures. Generating letter that will be generated and sent to Gov. Cuomo.


5. **Nancy Baysinger**- Spoke in support of banning purchase of fracking fluids on roads, ban use of free fracking fluid or paying companies to take the toxic fracking waste for use. Ms. Baysinger reviewed number of toxic components of fracking fluid and effects on the human body.

6. **Barbara Moley Rusko** – Thank Legislature of hearing and Leg. Ken Wishnick for introduction of the law that may have impact. Had worked earnestly to bring tourism to Ulster County. Believed future of Ulster County is tourism due to the profound beauty of the County. As property owner and business owner, desires safe environment.

7. **Jay Wenk** – written comment on file with Clerk of the Legislature (see copy attached).

8. **Steven Gentile** – Currently lives in Woodstock with his family. Displayed 3 bottles of water to make his point. Indicated that he had replaced water before Legislatures, one of which containing fracking fluid and specified all fluids would appear harmless. Asked that law banning use of brine be passed.
9. **Tom Caplan** – Displayed photo of boy being consumed in dust cloud of DDT to support ban on use of brine and hopefully discourage fracking in Ulster County.

10. **Toni Weidenbacher** – Read statement in support of ban against use of hydrofracking ban and the need for clean water. Written comment on file with Clerk of Legislature (see copy attached).


12. **Andi Weiss Bartczak** – Environmental toxicologist from Gardiner. Spoke of negative effect of use of brine and toxic chemicals contained in same.

13. **Irwin Sperber** – Commended public officials for taking on the energy industry. Reviewed list of chemicals contained in brine fluid.

14. **Toby Stover** – Appeared from RDAF. Spoke against application of hydrofracking fluids and commented that applications are being made in Western New York.

15. **Rosalyn Cherry** – Supported ban of use of hydrofracking fluid and byproducts.

16. **Karen Charman** – Urged passage of comprehensive law banning application of brine usage and urged campaign that all Towns prohibit usage.

17. **Dave Channon** – Criticized use of term fracking fluid and specified that it is toxic waste.

18. **Julie Marcus** – Did not speak.

19. **Claire Franck** – ODAF letter on file with the Clerk of the Legislature (see copy attached).

20. **Elizabeth Suter** – Agreed that fluid is poison and spoke against fluid application.


22. **Jill Paperno** – Spoke in support of ban.

23. **Margaret Human** – Didn’t believe laws were strong enough against infractions to ban.

25. **Blank**

26. **Elly Wininger** – Grateful to be an Ulster County resident and thanked Legislature for meeting needs of the people.


28. **Anne Galpern** – Supported ban not specific to just Ulster County should be everywhere.

29. **Joanne Steele** – Member of the Mid-Hudson Sierra Club. Read official position statement of Club.

30. **Rosalind Stark** – Did not speak.

31. **Elaine Henck** – Spoke in support of ban.

32. **Maria DeFranco** – Spoke in support of banning use of brine.

33. **Violet Hamsen** - Read letter she had presented to New Paltz with regard to contamination created by use of fracking fluids.

34. **Kathy Nolan** – Thanked Ulster for being proactive and the public comment.

35. **Sue Rosenberg** – Reiterated what others had said and the stand that Legislature had taken.

36. **Michele Riddell** – Did not speak.

37. **Amanda Sisenstein** – Did not speak.

38. **Werner John** – Appreciated what Legislature was doing with regard to brine ban.


40. **Patricia Anderson** – Spoke about carcinogens contained in hydrofracking fluid.
41. Jennifer Metzger – Spoke of how Rosendale groundwater is particularly vulnerable.
42. Peter Lamerson – Asked that Legislature enforce ban.
43. Ed Haffmans – Spoke in support of ban indicating result of big corporate greed.
44. Joanne Myers – Supported criminalization of fracking.
45. Joan Craig – Spoke in support of ban and asked for further penalties for violators.
46. Jayne Nuisake – Did not speak.
47. Pam Krimsky – Did not speak.
48. Laura Ricci – Spoke in support of ban and usage of byproducts of hydrofracking.
49. Delaney Taliaferro – Spoke of future of herself and possible children in support of ban.
50. Howard Miller – Indicated that all should be vigilant.
51. Steve Kohn - Nothing substantive to add except for gratitude.
52. Peggy Atwood – Spoke in support of ban and believed that usage already exists.
53. Miriam Strouse – Recounted magazine article about fracking.
54. Jeanette Curtiss – Reminded what actions today will have on future generations.
55. Monica Arias Miranda, Hispanic Coalition NY, Inc. – Urged that Ulster be leaders in banning all toxic substances.
56. Andrea Staskowski – Spoke in support of ban.
57. Abram Loeb – Encouraged moving beyond use of fracking fluids and use alternatives.
58. Blank
60. Sequoia Sellinger – Statement regarding future of children.
61. **Anne Outwater** – Spoke against use of brine in any capacity in Ulster.

62. **Laureen Piperno** – Took opportunity to thank Legislature for allowing chance to speak.

63. **Linda Leeds** – Spoke in support of ban.

64. **Ellen James** – Announced trip to Pennsylvania to view results of hydraulic fracturing.

Legislator Donaldson motioned, seconded by Legislator Ronk to adjourn. All in favor.

**PUBLIC HEARING ADJOURNED:** 9:29 PM

The Chairman proposed a brief recess until 9:40 PM. Meeting reconvened at 9:40 PM.

**ROLL CALL:** Present: 22 Absent: 1  
(Legislator Aiello)

**MOTION TO DISPENSE WITH THE READING OF THE MINUTES OF THE PREVIOUS MEETING**

Legislator Ronk motioned, seconded by Legislator Donaldson to dispense with the reading of the minutes of the previous meeting. All in favor.

**COMMUNICATIONS FROM:**

Terry Bernardo, Chairman  
Notice of Location – April 17, 2012  
Regular Monthly Meeting/Public Hearing  
Special Session/Corporate Compliance on April 23, 2012  
Notice of Location – April 17, 2012  
Regular Monthly Meeting Schedule Cancellation Of Special Meeting  
Informational Brochure  
Uniquely Ulster, April 2012  
Letter in Support of Recent New Hire

Ulster-Greene ARC Foundation  
Ulster County Tourism  
Dennis Arluck
COMMUNICATIONS FROM (continued):

Ulster County Tourism
Stewart Airport Commission
Hudson Valley Regional Council
Campaigns & Elections
NYSAC

Ulster County Resource Recovery Agency

Hudson Valley Voice
NaCO

Ulster County Planning Board

NYSARC, Inc.
Ulster County Fire Advisory Board
Ulster County Re-Entry Task Force

Rural Features
Robert DiBella, Director UC Transportation

Town of Denning

Robert Sudlow, President, CEO GH LDC
Catskill Watershed Corp.

Ronald Marquette, Chairman, UCDC

Citizens in Support of Resolution No. 71
Pro Act, Inc.

Family of Beverly Ann Chick

Letter re: Tourism Resolution
March 27, 2012, Meeting Agenda
March 26, 2012 Agenda
2012 Political Campaign Seminars
46th Annual County Finance School Agenda
UCRRA Reports, March 2012
Regular Board Meeting Agenda – April 16, 2012
Issue 1
County News, Vol. 44, No. 6, March 26, 2012
March 29, 2012 Consolidated Funding Application Workshop Bulletin
The Arc Light Spring 2012
March 28, 2012 Meeting Minutes
Winter 2012 Issue
Federal Drawdown- UCAT Grant #NY-90-X668-00
Federal Drawdown- UCAT Grant #NY-90-X654-00
Certified copy of Res. No. 28, 2012 in Support of Proposed Local Law #3
Notice of Public Meeting
Notice of Preliminary Decisions, April 3, 2012
Memorandum 4/3/12 - Proposed Amended Bylaws
10 Support E-mails
Monthly Usage/Savings Report, March 2012
Thank You Card
COMMUNICATIONS FROM (continued):

NYS Department Public Service  
Joint Petition Of Aqua Utilities, Inc.  
Aqua New York, Inc. And American  
Water Works Company, Inc. For  
Approval Of A Stock Purchase  
Agreement

CFA News  
Volume 30, Number 1&2 –  
Winter/Spring 2012

Golden Hill Local Development Corp.  
Minutes of Board of Directors March  
21, 2012 Meeting

Ulster County Human Rights Commission  
February 2, 2012 Meeting Minutes

Ulster County Planning Board  
March 7, 2012 Meeting Minutes

Olive Town Clerk  
April 11, 2012 Letter - Re: Approval  
of Resolution #9 of 2012

Ulster County Community Service Board  
April 3, 2012 Letter Of Resignation

Ulster County Board of Elections  
April 11, 2012 Memo – Campaign  
Finance Seminar on May 1, 2012

Hacker Murphy, LLP  
April 10, 2012 Letter re: Birchwood  
Village, LP – Arbitration

NYS Conservationist  
Volume 66, Number 5, April 2012

Hudson Valley Vernacular Architecture  
January – March, 2012, Volume 15,  
No. 1-3

Hodgson Russ, LLP  
April 13, 2012 Letter (copy) re: UC  
IDA Lease/Leaseback Transaction  
With Birchwood Village LP

Anderson Center For Autism  
11th Annual Gold Tournament – June  
7, 2012 Dutch Golf & Country Club

Fulton County Board Of Supervisors  
Resolution No. 146 – Urging The  
United States Congress to Repeal A  
Portion of the Universal Service Fund  
Surcharge that Provides Free Cellular  
Telephone Service to “Income  
Eligible” Individuals
COUNTY EXECUTIVE COMMUNICATIONS:

February 15, 2012 Meeting Minutes, Ulster County Corporate Compliance Committee
Statement of Expenditures, Encumbrances & Unencumbered Balance as of March 31, 2012
Budgetary Transfers Month of March 2012
April 13, 2012 Public Transportation Task Force Memorandum
Appt. Of Interim Commissioner of Mental Health
April 13, 2012 Memorandum with Letter Appointing Acting Public Health Director Nereida Veytia & DH Medical Consultant Douglas Heller, M.D.

COMMITTEE REPORTS:      DATE:

Economic Development & Tourism       March 7, 2012
Environmental, Energy & Technology   March 8, 2012
Health & Personnel                   March 20, 2012
Law Enforcement & Public Safety      March 5, 2012
Laws & Rules, Governmental Services  March 6, 2012
Legislative Programs, Education & Community Services March 12, 2012
Public Works & Capital Projects      March 7, 2012
Social Services                      March 5, 2012
Ways and Means                       March 13, 2012

PRIVILEGE OF THE FLOOR: See Page 2 of minutes.
PRESENTATIONS:  There are no presentations scheduled for tonight’s meeting.

PUBLIC COMMENT:  There were no speakers at tonight’s meeting.

RESOLUTION NOS:   32 and 81 – 106

32 Designating The Ulster County Tourism Office As The Official Tourist Promotion Agency Of Ulster County - Department Of Tourism
ADOPTED:  22 -  0 (Approved by the County Executive)

81 Urging Governor Cuomo And The New York State Senate To Approve The Appointment Legislator John Parete To The Olympic Regional Development Authority (ORDA) Board In Accordance With NYS Senate Bill No. S6260C-2011 And NYS Assembly Bill No. A9060C
ADOPTED:  21 -  0 (1 Abstention)

82 Providing Exemptions From Sales And Compensating Use Taxes For Receipts From Sales Of And Consideration Given, Or Contracted To Be Given For, Or For The Use Of, Property And Services Exempt From State Sales And Compensating Use Taxes Pursuant To Subdivision (ee) Of Section 1115 Of the New York Tax Law, Pursuant To The Authority Of Article 29 Of The Tax Law Of The State Of New York
ADOPTED:  22 -  0 (Approved by the County Executive)

83 Appropriating Unexpended Funds From The New York State Office Of Homeland Security Law Enforcement Terrorism Prevention Program - Amending The 2012 Ulster County Budget - Ulster County Sheriff’s Office
ADOPTED:  22 -  0 (Approved by the County Executive)

84 Authorizing The Chair 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 – Ulster County District Attorney
ADOPTED:  22 -  0 (Approved by the County Executive)

85 Appropriating Funds From The Jail Telephone Commissions Reserve Account For The Purchase, Installation, Configuration And Maintenance Of Computer Software – Amending The 2012 Ulster County Budget – Ulster County Sheriff’s Office
ADOPTED:  21 -  1 (Approved by the County Executive)
Amending The 2012 Ulster County Budget - Purchase Of Public Transportation Equipment – Security Cameras – Department Of Public Transportation (Ulster County Area Transit)
ADOPTED: 22 - 0 (Approved by the County Executive)

Authorizing Acceptance Of Payments Of Past Due Taxes And Conveyance Of County-Owned Properties To Original Owners – Department Of Finance
ADOPTED: 22 - 0 (Approved by the County Executive)

Appointing Alternate Member To The Ulster County Planning Board – Town Of Rochester
ADOPTED: 22 - 0 (Approved by the County Executive)

Appointing Alternate Member To The Ulster County Planning Board – Town Of Ulster
ADOPTED: 22 - 0 (Approved by the County Executive)

Authorizing The Chairman Of The Ulster County Legislature To Enter Into An Agreement With The New York State Department Of Health For The Early Intervention Program – Department Of Social Services
ADOPTED: 21 - 0 (1 Abstention) (Approved by the County Executive)

Appropriating Funds From The Probation Department Reserve Account (V&T Admin Fees) For The Purchase Of Vehicles And A Security System Upgrade – Amending The 2012 Ulster County Budget – Department Of Probation
ADOPTED: 22 - 0 (Approved by the County Executive)

Authorizing The Chairman Of The Ulster County Legislature To Enter Into An Agreement With Albany County For Micrographics Services And For Microfilm Processing And Duplication – County Clerk
ADOPTED: 22 - 0 (Approved by the County Executive)

Supporting A Grant Application For A New York State Department Of State Local Government Efficiency Grant, To Fund A Study Of Cost Savings And Opportunities Through Shared Information Technology Services With Orange County And Ulster BOCES Mid-Hudson Regional Information Center – Department Of Information Services
ADOPTED: 21 - 0 (1 Abstention) (Approved by the County Executive)
Supporting An Application For A New York State Department of State Local Government Efficiency Grant, Associated With Relocating Critical Information Technology Systems To A Data Center Shared With Ulster BOCES Mid-Hudson Regional Information Center – Department Of Information Services
ADOPTED: 21 - 0 (1 Abstention) (Approved by the County Executive)

Setting A Public Hearing On Proposed Local Law No. 4 of 2012 (A Local Law Amending Local Law No. 5 of 2008 To Increase The Income Range By Which Senior Land Owners With Limited Income Are Eligible For A Partial County Tax Exemption) To Be Held On May 8, 2012 At 7:00 PM
ADOPTED: 22 - 0

Setting A Public Hearing On Proposed Local Law No. 5 of 2012 (A Local Law Amending Local Law No. 6 of 2008 To Increase The Allowable Income Range Providing For A Partial County Tax Exemption Of Real Property Owned By Certain Persons With Disabilities And Limited Income) To Be Held On May 8, 2012 At 7:01 PM
ADOPTED: 22 - 0

Setting A Public Hearing On Proposed Local Law No. 6 of 2012 (A Local Law Amending Local Law No. 7 Of 2008 To Provide For An Exemption From Real Property Taxes For Real Property Owned By Veterans Who Rendered Military Service To The United States During The “Cold War”) To Be Held On May 8, 2012 At 7:02 PM
ADOPTED: 22 - 0

Setting A Public Hearing On Proposed Local Law No. 7 Of 2012 (A Local Law To Increase The Maximum Allowable Real Property Tax Exemption Pursuant To Section 458-A Of The Real Property Tax Law Entitled “Veterans’ Alternative Exemption”) To Be Held On May 8, 2012 At 7:03 PM
ADOPTED: 22 - 0

Setting A Public Hearing On Proposed Local Law No. 8 of 2012 (A Local Law Enacting A First Time Homebuyer County Property Tax Exemption) To Be Held On May 8, 2012 At 7:04 PM
ADOPTED: 21 - 0 (1 Abstention)

Proclaiming April 2012 As Healthy Counties, Healthy Families Month In Ulster County
ADOPTED: 22 - 0 (Approved by the County Executive)
101 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
ADOPTED: 21 - 0 (1 Abstention) (Approved by the County Executive)

102 Resolution Approving The Deviation By The Ulster County Industrial Development Agency Relating To The Terms And Conditions Of A Certain Pilot Agreement To Be Entered Into Between Ulster County Industrial Development Agency And Wolftec, Inc. In Connection With The Wolftec, Inc., Project
ADOPTED: 22 - 0 (Approved by the County Executive)

103 Resolution Approving The Deviation By The Ulster County Industrial Development Agency Relating To The Terms And Conditions Of A Certain Pilot Agreement To Be Entered Into Between Ulster County Industrial Development Agency And Stavo Industries, Inc., In Connection With The Stavo Industries, Inc. Project
ADOPTED: 22 - 0 (Approved by the County Executive)

104 Approving Construction, By Licensee Ulster County Agricultural Society, Of New Bathroom Facilities At The Ulster County Fairgrounds On Libertyville Road In New Paltz – Department Of Public Works (Buildings And Grounds)
ADOPTED: 22 - 0 (Approved by the County Executive)

105 Authorizing The Conveyance Of County-Owned Property To Original Owners – Department Of Finance
ADOPTED: 22 - 0 (Approved by the County Executive)

106 Amending The Purchase Price For The Sale Of The County’s Certified Home Health Agency License And Long-Term Home Health Care Program License – Department Of Health
ADOPTED: 20 - 2 (Approved by the County Executive)
MEETING ADJOURNED IN MEMORY OF:

Reginald E. Lawlis, Sr., Ulster Park, NY  
Walter E. Tartarzewski, Kingston, NY  
Frances Colville Vohs, Kerhonkson, NY  
Joseph J. Palen, Kingston, NY  
Lucille Braun, Shokan, NY  
Westley D. Clark, Port Ewen, NY  
John L. Salvatore, Kingston, NY  
Sheldon C. Fuller, Saugerties, NY  
Angelina DeCicco, Kingston, NY  
Wayne D Greer, Topock, AZ  
Helen E. Cooke, Accord, NY  
William M. Daum, Ulster Park, NY  
Donald F. DePuy, Rosendale, NY  
Roger T. McCrory Sr., Accord, NY  
Oliver Davis, Stone Ridge, NY  
Anna D. Snyder, Kingston, NY  
Josephine Grady, Rifton, NY  
Elizabeth E. McMillian, Kingston, NY

Robert A. Hansut, Highland, NY  
William D. Maisenhelder, Town of Ulster, NY  
Valerie H. Mayone, Kingston, NY  
Francis T. Ginty, Port Ewen, NY  
Gertrude Rathjen, Port Ewen, NY  
Richard Dillon, West Hurley, NY  
Lisa VanOrden, Kerhonkson, NY  
Kevin M. Sweeney, Woodstock, NY  
Elizabeth E. Phillips, Tillson, NY  
Aloysius Carchidi, Kingston, NY  
Robert E. Dillon, Little Egg Harbor, NJ  
Anthony J. Fabiano, Kingston, NY  
Ruth M. Storey, Shandaken, NY  
Jill Grant, Lake Katrine, NY  
Mabel E. Chipp, Kerhonkson, NY  
Ranson L. Winnie, Ulster Park, NY  
Christina K. Kirk, Kingston, NY  
Norma L. Martin, Accord, NY

NEXT MEETING:

The next Regular Meeting of the Ulster County Legislature will be held on **Tuesday, May 15, 2012 at 7:00 PM** in the Legislative Chambers, Sixth Floor, Ulster County Office Building, 244 Fair Street, Kingston, New York.

Resolution deadline is **Wednesday, April 25, 2012 at 12 Noon**.

Legislator Ronk motioned, seconded by Legislator Donaldson to adjourn the meeting. All in favor.

MEETING ADJOURNED: 10:05 PM