

Public Works & Capital Projects Committee

Regular Meeting Minutes

DATE & TIME: December 3, 2015, 6:00 PM

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

PRESIDING OFFICER: Chairman Dean Fabiano

LEGISLATIVE STAFF: Nettie Tomshaw

PRESENT: Peter Loughran, Lynn Archer, Kevin Roberts arrived 6:15 PM, Manna Greene arrived 6:60 PM

EXCUSED: None

QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislative Chairman John Parete, Legislator James Maloney, Legislative Counsel Cappy Weiner & Chris Ragucci, Susan Plonski Commissioner Public Works, Chris White Planning Dept., Dennis Doyle Commissioner Planning Dept., Evan Gallo Deputy Comptroller, Caroline Paulson Springtown Flood Plain Advocate, Steve Rice Ulster Co. Trails Advisory, Cathy Nolan

Chairman Dean Fabiano called the meeting to order at 6:00 PM.

Motion No. 1 Resolved to Approve Meeting Minutes - November 5th & November 17th

Motion Made By: Legislator Peter Loughran

Motion Seconded By: Legislator Lynn Archer

Voting In Favor: Legislators Fabiano, Loughran, Archer

Voting Against: None

No. of Votes in Favor: 3

No. of Votes Against: 0

Disposition: Carried

Motion No. 2 Resolved to Approve Resolution No. 445

Text of Motion: Amending The 2015 Ulster County Budget To Reimburse The Town Of Denning For Flood Mitigation Work Performed On Clair Road In The Wake Of Hurricane Irene

Motion Made By: Legislator Peter Loughran

Motion Seconded By: Legislator Dean Fabiano

Discussion: Chairman Fabiano called upon Legislative Counsel Chris Ragucci and Chairman John Parete to help the committee understand the history leading up to this

resolution being brought forth before the committee. Counsel Ragucci explained back in 2012 the state provided remediation funding for flood control areas. In the wake of Hurricane Irene Clair Road in the Town of Denning experienced extensive damage and was rendered impassable. In good faith the Town of Denning completed the necessary work in November of 2012 with the understanding the approved grant from the NYS Works Program would reimburse the town. Ulster County was required to facilitate the release of the grant funding from the state designated for this town in the amount of \$25,300.88. Chairman Parete noted other towns participated in the grant program, however only the Town of Denning approached him for assistance and the Chairman asked his counsel to look into the matter. The committee discussed the need for fulfilling the reimbursements to the other towns as well. Chairman Parete thanked the committee for their time.

Voting In Favor: Legislators Fabiano, Loughran, Archer, J. Parete
Voting Against: None
No. of Votes in Favor: 4
No. of Votes Against: 0
Disposition: Carried

Motion No. 3 Resolved to Approve Amended Resolution No. 455

Text of Motion: Authorizing the Chairman Of The Ulster County Legislature To Enter Into An Agreement With The New York State Department Of Transportation (NYSDOT) For The Maintenance Of Lights ~~As Well As A Park And Ride Facility~~ At The Kingston Traffic Circle

Motion Made By: Legislator Peter Loughran

Motion Seconded By: Legislator Lynn Archer

Discussion: Chairman Fabiano called upon Legislator Jim Maloney who came before the committee as a sponsor of this resolution. Legislator Maloney explained to the committee over the last 15 years the Town of Ulster has been paying for (27) light poles & electric, and maintenance of the park and ride next to the round-a-bout Exit 19 Thruway circle. Legislator Maloney referenced Resolution No. 104, dated March 9, 2000 that stated the county was the responsible party for maintenance – not the Town of Ulster. The state recently renovated and paid for the renovations to the park and ride and announced they would maintain the park and rides, lighting fixtures and electricity, and also ongoing maintenance of the round-a-bout. The state has requested going forward the county only be responsible for electricity for the (10) light poles at the round-a-bout at a cost of approx. \$2500.00/annually. The Town of Ulster has requested the county pay for this going forward per Res. No. 104 – the original agreement. There will be no retroactive payments due to any involved party.

Voting In Favor: Legislators Fabiano, Loughran, Archer
Voting Against: None
No. of Votes in Favor: 3
No. of Votes Against: 0

Disposition: Carried

Motion No. 4 Resolved to Approve Resolution No. 480

Text of Motion: Establishing Capital Project No. 459 To Provide For Design And Engineering Work For The Ulster County Rail Trail Project Along The Ashokan Reservoir (“Ashokan Rail Trail”)

Motion Made By: Legislator Lynn Archer

Motion Seconded By: Legislator Peter Loughran

Discussion: None

Voting In Favor: Legislators Fabiano, Loughran, Archer, Roberts

Voting Against: None

No. of Votes in Favor: 4

No. of Votes Against: 0

Disposition: Carried

Motion No. 5 Resolved to Approve Resolution No. 478

Text of Motion: Amending The 2015-2020 Capital Program To Establish Capital Project No. 458 – Replacement Of The Carmine Liberta Bridge (BIN #3045230) On Route 299 Over The Wallkill River In New Paltz – Department Of Public Works (Highways And Bridges)

Motion Made By: Legislator Peter Loughran

Motion Seconded By: Legislator Kevin Roberts

Discussion: Commissioner of the Planning Dept. Dennis Doyle noted pursuant to Article 8 of the Environmental Conservation Law of New York State (SEQRA), this resolution is declaring Ulster County’s intent to serve as the lead agency for the project.

Voting In Favor: Legislators Fabiano, Loughran, Archer, Roberts

Voting Against: None

No. of Votes in Favor: 4

No. of Votes Against: 0

Disposition: Carried

Motion No. 6 Resolved to Approve Resolution No. 446

Text of Motion: Amending The Electric Vehicle Charging Station Policy To Require A Fee For Use

Motion Made By: Legislator Kevin Roberts

Motion Seconded By: Legislator Dean Fabiano

Discussion: Legislator Loughran once again stated the county needs to do a comprehensive study of our parking facility. Sue Plonski noted the county has not previously conducted any parking lot studies.

Legislative Counsel Cappy Weiner provided an update of the County Attorney's opinion provided at the last committee meeting. Counsel expressed this is a clear violation of federal and state law – noting this service is not available to everyone. This is not an ancillary benefit – it's a direct benefit and therefore illegal. He feels their argument of bringing tourism to Ulster County is weak. With uncontrolled access, business vehicles and private citizens can use the charging stations at taxpayer's expense. Deputy Comptroller Evan Gallo concurred with counsel reiterating this is a clear cut violation of the law, suggesting solutions such as implementing a permit system or having a company come in and underwrite the practice.

Legislator Archer expressed there is a broader benefit that moves people towards this new technology and counsels argument is not compelling enough to change her stance favoring the county attorney's opinion.

Legislator Roberts stated it was his understanding the charging stations were distributed throughout the county – not only throughout the county seat. Also the cost to use the charging stations should cover the electricity and administrative costs as well.

Legislator Greene expressed this is new technology. Legislator Greene noted people are fascinated with this technology and views our county as progressive and cutting edge. The county should use the four year grant to collect data akin to a pilot program. It doesn't make sense for the county to pay more to process a pay as you go program. Once the grant expires a more informed decision can be made as how to legislate policy.

Voting In Favor: Legislators Fabiano, Roberts

Voting Against: Legislators Lougran, Archer, Greene

No. of Votes in Favor: 2

No. of Votes Against: 3

Disposition: Failed

Motion No. 7 Resolved to Approve Resolution No. 463

Text of Motion: Approving The Execution Of A Contract Amendment In Excess Of \$50,000.00 Entered Into By The County – Johnson Controls Inc. – Department Of Public Works

Motion Made By: Legislator Kevin Roberts

Motion Seconded By: Legislator Peter Loughran

Discussion: None

Voting In Favor: Legislators Fabiano, Loughran, Archer, Roberts, Greene

Voting Against: None
No. of Votes in Favor: 5
No. of Votes Against: 0
Disposition: Carried

Motion No. 8 Resolved to Approve Resolution No. 465

Text of Motion: Approving The Execution Of A Contract Amendment In Excess Of \$50,000.00 Entered Into By The County – Cornell Cooperative Extension – Department Of Public Works

Motion Made By: Legislator Peter Loughran

Motion Seconded By: Legislator Dean Fabiano

Discussion: Sue Plonski explained this resolution is a revenue agreement with Cornell Cooperative Extension for the engineering portion of a culvert repair for the Bushkill/Watson Hollow sloop stabilization project.

Voting In Favor: Legislators Fabiano, Loughran, Archer, Roberts, Greene

Voting Against: None

No. of Votes in Favor: 5

No. of Votes Against: 0

Disposition: Carried

Motion No. 9 Resolved to Approve Resolution No. 477

Text of Motion: Authorizing The Chairman Of The Ulster County Legislature To Enter Into Two Lease Agreements With Astor Services For Children & Families As Lessee, For Office Space To Provide Family Mental Health Services To The Community – Department Of Public Works (Buildings And Grounds)

Motion Made By: Legislator Lynn Archer

Motion Seconded By: Legislator Peter Loughran

Discussion: This resolution is for lease agreements with Astor Services For Children & Families for county office space in Ellenville and Kingston for a contract term of three years.

Voting In Favor: Legislators Fabiano, Loughran, Archer, Roberts, Greene

Voting Against: None

No. of Votes in Favor: 5

No. of Votes Against: 0

Disposition: Carried

New Business

Caroline Paulson, New Paltz ZBA and self-proclaimed Springtown Road “Flood Plain Advocate”, came before the committee to discuss an adjustment proposal for a culvert that is both an ecological and public menace in her community. Chairman Fabiano introduced and referred Ms. Paulson to Commissioner Plonski and extended an invitation to attend a future committee meeting if needed, noting to contact the Legislative Clerk to set up a time and date.

Old Business

Legislator Roberts met with UC Public Works Field Operations Manager Joe Whittaker, Councilperson Cynthia Delgado, and a state representative regarding Ardonia Road in District No. 12. Road work has been done however grading is still needed. The state realizes there’s a problem and will address the concern.

Chairman Fabiano praised and thanked Legislator Archer for her time served on the committee and wished her all the best going forward. He also thanked the entire committee for a successful year of working together and for their support and service.

Adjournment

There being no further business, a motion to adjourn was made by Legislator Greene and seconded by Legislator Loughran, all were in favor, and Chairman Fabiano declared the meeting duly adjourned at 6:50 PM

Dated the 23rd of December, 2015
Nettie Tomshaw, Legislative Staff
Minutes Approved on: January 21, 2016