Resolution No. 446 December 15, 2015

Amending The Electric Vehicle Charging Station Policy To Require A Fee For Use

Referred to: The Energy and Environment Committee (Chairman Loughran and Legislators R. Parete, Rodriguez, Ronk and Wawro), The Public Works and Capital Projects Committee (Chairman Fabiano and Legislators Archer, Greene, Loughran, Roberts), and The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Belfiglio, Briggs, Gregorius, Maio, Maloney and R. Parete)

Legislator John R Parete offers the following:

WHEREAS, pursuant to Resolution No. 332 dated September 15, 2015, the Ulster County Legislature determined that it was responsible to establish a policy regulating the use of Ulster County electric vehicle charging stations; and

WHEREAS, at the time the "Ulster County Electric Vehicle Charging Station Policy" was adopted, the decision to offer the electric free of charge to all noncommercial vehicles was being vetted; and

WHEREAS, it has been determined by Legislative Counsel and the Ulster County Comptroller that the manner in which electric is currently being offered is unconstitutional and corrective action should be taken; and

WHEREAS, the Ulster County Legislature has a responsibility to protect the County from acting in violation of the New York Constitution, and to limit liability regarding potential litigation pursuant to Section 51 of the General Municipal Law; now, therefore, be it

RESOLVED, that it shall be the policy of Ulster County to charge a fee-forservice in regards to use of Ulster County charging stations that is appropriate for the investment including, but not limited to, system and equipment service and maintenance, the cost of electricity, and liability to the county for damages to personal property; and, be it further

RESOLVED, that the Ulster County Legislature hereby amends the "Ulster County Electric Vehicle Charging Station Policy" to add an additional section addressing fees for electric use, as attached hereto as Exhibit A,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 12 NOES: 11 (Noes: Legislators Allen, Archer, Bartels, Briggs, Donaldson, Greene, Gregorius, Loughran, Provenzano, Rodriguez, and Wishnick)

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Postponed in Committee: Public Works and Capital Projects on November 5, 2015

Defeated in the Public Works and Capital Projects Committee on December 3, 2015

Petition to Discharge successfully executed on December 4, 2015

FINANCIAL IMPACT: UNDETEMINED POTENTIAL COUNTY REVENUE DOLLARS

STATE OF NEW YORK

ss:

COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 15th Day of December in the year Two Thousand and Fifteen, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 16th Day of December in the year Two Thousand and Fifteen.

<u>|s| Victoria A. Fabella</u> Victoria A. Fabella, Clerk Ulster County Legislature

Submitted to the County Executive this 16th Day of December, 2015.

<u>|s| Victoria A. Fabella</u> Victoria A. Fabella, Clerk Ulster County Legislature Vetoed by the County Executive this 23rd Day of December, 2015.

<u>|s| Michael P. Hein</u> Michael P. Hein, County Executive