

Setting A Public Hearing On Amended Proposed Local Law No. 12 of 2015 (A Local Law Of The County Of Ulster For The Regulation Of Pet Sellers) To Be Held On _____ At _____ PM

Referred to: The Law Enforcement and Public Safety Committee (Chairman Briggs and Legislators Fabiano, Provenzano, Ronk and Wishnick), The Laws and Rules, Governmental Services Committee (Chairman Richard Parete and Legislators Donaldson, Greene, Roberts and Ronk), and The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Belfiglio, Briggs, Gregorius, Maio, Maloney and Richard Parete)

Legislators Lynn Archer and Kenneth Ronk and Legislator Wishnick offer the following:

WHEREAS, a public hearing is required to be held regarding Amended Proposed Local Law No. 12 of 2015 (A Local Law of the County of Ulster for the Regulation of Pet Sellers), a public hearing will be held on _____ at _____ PM in the Legislative Chambers, Ulster County Office Building, 6th Floor, 244 Fair Street, Kingston, New York; now, therefore, be it

RESOLVED, said Amended Proposed Local Law No. 12 of 2015 is hereby submitted to the Ulster County Legislature and is hereby tabled pending the holding of a public hearing thereon; and, be it further

RESOLVED, that the Clerk of the Ulster County Legislature shall cause a legal notice of said public hearing to be published according to law; and, be it further

RESOLVED, that said public hearing will be held on _____ at _____ PM in the Legislative Chambers, Ulster County Office Building, 6th Floor, 244 Fair Street, Kingston, New York,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Referred to Law Enforcement and Public Safety Committee by the Laws and Rules, Governmental Services Committee on September 14, 2015

Resolution No. 357 December 15, 2015

**Setting A Public Hearing On Amended Proposed Local Law No. 12
of 2015 (A Local Law Of The County Of Ulster For The Regulation
Of Pet Sellers) To Be Held On _____ At _____ PM**

Passed Committee: Law Enforcement and Public Safety as amended on October 14,
2015

No Action Taken in the Laws and Rules, Governmental Services Committee on
October 19, 2015

Referred to Law Enforcement and Public Safety Committee by the Laws and Rules,
Governmental Services Committee on November 16, 2015

Passed Committee: Law Enforcement and Public Safety on _____.

Passed Committee: Laws and Rules, Governmental Services on _____.

Passed Committee: Ways and Means on _____.

FINANCIAL IMPACT:

\$300.00 - APPROXIMATE ADVERTISING COSTS

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BE IT ENACTED, by the County Legislature of the County of Ulster, New York, as follows:

SECTION 1. LEGISLATIVE INTENT.

The Ulster County Legislature finds that many Ulster County residents own dogs and cats. The Legislature finds that Ulster County residents feel a great deal of affection for their dogs and cats and consider them to be a part of their family and, accordingly, invest significant amounts of money in their care and maintenance. The Legislature finds that dogs and cats are made available to the public from a number of different sources including, but not limited to, breeders, dealers, and pet sellers. The Legislature finds that breeders, dealers, and pet sellers vary in their treatment of the cats and dogs and that some operate substandard commercial facilities that expose dogs and cats to inhumane and unsafe living conditions. The Legislature further finds that some breeders, dealers, and pet sellers will sell animals that are unfit for sale due to, among other things, diseases or congenital conditions. Therefore, the Legislature deems that the regulation of breeders, dealers, and pet sellers is necessary to protect the health, safety, and general welfare of Ulster County residents.

SECTION 2. DEFINITIONS.

As used in this Local Law, the following terms shall have the meanings indicated:

1. "Animal" means a dog or cat.
2. "Person" means any individual, corporation, partnership, association, municipality or other legal entity.
3. "Consumer" means any individual purchasing an animal from a Pet Seller. A Pet Seller shall not be considered a Consumer.
4. "Pet Seller" means any person in Ulster County who engages in the sale or offering for sale of more than nine (9) dogs or cats per calendar year or who breeds more than two litters of dogs or cats per calendar year for sale to the public for profit. This definition shall not include any duly incorporated humane societies or animal protective associations dedicated to the care of unwanted animals which make such animals available for adoption, whether or not a fee is charged for such adoption.

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5. "Dog Dealer" means any person who:
 - a) Sells dogs belonging to such person that he or she has not bred on his or her own premises to a Pet Seller in Ulster County for resale to a Consumer, or;
 - b) Transfers dogs belonging to another to a Pet Seller in Ulster County for any type of consideration, fee, commission or percentage of sales price.
6. "Dog Source Breeder" means any person who sells dogs he or she has bred on his or her own premises for resale by a Dog Dealer or Pet Seller in Ulster County.
7. "Primary enclosure" means a structure that restricts an animal's ability to move in a limited amount of space, most commonly a cage, kennel, room or other enclosed compartment.
8. "Housing facility" means a structure that provides animals with shelter, protection from the elements and protection from extremes of temperature. A housing facility may contain primary enclosures as defined in this section.
9. "Department" means the Ulster County Department of Health.
10. "Commissioner" means the Commissioner of the Ulster County Department of Health.
11. "Non-elective surgical procedure" means a surgical procedure that is necessary to preserve or restore the health of an animal, to prevent an animal from experiencing pain or discomfort, or to correct a condition that would interfere with an animal's ability to walk, run, jump or otherwise function in a normal manner.
12. "Clinically ill" means an illness that is apparent to a veterinarian based on observation, examination or testing of an animal or upon review of the medical records relating to the animal.

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SECTION 3. PET SELLERS – PERMIT REQUIRED.

1. It is unlawful for any Pet Seller to display, offer for sale, sell, barter or exchange for any consideration, any dog or cat within Ulster County without first obtaining a Pet Seller's permit from the Commissioner.
2. The Commissioner shall issue permits to Pet Sellers only upon proof that the animals displayed, offered for sale or sold by such sellers are raised and maintained in accordance with the terms contained in this Local Law.
3. For purposes of this Local Law, a dog or cat is raised and maintained in a safe and healthy manner when:
 - (a) The dog or cat is kept by a Pet Seller in compliance with the minimum standards of care required by section 8 of this Local Law, and
 - (b) (for dogs only) The dog was obtained from a Dog Source Breeder who keeps dogs in compliance with the minimum standards of care required by section 12 of this Local Law, and
 - (c) Compliance with paragraph a of this subdivision shall be established through inspection by the Commissioner in accordance with section 7 of this Local Law and compliance with paragraph b of this subdivision shall be established by the certification required by section 11 of this Local Law.

SECTION 4. PET SELLER PERMITS.

1. No person shall operate as a Pet Seller in Ulster County unless such person holds a permit issued by the Commissioner. A Pet Seller in operation as a Pet Seller on or before the effective date of this section, who has filed an application for an initial permit under this Local Law shall be authorized to operate without such permit until the Commissioner grants, or after notice and an opportunity to be heard, declines to grant such permit. Each application for a permit shall be made on a form supplied by the Department and shall contain such information as may be required by the Department. Renewal applications shall be submitted to the Commissioner at least thirty (30) days prior to the commencement of the next permit year.
2. The Commissioner may delegate his or her authority pursuant to this section to issue Pet Seller permits to a not for profit animal protective organization duly

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incorporated in the State of New York. Such delegation shall be made pursuant to an agreement entered into by the County and such corporation.

3. Proof to the satisfaction of the Commissioner of compliance with the requirements of this Local Law and with other applicable provisions of this Local Law shall precede issuance of a Pet Seller permit.

4. Prior to the issuance of a Pet Seller permit, the Pet Seller shall provide proof that it is in compliance with the requirements of this Local Law and any rules or regulations thereunder. Upon approval by the Commissioner or the duly incorporated animal welfare organization authorized under this section to issue Pet Seller permits, the permit shall be issued.

5. The Commissioner shall provide a copy of the permit to the Pet Seller and retain the original permit. If the Commissioner has delegated the permitting requirement to a duly incorporated animal welfare organization, that organization shall retain the original permit and provide a copy of permit to the Pet Seller and a copy to the Commissioner.

6. No Pet Seller shall publish or advertise the sale or availability of any dog or cat unless the publication or advertisement is accompanied by the Pet Seller's permit number. Notwithstanding the foregoing, a Pet Seller in operation on or before the effective date of this Local Law who has filed an application for an initial permit may publish or advertise the sale or availability of any dog or cat without the publication or advertisement being accompanied by the Pet Seller's permit number until the Commissioner grants, or, after notice and an opportunity to be heard, declines to grant such permit.

7. Pet Sellers shall conspicuously display their permits on the premises where the animals are kept for sale so that they can be seen by potential consumers.

SECTION 5. PERMIT REFUSAL, SUSPENSION, OR REVOCATION.

1. Convictions. The Commissioner shall not issue or renew, and shall suspend or revoke a Pet Seller permit issued pursuant to section 4 of this Local Law based on a conviction of a violation of any provision of Article Twenty-Six of the Agriculture and Markets Law, or equivalent in the Penal Law, or regulations promulgated

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thereunder pertaining to the inhumane treatment of animals, cruelty to animals, endangering the life or welfare of an animal, or violation of federal, state or local law pertaining to the care, treatment, sale, possession, or handling of animals or any regulation or rule promulgated pursuant thereto relating to the endangerment of the life or health of an animal.

2. Outstanding fines or penalties. The Commissioner shall not issue or renew a Pet Seller permit unless there are no unpaid or outstanding fines, penalties or forfeitures imposed by the Commissioner for violations of this Local Law.

3. Outstanding uncorrected violations. The Commissioner shall not issue a new permit to any Pet Seller who has any outstanding uncorrected violations of this Local Law.

4. The Commissioner may decline to grant or renew, or may suspend or revoke a Pet Seller permit based on the following grounds:

- (a) Material misstatement in the permit application, or
- (b) Material misstatement in or falsification of records required to be kept pursuant to this Local Law, or under any regulation promulgated thereunder, or
- (c) Failure to allow the Commissioner or his or her authorized agents to inspect records or the Pet Seller's facilities.

5. The acceptance of an application for a new permit shall not prevent the Commissioner from taking any action that he or she deems necessary, including but not limited to, denial of a permit if an investigation or pre-permit inspection discloses conditions or circumstances indicating that a new permit should not be issued.

6. Any Pet Seller who is found to be in violation of this Local Law may have their Pet Seller permit suspended for up to three (3) months for a first offense; up to six (6) months for a second offense within a two year period; or revoked for a third offense within a two year period. Before any Pet Seller permit shall be suspended or revoked, the Commissioner, or any hearing officer he or she may designate, shall hold a hearing upon due notice to the permit holder in accordance with regulations promulgated by the Department. Any such violator may also be required to complete a training program designated by the Department prior to reinstatement of such license.

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7. Any action of the Commissioner may be subject to judicial review in a proceeding under Article Seventy-Eight of the Civil Practice Law and Rules.

SECTION 6. ADMINISTRATION AND ENFORCEMENT.

1. The Commissioner, in consultation with the Ulster County Board of Health, is hereby authorized to promulgate any rules, regulations, and procedures necessary to implement this Local Law.
2. The provisions of this Local Law may be enforced concurrently by the Department and by any duly incorporated animal welfare organization to which the County has delegated the Commissioner's inspection authority.

SECTION 7. INSPECTION OF PET SELLERS.

1. The Commissioner or Commissioner's authorized agents shall inspect a Pet Sellers' facilities at the Commissioner's discretion to ensure compliance with the provisions of this Local Law.
2. The Commissioner may, pursuant to an agreement entered into with a duly incorporated not for profit animal welfare organization, delegate to such organization the authority to conduct inspections of Pet Sellers' facilities and to respond to complaints concerning Pet Sellers made to the Commissioner.
3. Any person conducting an inspection of a Pet Seller or responding to a complaint concerning a Pet Seller pursuant to this Local Law shall be specifically trained in the proper care of cats and dogs and in the investigation and identification of animal cruelty. The Commissioner may promulgate regulations governing the form and content of such training.

SECTION 8. PET SELLERS – MINIMUM STANDARDS OF CARE.

1. Pet Sellers shall comply with the following minimum standards of care for every dog or cat in their custody or possession.

(a) Housing.

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(1) Except where dogs or cats are permitted to roam freely inside a Pet Seller's residential premises, animals shall be housed in primary enclosures or cages that are structurally sound and maintained in good repair so as to prevent the dog or cat from escaping from the enclosure and protect it from injury. Surfaces shall be impervious and not permit absorption of fluids and allow thorough and repeated cleaning and disinfection without deteriorating or retaining odors. "Impervious surfaces" may include sealed concrete, ceramic tile, sealed wood, stainless steel or other materials that do not permit absorption of fluids, allow thorough and repeated cleaning and disinfection without deteriorating or retaining odors, and do not violate any other provision contained within this Section.

(2) Primary enclosures or cages housing animals shall provide sufficient space to allow each animal adequate freedom of movement to make normal postural adjustments including the ability to stand up, sit, turn around, and lie down with its limbs outstretched. If the flooring is constructed of metal strands, such strands must be greater than one-eighth inch in diameter (nine gauge) and be coated with a material such as plastic or fiberglass, and shall be constructed so as not to allow passage of any part of an animal's foot through any opening on the floor of the enclosure. The flooring must be in good repair and must not sag or bend between structural supports.

(3) Housing facilities shall be adequately ventilated at all times to provide for the health and well-being of the animal. Ventilation shall be provided by natural or mechanical means, such as windows, vents, fans or air conditioners. Ventilation shall be established to minimize drafts, odors, ammonia levels and moisture condensation.

(4) The temperature surrounding the animal shall be compatible with the health and well-being of the animal. Temperature shall be regulated by heating and cooling to sufficiently protect each animal from extremes of temperature and shall not be permitted to fall below or rise above ranges which would pose a health hazard to the animal. This shall include supplying shade from sunlight by natural or artificial means.

(5) Indoor housing facilities shall have adequate lighting sufficient to permit routine inspection and cleaning and arranged so that each animal is protected from excessive illumination, which may pose a health hazard to the animal. Animal areas must be provided with regular diurnal light cycle of either natural or artificial light.

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(6) The indoor and outdoor facilities housing the dog or cat, including the primary enclosure or cage shall be kept in a clean and sanitary condition in order to provide animals with a safe and healthy living environment. They shall be designed to allow for efficient elimination of waste and water in order to keep the animal dry and prevent it from coming into contact with these substances, except water for drinking purposes. If drains are used they shall be constructed in a manner to minimize foul odors and backup of sewage. If a drainage system is used it shall comply with federal, state, and local laws relating to pollution control.

(7) In the event that a Pet Seller has a pregnant or nursing dog on the Pet Seller's premises, the Pet Seller shall provide a whelping box for such dog. Each nursing dog shall be provided with an additional amount of floor space, based on her breed and behavioral characteristics in accordance with generally accepted husbandry practices as determined by a licensed veterinarian.

(8) Pet Sellers shall designate and provide an isolation area for animals that exhibit symptoms of or are known to be harboring a contagious disease or illness. This designated area must be in a location that prevents or reduces the spread of disease or illness to healthy animals and must otherwise meet all housing requirements of this section.

(b) Sanitation.

(1) Housing facilities and primary enclosures contained within those facilities shall be kept in a clean and sanitary condition in order to maintain a safe and healthy environment for the animal. This shall include removing and destroying any agents injurious to the animals, where appropriate, and periodic cleanings.

(2) Primary enclosures must be cleaned daily and sanitized at least once every two weeks using one of the following methods:

(a) Live steam under pressure;

(b) Washing with water with a temperature of at least 180 degrees Fahrenheit and with soap or detergent;

(c) Washing all soiled surfaces with appropriate detergent solutions and disinfectant or by using a combination detergent or disinfectant product that accomplishes the same purpose with a thorough cleaning of the surfaces to remove

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excreta, feces, hair, dirt, debris and food waste so as to remove all organic and mineral buildup and to provide sanitization, followed by a clean water rinse.

(d) Dirt, sand, gravel, grass, absorbent bedding, or other similar material must be spot cleaned daily. These surfaces must be raked or spot cleaned often enough to ensure that all animals in the enclosure can avoid contact with excreta. Contaminated material must be replaced when raking and spot cleaning are not sufficient to prevent or eliminate odors, infestations of insects, pests, or other vermin.

(3) Under no circumstances shall a dog or cat remain inside the primary enclosure or cage while it is being cleaned with live steam, sterilizing agents or agents toxic to the animal, or cleaned in a manner likely to threaten the health and safety of the animal. Trash and waste products on the premises shall be properly contained and disposed of so as to minimize the risks of disease, contamination, and vermin.

(c) Feeding and Watering.

(1) Animals shall be provided with food that is of nutritional value sufficient to maintain each animal in good health and that is free from contamination.

(2) Dogs and cats shall be adequately fed at intervals not to exceed twelve hours or at least twice in any twenty-four hour period in quantities appropriate for the animal species, age, and size, unless determined otherwise by and under the direct supervision of a duly licensed veterinarian.

(3) Sanitary food receptacles shall be provided in sufficient number, of adequate size, and located so as to enable each animal in the cage or primary enclosure to be supplied with an adequate amount of food.

(4) Animals shall be provided with constant access to clean, fresh water that is supplied in a sanitary manner and sufficient for its needs, except where there are instructions from a duly licensed veterinarian to withhold water for medical reasons.

(d) Handling.

Each dog or cat shall be handled in a humane manner so as not to cause the animal physical injury, harm, or undue stress

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(e) Veterinary Care.

(1) Any Pet Seller operating pursuant to this Local Law shall designate an attending veterinarian, who shall provide veterinary care to the Pet Seller's animals which shall include a written program of veterinary care and regular visits to the Pet Seller's premises or regular visits of the animals to the attending veterinarian's office. Such program of veterinary care shall include:

(a) The availability of appropriate facilities, personnel, equipment and services to comply with the provisions of the Local Law;

(b) The use of methods determined to be appropriate by the attending veterinarian to prevent, control, and respond to diseases and injuries, and the availability of emergency, weekend, and holiday care;

(c) Daily observation of all animals to assess their health and well-being, provided however, that daily observation of animals may be accomplished by someone other than the attending veterinarian who has received the guidance identified in subparagraph d of this paragraph; and provided, further, that a mechanism of direct and frequent communication is required so that timely and accurate information on problems of animal health, behavior and well-being is conveyed to the attending veterinarian;

(d) Adequate guidance to personnel involved in the care of animals regarding handling and immobilization;

(e) Pre-procedural and post-procedural care in accordance with established veterinary medical and nursing procedures; and

(f) In the case of Dog Source Breeders who sell or offer to sell nine (9) or more dogs per year to the public that are born and raised on the Dog Source Breeder's residential premises, there shall be annual veterinary examinations, at a minimum, for all intact adult dogs or cats on such Dog Source Breeder's premises.

(2) All dogs and cats shall be inoculated as required by state or local law. Veterinary care appropriate to the species shall be provided as necessary and without undue delay. Each animal shall be observed each day by the Pet Seller or by a person working under the Pet Seller's supervision.

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(3) Within five (5) business days of the Pet Seller's receipt of any dog, but prior to the sale of the dog, the Pet Seller shall have a duly licensed veterinarian conduct an examination and tests appropriate to the age and breed to determine if the animal has any medical conditions apparent at the time of the examination that adversely affects its health. For animals eighteen (18) months of age or older, the examination shall include examination for any congenital conditions that adversely affect the health of the animal. Any animal diagnosed with a contagious disease shall be treated and caged separately from other animals in the isolation area required in paragraph (a) (8) of subdivision one of this section.

(4) If an animal suffers from a congenital or hereditary condition, disease or illness which, in the professional opinion of the Pet Seller's veterinarian, requires euthanasia, the veterinarian shall humanely euthanize the animal without undue delay.

(5) In the event that an animal is returned to a Pet Seller due to a congenital or hereditary condition, illness, or disease requiring veterinary care, the Pet Seller shall, without undue delay, provide the animal with proper veterinary care.

(f) Humane Euthanasia.

Humane euthanasia of an animal shall be carried out only by a veterinarian duly licensed in the State of New York and in accordance with section three hundred seventy-four of the New York State Agriculture and Markets Law.

(g) Exercise Requirements.

Pet Sellers shall develop, maintain, document and implement an appropriate plan to provide animals with the opportunity for daily exercise. In developing such plan, consideration should be given to providing positive physical contact with people that encourages exercise through play or other similar activities. Such written plan shall be approved by the attending veterinarian and shall be provided to the Department, or its duly designated agent, annually and in accordance with any regulations it may promulgate.

(h) Fire and Carbon Monoxide Safety.

(1) All Pet Sellers' premises must be equipped with a smoke alarm that operates

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properly and must have a means of fire suppression, such as fire extinguishers on the premises, and be in good repair. Pet Sellers, except those who maintain dogs or cats solely on residential premises, must also have an automatic means of fire suppression, such as a sprinkler system, on the premises and it must be in good repair. The Commissioner may waive the requirement for an automatic fire suppression system upon adequate proof that it would be an undue hardship to the Pet Seller.

- (2) All Pet Sellers' premises must also be equipped with a carbon monoxide detector that operates properly and is, at all times, in good repair.

(i) Grooming

All dogs and cats shall be groomed regularly to prevent excessive matting of fur, overgrown toe nails and flea and tick infestation, and to maintain the health of the animal in accordance with the needs of each breed.

SECTION 9. PET SELLERS – CONSUMER PROTECTION REQUIREMENTS.

1. Sale of Animals: Unfit for purchase provisions.

(a) If, within fourteen (14) business days following the sale of an animal subject to this Local Law or receipt of the information statement required by subdivision two of this section, whichever occurred last, a licensed veterinarian of the Consumer's choosing, certifies such animal to be unfit for purchase due to illness, congenital malformation which adversely affects the health of the animal, or the presence of symptoms of a contagious or infectious disease, or if, within one hundred-eighty (180) calendar days following such sale or receipt, whichever occurred last, a licensed veterinarian of the Consumer's choosing certifies such animal to be unfit for purchase due to a congenital malformation which adversely affects the health of the animal, the Pet Seller shall afford the Consumer the right to choose one of the following options:

- (1) The right to return the animal and receive a refund of the purchase price including sales tax and reasonable veterinary costs directly related to the licensed veterinarian's certification that the animal is unfit for purchase pursuant to this section;

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(2) The right to return the animal and to exchange it for another animal of the Consumer's choice of the same purchase price, and reasonable veterinary costs directly related to the licensed veterinarian's certification that the first animal is unfit for purchase pursuant to this section; or

(3) The right to retain the animal and to receive reimbursement from the Pet Seller for veterinary services from a licensed veterinarian of the Consumer's choosing, for the purpose of curing or attempting to cure the animal. The reasonable value of reimbursable services rendered to cure or attempt to cure the animal shall not exceed the purchase price of the animal. The value of such services is reasonably comparable to the value of similar services rendered by other licensed veterinarians in proximity to the treating veterinarian. Such reimbursement shall not include the costs of initial veterinary examination fees and diagnostic fees not directly related to the licensed veterinarian's certification that the animal is unfit for purchase pursuant to this section.

(b) No Pet Seller shall knowingly sell an animal that has a diagnosed congenital condition or contagious disease that adversely affects the health of the animal without first informing the Consumer, in writing, of such condition.

(c) The Commissioner shall promulgate regulations that prescribe a form for and the content of, the certification that an animal is unfit for purchase, which shall be provided by an examining veterinarian to a Consumer upon the examination of an animal which is subject to the provisions of this section. Such form shall include, but not be limited to: information which identifies the type of animal, the owner, the date and diagnosis of the animal, the treatment recommended, if any, and an estimate or the actual cost of such treatment. Such form shall also include the information statement prescribed by subdivision two of this section

(d) The Commissioner shall promulgate regulations that prescribe information which shall be provided in writing by the Pet Seller to the Consumer upon the sale of the animal. Such information shall include, but not be limited to: a description, including breed of the animal, the date of purchase, the name, address and telephone number of the Consumer, and the amount of the purchase. The Pet Seller shall certify such information by signing the document in which it is contained.

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(e) The refund and/or reimbursement required by paragraph (a) of subdivision one of this section shall be made by the Pet Seller no later than ten (10) business days following receipt of a signed veterinary certification herein required. Such certification shall be presented to the Pet Seller no later than three business days following receipt thereof by the Consumer.

(f) Every Pet Seller who sells an animal to a Consumer that requires vaccination against rabies pursuant to Public Health Law Section 2141 shall provide the Consumer at point of sale with a written notice provided by the Department summarizing rabies immunization requirements.

(g) A veterinary finding of intestinal parasites shall not be grounds for declaring an animal unfit for sale unless the animal is clinically ill due to such condition. An animal may not be found unfit for sale on account of an injury sustained or illness contracted subsequent to the Consumer taking possession thereof.

(h) In the event that a Pet Seller wishes to contest a demand for refund, exchange, or reimbursement made by a Consumer pursuant to this section, such seller shall have the right to require the Consumer to produce the animal for examination by a licensed veterinarian designated by such Pet Seller. Upon such examination, if the Consumer and the Pet Seller are unable to reach an agreement which constitutes one of the options set forth in paragraph (a) of subdivision one of this section within ten (10) business days following receipt of the animal for such examination, the Consumer may initiate an action in a court of competent jurisdiction to recover or obtain such refund, exchange or reimbursement.

(i) Nothing in this section shall in any way limit the rights or remedies which are otherwise available to a Consumer under any other law.

2. Information statement to Consumer.

(a) Every Pet Seller shall deliver to the Consumer at the time of sale, a written statement in a standardized form prescribed by the Commissioner containing the following information:

(1) For Cats:

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(a) The breeder's and, if applicable, broker's name and address, if known, or if not known, the source of the cat. If the person from whom the cat was obtained is a dealer licensed by the United States Department of Agriculture, the person's name, address and federal identification number;

(b) The date of the cat's birth, unless unknown because of the source of the cat, the date the Pet Seller received the cat, and the location where the cat was received;

(c) A record of any immunizations and worming treatments administered to the cat while the cat was in the possession of the Pet Seller, as of the time of sale, including dates of administration and the types of vaccines or worming treatments administered;

(d) A record of any known disease, sickness or congenital condition that adversely affects the health of the cat at the time of sale;

(e) A record of any veterinary treatment or medication received by the cat while in the possession of the Pet Seller and either of the following:

(1) A statement signed by the Pet Seller at the time of sale indicating that the cat has no known disease or illness and that the cat has no known congenital or hereditary condition that adversely affects the health of the cat at the time of sale; or

(2) A record of any known congenital or hereditary condition, disease or illness that adversely affects the health of the cat at the time of sale, along with a statement signed by a licensed veterinarian that authorizes the sale of the cat, recommends necessary treatment, if any, and verifies that the condition, disease or illness does not require hospitalization or non-elective surgical procedures and is not likely to require hospitalization or non-elective surgical procedures in the future. A veterinarian statement is not required for intestinal or external parasites unless their presence makes the cat clinically ill or is likely to make the cat clinically ill. The statement should be valid for fourteen (14) business days following examination of the cat by the veterinarian.

(2) For dogs:

(a) The breeder's and, if applicable, broker's name and address, if known, and if not known, the source of the dog. If the person from whom the dog was obtained is a dealer licensed by the United States Department of Agriculture, the person's name, address and federal identification number;

(b) The date of the dog's birth and the date and location where the Pet Seller received the dog. If the dog is not advertised or sold as a purebred, registered or registerable, the date of birth may be approximated if not known by the Pet Seller;

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(c) The breed, sex, color and identifying marks at the time of sale. If the dog is from a United States Department of Agriculture licensed source, the individual identifying tag, tattoo or collar number for that animal. If the breed is unknown or mixed, the record shall so indicate. If the dog is being sold as being capable of registration, the names and registration numbers of the sire and dam, and the litter number, if known;

(d) A record of any inoculations and worming treatments administered to the dog while the dog was in the possession of the Pet Seller, as of the time of sale, including dates of administration and the type of vaccines and/or worming treatments administered;

(e) A record of any veterinary treatment or medication received by the dog while in the possession of the Pet Seller and either of the following:

(1) A statement, signed by the Pet Seller at the time of sale, indicating that the dog has no known disease or illness and that the dog has no known congenital or hereditary condition that adversely affects the health of the dog at the time of sale; or

(2) A record of any known congenital or hereditary condition, disease or illness that adversely affects the health of the dog at the time of sale, along with a statement signed by a licensed veterinarian that authorizes the sale of the dog, recommends necessary treatment, if any, and verifies that the condition, disease, or illness does not require hospitalization or non-elective surgical procedures and is not likely to require hospitalization or non-elective surgical procedures in the future. A veterinarian statement is not required for intestinal or external parasites unless their presence makes the dog clinically ill or is likely to make the dog clinically ill. The statement shall be valid for fourteen (14) business days following examination of the dog by the veterinarian.

(f) Notification that dogs residing in New York State must be licensed, and that a license may be obtained from the municipality in which the Consumer resides.

(g) A disclosure made pursuant to subparagraph (1) or (2) of this section shall be signed by both the Pet Seller certifying the accuracy of the statement, and the Consumer acknowledging receipt of the statement. At the time of sale, each Pet Seller shall provide the Consumer with information, provided by the Department, on the value of spaying and neutering of dogs and cats.

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(h) Every Pet Seller shall post conspicuously within close proximity to the primary enclosures of dogs and cats offered for sale, a notice containing the following language in one hundred point type:

“Information on the source of these dogs and cats and the veterinary treatment received by these dogs and cats is available for review by prospective consumers.”

3. Animal Pedigree Registration.

(a) Representation regarding animal's pedigree registration: Any Pet Seller who states, promises, or represents that an animal is registered or is capable of registration with an animal pedigree registry organization shall provide the Consumer with the appropriate documents necessary for such registration within one hundred twenty (120) days following sale of the animal. If the Consumer notifies the Pet Seller in writing on or before such time that he or she has not received the appropriate registration documents, the Pet Seller shall have, in addition to the one hundred twenty days, sixty (60) more days to provide the appropriate documents.

(1) If a Pet Seller fails to provide documents as required under paragraph (a) of this section, the Consumer, upon written notice to the Pet Seller, may keep the animal and receive a partial refund of seventy-five percent of the purchase price, in which event the Pet Seller shall not be required to provide registration documents. Acceptance by the Consumer of appropriate registration documents, whether or not within the times periods set forth in paragraph (a) of this section, shall be deemed a waiver of the right to a partial refund pursuant to this subdivision.

(b) Registration notice-disclosure statement.

(1) A Pet Seller that sells animals registered or registerable with a pedigree registry shall post conspicuously within close proximity to those animals a notice that states: “Pedigree registration means that the particular registry maintains information on the parentage and identity of the animal.”

(2) For every animal sold by a Pet Seller with the representation that the animal is registered or able to be registered with an animal pedigree registry organization, the following fully completed disclosure shall be made by the Pet Seller in writing on a sheet separate from any other statement in substantially the following form:

"Disclosure of animal pedigree registration: Description of animal; The animal you are purchasing is registered/qualified to be registered (circle one) with the (enter

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name of registry). Registration means that (enter name of registry) maintains information regarding parentage and identity of this animal. Persons buying animals represented by a Pet Seller as being qualified to be registered are entitled to papers necessary to affect such registration within one hundred twenty (120) days of purchase. Failure to provide such papers entitles the Consumer to remedies under law. However, if the Consumer notifies the Pet Seller within the one hundred twenty (120) day period that he or she has not received such papers, the Pet Seller shall have an additional sixty (60) days commencing at the end of the one hundred twenty (120) day period in which to provide the documents. Acknowledged: Date: Consumer's Signature."

(3) The disclosure shall be signed and dated by the Consumer, acknowledging receipt of a copy of the statement. The Pet Seller shall retain a copy of the signed disclosure.

SECTION 10. RECORDS OF PURCHASE AND SALE.

1. Each Pet Seller shall keep and maintain records for each dog or cat purchased, acquired, held, sold or otherwise disposed of. The records shall include the following:

(a) The name and address of the person from whom each dog or cat was acquired. If the person from whom the animal was obtained is a dealer licensed by the United States Department of Agriculture, the person's name, address, and federal dealer identification number. If the person is a pet dealer licensed by New York State pursuant to Article 26-A of the Agriculture and Markets Law, the dealer's name, address and state dealer identification number. If the person is a Pet Seller licensed by this act, the Pet Seller's name, address and permit number. If the person is a breeder, the breeder's name, address, and, if applicable, USDA license number; and

(b) In the case of cats, if a cat is placed in the custody or possession of a Pet Seller and the source of origin is unknown, the Pet Seller shall state that the source of origin is unknown, accompanied by the date, time, and location of receipt; and

(c) The original source of the animal if different than the person recorded in subdivision one of this section; and

(d) The date each dog or cat was acquired; and

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(e) A description of each animal showing age, color, markings, sex, breed, and any inoculation, worming, or other veterinary treatment or medication information available. Records shall also include any other significant identification, if known, for each animal, including official tag number, tattoo or (implant) microchip; and

(f) The name and address of the person to whom the animal is sold, given or bartered or to whom it is otherwise transferred or delivered. The records shall indicate the date and method of disposition; and

(g) The Pet Seller's Ulster County permit number.

2. Notwithstanding the provisions of subdivision one of this section, no Pet Seller shall knowingly buy, sell, exhibit, transport or offer for sale, exhibition or transportation, any stolen dog or cat. No Pet Seller shall knowingly sell any dog or cat younger than eight (8) weeks of age.

3. Prior to the sale, exchange, or other transfer of ownership of a dog or cat, a Pet Seller is required to examine the Ulster County Animal Abuse Registry to confirm that the potential owner is not a registered animal abuser. If a Pet Seller determines that an individual is a registered animal abuser, the Pet Seller shall not sell, exchange or otherwise transfer ownership of a dog or cat to such individual.

4. Records for each animal shall be maintained for a period of two (2) years from the date of sale or transfer, whichever occurs later. During normal business hours, the records shall be made available to persons authorized by law to enforce the provisions of this Local Law.

SECTION 11. CERTIFICATION BY DOG DEALERS AND SOURCE BREEDERS REQUIRED.

1. It shall be unlawful for any Pet Seller in Ulster County to knowingly import, offer for sale, sell or barter any dog from a Dog Source Breeder that does not comply with the standards of care enumerated in this Local Law.

2. Dog Dealers and Dog Source Breeders who supply dogs directly to Pet Sellers shall provide a written certification to such Pet Sellers that the dogs it provides to

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them have been obtained from Dog Source Breeders where they have been raised and maintained in compliance with this Local Law.

3. The Commissioner shall establish a written form for the certification required by this section, which will, at a minimum, include the name, legal address, contact information for the Dog Dealer if applicable, and Dog Source Breeder, along with the requirement for a sworn statement attesting that the Dog Source Breeder is in compliance with the standards prescribed in this Local Law.

4. Pet Sellers shall provide Consumers with a copy of this certification at the point of sale and shall file the written certification required by this section with the Commissioner on a semi-annual basis and in accordance with any rules promulgated by the Commissioner.

SECTION 12. DOG SOURCE BREEDERS: MINIMUM STANDARDS OF CARE.

1. Food and Water.

(a) All dogs must be provided with adequate food that is clean and free from contaminants at intervals not to exceed twelve hours or at least twice in any twenty-four (24) hour period unless directed otherwise by a duly licensed veterinarian.

(b) All dogs must be provided with potable water at all times, unless directed otherwise in writing by a duly licensed veterinarian. Such special instructions concerning food or water shall be kept in the Dog Source Breeder's records for the dog.

2. Housing.

(a) Except where dogs are permitted to roam freely inside the Dog Source Breeder's residential premises, dogs shall be kept in primary enclosures that are designed and constructed to be structurally sound and that are kept in good repair.

(b) Primary enclosures for dogs shall:

(1) Have no sharp points or edges that could injure dogs;

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- (2) Be maintained in a manner to protect dogs from injury;
- (3) If not fully enclosed on the top, be of a height sufficient to prevent the dog from climbing over the walls of the enclosure;
- (4) Keep animals from entering the enclosure;
- (5) Enable dogs to remain dry and clean;
- (6) Provide shelter and protection from temperatures and weather conditions that may be uncomfortable or hazardous to any dog;
- (7) Provide sufficient space to shelter all dogs housed in the primary enclosure at one time;
- (8) Provide potable water at all times, unless otherwise directed by a veterinarian in writing that shall be kept in the Dog Source Breeder's records;
- (9) Enable all surfaces in contact with dogs to be readily cleaned and sanitized in compliance with paragraph (d) of this subdivision 4 of this section.

3. Space.

(a) Primary enclosures shall provide enough space to allow each dog to turn about freely and to stand, sit, and lie in a normal position. All dogs in the enclosure must be able to lie down while fully extended without the dog's head, legs, face or feet touching any side of the enclosure or another dog. The interior height of a primary enclosure shall be at least six (6) inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position.

(b) All dogs over twelve (12) weeks of age housed in primary enclosures must be provided with a minimum amount of floor space in the primary enclosure, calculated as follows: Find the mathematical square of the sum of the length of dog in inches, measured in a straight line from the tip of its nose to the base of its tail plus six inches, then divide the product by 144, then multiply by two. The calculation is: (length of dog in inches +6) equals required floor space in square inches. Required floor space in inches/144 x 2 = required floor space in square feet. For a second dog placed in the primary enclosure the minimum floor space shall be doubled. The floor

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space shall be calculated using the longest dog. For each dog above two, the minimum floor space shall be multiplied by 1.5 per additional dog.

(c) For dogs over twelve (12) weeks of age, primary enclosures must be placed no higher than thirty (30) inches above the floor of the housing facility and may not be placed over or stacked on top of another cage or primary enclosure

(d) For dogs twelve (12) weeks of age or younger, primary enclosures shall not be stacked more than two (2) rows high, and the bottom of the uppermost primary enclosure may not be more than four and one-half (4 ½) feet off the housing facility floor. Where the primary enclosures are stacked, a tray or other device that will prevent urine, feces, and other debris from passing into or being discharged into the underlying primary enclosure shall be placed under the primary enclosure. The trap or other device must be impermeable to water and capable of being easily sanitized.

(e) All housing facilities shall be equipped with a smoke alarm and shall have a means of fire suppression, such as fire extinguishers or a sprinkler system on premises.

4. Sanitation.

(a) Excreta, feces, hair, dirt, debris and food waste must be removed from primary enclosures at least daily or more often if necessary, to prevent an accumulation of excreta, feces, hair, dirt, debris and food waste to prevent soiling of dogs contained in the primary enclosures and to reduce the risk of disease, insects, pests and odors.

(b) Used primary enclosures and food and water receptacles for dogs must be cleaned and sanitized in accordance with paragraph (d) of this section before they can be used to house, feed or water another dog or group of dogs.

(c) Used primary enclosures and food and water receptacles must be sanitized at least once every two weeks using one of the methods prescribed in paragraph (d) of this section and more often if necessary to prevent an accumulation of excreta, feces, hair, dirt, debris, food, waste and other disease hazards.

(d) Hard surfaces of primary enclosures and food and water receptacles must be sanitized using one of the following methods:

(1) Live steam under pressure,

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(2) Washing with water with a temperature of at least 180 degrees Fahrenheit and with soap or detergent, as with a mechanical cage washer; or

(3) Washing all soiled surfaces with appropriate detergent solutions and disinfectant or by using a combination detergent or disinfection product that accomplishes the same purpose with a thorough cleaning of the surfaces to remove excreta, feces, hair, dirt, debris and food waste so as to remove all organic material and mineral buildup and to provide sanitization followed by a clean water rinse.

(e) All dogs must be removed from the primary enclosure when it is being sanitized in accordance with the provisions of this subdivision.

(f) Primary enclosures, exercise areas and housing facilities using material that cannot be sanitized using methods delineated in paragraph (d) of this section must be made sanitary by removing contaminated material as necessary to prevent odors, diseases, pests, insects and vermin infestation.

(g) Premises where primary enclosures are located, including buildings and surrounding grounds, must be kept clean and in good repair to protect dogs from injury, to facilitate healthy husbandry practices, and to reduce or eliminate breeding and living areas for rodents and other pests and vermin. Premises must be kept free of accumulations of trash, junk, waste products and discarded matter. Weeds, grass and bushes must be controlled so as to facilitate cleaning of the premises and pest control and to protect the health and well-being of the dogs.

(h) An effective program for the control of insects or pests, and external parasites affecting dogs must be established and maintained so as to promote the health and well-being of the dogs and reduce contamination by pests in housing facilities.

(i) The floors and walls of primary enclosures must be impervious to moisture. The ceiling of indoor housing facilities must be impervious to moisture or be replaceable. "Impervious surfaces" may include concrete, tiles, wood that is sealed and other materials that do not permit absorption of fluids, allow thorough and repeated cleaning and disinfection without deteriorating or retaining odors, and do not violate any other provision contained within this Section.

5. Flooring.

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(a) Flooring in all primary enclosures must be constructed in a manner that protects the dogs' feet and legs from injury. The floor must not permit any part of the foot of a dog housed in the enclosure to pass through any opening.

(b) For dogs over twelve (12) weeks of age, the floor of the primary enclosure must be strong enough so that it does not sag or bend between structural supports and so that it cannot be destroyed through digging or chewing by the dogs housed in the primary enclosure. The floor shall not permit the feet of any dog housed in the primary enclosure to pass through any opening and shall not be made of metal strand, either coated or uncoated. It must allow for moderate drainage of fluids and it must not be sloped more than 0.25 inches per foot.

(c) Flooring constructed of slats shall be acceptable provided that all of the following conditions are met:

(1) The flooring is flat;

(2) Spaces between slats run the length or width of the floor, but not both;

(3) Slats are no less than 3.5 inches in width;

(4) The floor has spaces between the slats that are no more than 0.5 inch in width; and

(5) Each slat is level with the slat next to it within a single primary enclosure.

6. Co-housing/ Bitches in Heat/Nursing puppies.

(a) All dogs housed in the same primary enclosure must be compatible as determined by observation. Not more than six (6) adult dogs may be housed in the same primary enclosure. Bitches in heat may not be housed in the same primary enclosure with sexually mature males, except for breeding. Bitches with litters may not be housed in the same primary enclosure with other adult dogs, and puppies under twelve weeks of age may not be housed in the same primary enclosure with adult dogs, other than the dam or foster dam. Dogs displaying vicious or aggressive behavior toward other dogs must be housed separately.

(b) Each bitch with nursing puppies shall be provided with an additional amount of floor space based on her breed and behavioral characteristics and in accordance with

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generally accepted husbandry practices as determined by the attending veterinarian. If the additional amount of floor space for each nursing puppy is less than five (5) percent of the minimum requirement for the bitch, the amount of floor space must be approved by the attending veterinarian and shall be kept in the Dog Source Breeder's records.

7. Ventilation and Lighting.

(a) Housing facilities for dogs must be sufficiently heated and cooled to protect dogs from temperature or humidity extremes and to provide for their health and well-being. If dogs are present, the ambient temperature in the facility must not fall below 50 degrees Fahrenheit or rise above 85 degrees Fahrenheit.

(b) Housing facilities for dogs must be sufficiently ventilated at all times when dogs are present to provide for their health and well-being and to minimize odors, drafts, ammonia levels and to prevent moisture condensation. The relative humidity must be maintained at a level that ensures the health and well-being of the dogs housed therein.

(c) Housing facilities for dogs must be lighted well enough to permit routine inspection and cleaning of the facility and observation of the dogs. Animal areas must be provided with a regular diurnal light cycle of either natural or artificial light. Lighting must be uniformly diffused throughout housing facilities and provide sufficient illumination to aid in maintaining good housekeeping practices, adequate cleaning and observation of animals at any time and for the well-being of the animals. Primary enclosures must be placed so as to protect dogs from excessive light.

8. Veterinary Care and Records.

(a) The Dog Source Breeder shall establish a veterinarian/client-patient relationship.

(b) The Dog Source Breeder shall establish a written program of veterinary care which shall include a physical examination and vaccination schedule; a protocol for disease control and prevention; pest and parasite control; nutrition and euthanasia. A copy of the program shall be kept in the Dog Source Breeder's records.

(c) Dogs shall be examined by a veterinarian at least once every six (6) months.

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(d) For each dog harbored by a Dog Source Breeder, a permanent record shall be kept and shall contain all of the following information:

(1) The date of birth of the dog;

(2) The date of the last rabies vaccination of the dog; and

(3) The date of the dog's last veterinary check.

(e) The Dog Source Breeder shall keep all veterinary records for two (2) years after the dog has left the care of the facility.

(f) Notwithstanding any law, a dog may not be euthanized except by a licensed veterinarian.

9. Exercise (for dogs over twelve (12) weeks of age).

(a) Each primary enclosure housing a dog over twelve (12) weeks of age shall have an entryway that allows the dog unfettered clearance from the enclosure into an outdoor exercise area.

(b) The exercise area must be at least twice the size of each dog's primary enclosure and must have adequate means to prevent dogs from escaping.

(c) Exercise area fencing must be in good repair and be free of rust, jagged edges or other defects that could cause injury to the dogs.

(d) The exercise area must be cleaned in accordance with paragraph (f) of subdivision four of this section.

(e) Dogs must not be placed in the exercise area in a manner that would cause injury to the dog.

(f) Nursing bitches and their puppies shall be exercised separately from other dogs.

(g) The exercise area shall be on ground level and the ground of the area must be solid and maintainable. Surfaces such as gravel, packed earth and grass which are solid and maintainable may be utilized.

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(h) Forced exercise methods or devices such as swimming, treadmills or carousel type devices shall not meet the exercise requirements of this paragraph and are prohibited.

- (i) If, in the opinion of a licensed veterinarian, it is inappropriate for a dog to exercise because of its health, condition or well-being, this section shall not apply to that dog. Such a determination must, however, be documented in writing by the veterinarian and shall be revisited by the attending veterinarian at least once every thirty (30) days.

SECTION 13. NOTICE TO CONSUMERS.

Every Pet Seller who sells an animal to a Consumer shall post a notice clearly visible to the Consumer and provide the Consumer at the time of sale with a written notice, printed or typed, setting forth the rights provided under this Local Law. Such notices shall be prescribed by the Commissioner, but the written notice may be contained in a written contract, an animal history certificate, or separate document, provided such notices are in ten-point boldface type. No Pet Seller shall restrict or diminish by contract or otherwise, the rights provided under this Local Law.

SECTION 14. VIOLATIONS.

1. Violation of any provision of this Local Law is a civil offense for which a fine of not less than \$150.00 and not more than \$500.00 for each violation may be imposed.
2. In addition to the penalties enumerated in this section, whenever there is a violation of the provisions of Sections 6 (Pet Seller's – Consumer Protection Requirements) or Section 7 (Records of Purchase and Sale) of this Local Law, application may be made by the Commissioner or his designee to issue an injunction, and upon notice to the defendant of not less than five days, to enjoin and restrain the continuance of such violations; and if it shall appear to the satisfaction of the court or justice that the defendant has, in fact, violated these provisions, an injunction may be issued by such court or justice, enjoining and restraining any further violation, without requiring proof that any person has, in fact, been Injured or damaged thereby. In such a proceeding, the court may make allowances to the Commissioner as provided in Civil Practice Law and Rules Section 8303 (a) (6) and direct restitution.

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SECTION 15. CONSTRUCTION WITH OTHER LAWS.

Nothing in this Local Law shall be construed to limit or restrict the police, agents, or officers of Societies for the Prevention of Cruelty to Animals from enforcing Article Twenty-Six of the Agriculture and Markets Law or any other law relating to the humane treatment of or cruelty to animals.

SECTION 16. SEVERABILITY.

If any clause, sentence, paragraph, section, subdivision or other part of this Local Law or its applications shall be adjudged by a Court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or otherwise invalidate the remainder of this Local Law which shall remain in full force and effect except as limited by such order or judgment.

SECTION 17 EFFECTIVE DATE.

This Local Law shall be effective as of June 1, 2016 and shall apply to all transactions occurring on or after the effective date of this Local Law.

Setting A Public Hearing On Proposed Local Law No. 17 of 2015 (A Local Law Amending The Ulster County Charter, (Local Law No. 2 Of 2006), To Modify The Appointment Process Of The Audit Committee And To Clarify The Authority Of Said Committee) To Be Held On _____ At _____ PM

Referred to: The Laws and Rules, Governmental Services Committee (Chairman Richard Parete and Legislators Donaldson, Greene, Roberts and Ronk), and The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Belfiglio, Briggs, Gregorius, Maio, Maloney and Richard Parete)

Legislators Lynn Archer, Tracey Bartels and Peter Loughran offer the following:

WHEREAS, a public hearing is required to be held regarding Proposed Local Law No. 17 of 2015 (A Local Law Amending The Ulster County Charter, (Local Law No. 2 Of 2006), To Modify The Appointment Process Of The Audit Committee And To Clarify The Authority Of Said Committee), a public hearing will be held on _____ at _____ PM in the Legislative Chambers, Ulster County Office Building, 6th Floor, 244 Fair Street, Kingston, New York; now, therefore, be it

RESOLVED, said Proposed Local Law No. 17 of 2015 is hereby submitted to the Ulster County Legislature and is hereby tabled pending the holding of a public hearing thereon; and, be it further

RESOLVED, that the Clerk of the Ulster County Legislature shall cause a legal notice of said public hearing to be published according to law; and, be it further

RESOLVED, that said public hearing will be held on _____ at _____ PM in the Legislative Chambers, Ulster County Office Building, 6th Floor, 244 Fair Street, Kingston, New York,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Postponed in Committee: Laws and Rules, Governmental Services on October 19, 2015 and on November 16, 2015

Passed Committee: Laws and Rules, Governmental Services on _____.

Passed Committee: Ways and Means on _____.

FINANCIAL IMPACT: \$300.00 - APPROXIMATE ADVERTISING COSTS

Proposed Local Law Number 17 Of 2015

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BE IT ENACTED, by the County Legislature of the County of Ulster, New York, as follows:

SECTION 1. Section(s) C-25 “M” and “N” of the Ulster County Charter is amended to read as follows:

Section C-25: Powers and duties of County Executive.

M. Execute all contracts under the sum of \$50,000 and, with the approval of the County Legislature, all contracts in excess of \$50,000, **EXCEPT AS PROVIDED FOR IN SECTION C-11.1 HEREIN; and**

N. Approve or disapprove in writing every proposed local law and resolution and the County Budget by specified items, subject to the provisions of § C-12 of this Charter; **EXCEPT AS PROVIDED FOR IN SECTION C-11.1 HEREIN;**

SECTION 2. § C-11.1 of the Ulster County Charter is hereby amended as follows:

There shall be an Audit Committee consisting of seven (7) members: ~~The Chairman of the Legislature or his/her designee will serve on and chair the committee and will appoint two (2) additional members, at least one of whom must be a County Legislator; the minority leader will appoint two (2) members;~~ **The Majority Caucus will appoint three (3) members, at least two of whom must be County Legislators; the Minority Caucus will appoint two (2) members, at least one of whom must be a County Legislator,** the County Executive or designee; the Comptroller or designee. The County Executive and the Comptroller shall be non-voting members. **Voting member appointments shall be confirmed by the Ulster County Legislature via a single resolution.** It shall take the affirmative action of three out of the five voting members to act.

SECTION 3. A new section (B) is hereby added to Section C-11.1 of the Ulster County Charter to read as follows:

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B. (1) The selection of the Audit Committee shall be final and not subject to the approval of the County Legislature or the County Executive, nor shall it be subject to veto by the County Executive.

(2) Upon the final selection of the independent auditor by the Audit Committee, the Chairman of the Legislature shall have the authority to execute and shall execute the contract with the selected independent auditor. The terms of the contract shall contain those provisions included in the County's standard contract and any additional terms or conditions that the Audit Committee deems appropriate subject to the review of the Director of Purchasing and the County Attorney. The Chairman may consult with the County Attorney prior to executing the contract.

SECTION 4. A new section (C) is hereby added to Section C-11.1 of the Ulster County Charter to read as follows:

In order to eliminate any conflict, potential conflict or any appearance of impropriety, in no event shall the firm, corporation, entity or individual chosen to serve as the County Legislature's annual budget analyst be chosen, approved or retained as the independent auditor.

SECTION 5. Mandatory Referendum Question: The question that shall be submitted to the voters is as follows:

Shall the amendments to the Ulster County Charter approved as Proposed Local Law No.17 of 2015 for the County of Ulster be adopted?

SECTION 6. SEVERABILITY

In the event that any portion of this local law is found to be invalid, such finding will not have any effect on either the remaining portions or applications of this local law or any provisions of the Ulster County Charter, which shall remain in full force and effect.

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SECTION 7. EFFECTIVE DATE

Pursuant to Municipal Home Rule Law Section 23, this Local Law shall not become operative unless and until this Local Law is approved by the duly qualified voters of Ulster County in a manner prescribed by law at the general election on November 8, 2016, and thereafter filed with the Secretary of State.

Setting A Public Hearing On Proposed Local Law No. 18 of 2015 (A Local Law Amending The Ulster County Charter, (Local Law No. 2 Of 2006), To Modify The Appointment Process Of The Charter Revision Commission) To Be Held On _____ At _____ PM

Referred to: The Laws and Rules, Governmental Services Committee (Chairman Richard Parete and Legislators Donaldson, Greene, Roberts and Ronk), and The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Belfiglio, Briggs, Gregorius, Maio, Maloney and Richard Parete)

Legislator John Parete offers the following:

WHEREAS, a public hearing is required to be held regarding Proposed Local Law No. 18 of 2015 (A Local Law Amending The Ulster County Charter, (Local Law No. 2 Of 2006), To Modify The Appointment Process Of The Charter Revision Commission), a public hearing will be held on _____ at _____ PM PM in the Legislative Chambers, Ulster County Office Building, 6th Floor, 244 Fair Street, Kingston, New York; now, therefore, be it

RESOLVED, said Amended Proposed Local Law No. 18 of 2015 is hereby submitted to the Ulster County Legislature and is hereby tabled pending the holding of a public hearing thereon; and, be it further

RESOLVED, that the Clerk of the Ulster County Legislature shall cause a legal notice of said public hearing to be published according to law; and, be it further

RESOLVED, that said public hearing will be held on _____ at _____ PM in the Legislative Chambers, Ulster County Office Building, 6th Floor, 244 Fair Street, Kingston, New York,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Postponed in Committee: Laws and Rules, Governmental Services on October 19, 2015 and on November 16, 2015

Passed Committee: Laws and Rules, Governmental Services on _____.

Passed Committee: Ways and Means on _____.

FINANCIAL IMPACT:

\$300.00 - APPROXIMATE ADVERTISING COSTS

Proposed Local Law Number 18 Of 2015

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A Local Law Amending The Ulster County Charter, (Local Law No. 2 Of 2006), To Modify The Appointment Process Of The Charter Revision Commission

BE IT ENACTED, by the County Legislature of the County of Ulster, New York, as follows:

SECTION 1. § C-5. B. of the Ulster County Charter is amended to read as follows:

§ C-5. Amendment or revision of Charter.

B. Amendment or revision by Commission. Within five years after the enactment of this Charter, and at least every 10 years thereafter, a Charter Revision Commission shall be appointed to review and make recommendations to the County Executive and Legislature on amendments, additions or revisions to this County Charter. The Commission shall consist of 11 qualified electors of Ulster County and representing the different geographic areas and reflective of the demographic diversity of the County, with five members appointed by the County Executive, three members to be appointed by the leader of the party in the Legislature with the most members, and three members by the leader of the party in the Legislature with the second most members. No appointee to this Commission shall be a County employee or elected official at the time he or she serves on this Commission. **Each member appointment shall be subject to confirmation by the County Legislature.**

SECTION 2. **Mandatory Referendum Question:** The question that shall be submitted to the voters is as follows:

Shall the amendment to the Ulster County Charter approved as Proposed Local Law No. 18 of 2015 for the County of Ulster which requires the full Legislature to have consensus on all Charter Revision Commission appointments as opposed to one elected official having sole control of the majority of said appointments become part of the Ulster County Charter?

Proposed Local Law Number 18 Of 2015

County Of Ulster

A Local Law Amending The Ulster County Charter, (Local Law No. 2 Of 2006), To Modify The Appointment Process Of The Charter Revision Commission

SECTION 3. SEVERABILITY

In the event that any portion of this local law is found to be invalid, such finding will not have any effect on either the remaining portions or applications of this local law or any provisions of the Ulster County Charter, which shall remain in full force and effect.

SECTION 4. EFFECTIVE DATE

Pursuant to Municipal Home Rule Law Section 23, this Local Law shall not become operative unless and until this Local Law is approved by the duly qualified voters of Ulster County in a manner prescribed by law at the general election on November 8, 2016, and thereafter filed with the Secretary of State.

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

Referred to: The Public Works and Capital Projects Committee (Chairman Fabiano and Legislators Archer, Greene, Loughran, and 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, Hurricane Irene devastated Ulster County leaving in its wake considerable property damage; and

WHEREAS, Clair Road in the Town of Denning was rendered impassable by the storm and required extensive repair; and

WHEREAS, through consultation with the County of Ulster and Empire State Development of New York State, the Town of Denning applied for and was approved to receive certain grants from the State of New York through the New York Works Program to help remediate, mitigate and reduce flooding in Ulster County; and

WHEREAS, as part of the New York State grant process, the County of Ulster is required to undertake efforts to facilitate the release of grant funding approved through the New York Works Program; and

WHEREAS, the Town of Denning, in reliance upon its approval for a grant through the New York Works Program, completed necessary steps to contract with Kingston Equipment Rental/Baker Brothers to remediate flood damage and help mitigate future flooding on Clair Road; and

WHEREAS, work was completed in November 2012; and

WHEREAS, the County of Ulster has failed to complete the required steps to facilitate the grant process and, as a result, the sum of \$25,300.80 has not been released to the Town of Denning to cover its flood remediation and mitigation costs; and

WHEREAS, the Town of Denning has paid in full the reimbursable \$25,300.88 due to Kingston Equipment Rental/Baker Brothers; and

WHEREAS, the Town of Denning continues to suffer financial hardship as a result of the flood remediation and mitigation costs; now, therefore, be it

Resolution No. 445 December 15, 2015

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

RESOLVED, that the 2015 Ulster County Budget is hereby amended as follows:

	<u>DECREASE</u>	<u>AMOUNT</u>
AA.1990.1331-4600.4660 (Appr.#)	Contingency	\$25,300.88

and be it further,

RESOLVED, that the Commissioner of Finance is authorized and directed to issue payment in the amount of \$25,300.88 to the Town of Denning for flood remediation and mitigation costs stemming from Hurricane Irene,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

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

Passed Committee: Public Works and Capital Projects on_____.

Passed Committee: Ways and Means on_____.

FINANCIAL IMPACT:

\$25,300.88 – COUNTY DOLLARS

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 non-commercial 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-for-service 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:

NOES:

Resolution No. 446 December 15, 2015

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

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

Passed Committee: Public Works and Capital Projects on _____.

Passed Committee: Energy and Environment on _____.

Passed Committee: Ways and Means on _____.

FINANCIAL IMPACT:

UNDETERMINED POTENTIAL COUNTY REVENUE DOLLARS

EXHIBIT A

Ulster County Electric Vehicle Charging Station Policy

I. DEFINITIONS

As used in this policy, the following terms shall have the meanings indicated:

“Electric Vehicle” means any vehicle that operates, either partially or exclusively, on electrical energy from an off-board source, that is stored on-board for motive purposes. “Electric Vehicle” includes:

- a. Any “battery electric vehicle”, defined as any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries, and produces zero tailpipe emissions or pollution when stationary or operating;
- b. Any “plug-in hybrid electric vehicle (PHEV)”, defined as an electric vehicle that:
 - a. Contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor;
 - b. Charges its battery primarily by connecting to the grid or other off-board electrical source;
 - c. May additionally be able to sustain batter charge using an on-board internal-combustion-driven generator; and
 - d. Has the ability to travel powered by electricity;
- c. Any “neighborhood electric vehicle”, defined as a self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than 20 miles per hour and not more than 25 miles per house and conforms to federal regulations set forth in 49 CFR Section 571.500; and
- d. Any “medium-speed electric vehicle”, defined as a self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one mile is more than 25 miles per hour but not more than 35 miles per hour and otherwise meets or exceeds the federal regulations set forth in 49 CFR Section 571.500.

Ulster County Electric Vehicle Charging Station Policy

“Electric Vehicle Charging Station” means a designated area that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle, and that is publicly owned and publicly available on Ulster County Real Property.

“Electric Vehicle Parking Space” means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

“Non-Electric Vehicle” means any motor vehicle that does not meet the definition of “electric vehicle”.

II. REGULATING THE USE OF DESIGNATED ELECTRIC VEHICLE CHARGING STATION PARKING SPACES

A. No person shall stop, stand, or park a vehicle other than an electric vehicle within any space marked or signed as reserved for “electric vehicle charging” for more than two hours.

B. Any fees charged to park in a non-designated electric vehicle charging spot located in a County-owned parking lot shall also apply to each electric vehicle charging parking spot. ~~The County may also deem it appropriate to charge for use of the electric energy supplied at the charging stations.~~

C. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in the space.

III. FEE FOR ELECTRIC ENERGY USE

The County of Ulster shall charge a reasonable fee-for-service for use of electric. The County Executive under his/her authority in the Ulster County Charter, shall develop and implement procedure to carry out this policy.

~~III.~~ IV. PENALTY

Unauthorized vehicles found in violation of this policy may be towed at the discretion of the County of Ulster. Any costs associated with towing an unauthorized vehicle shall be at the owner’s expense.

Ulster County Electric Vehicle Charging Station Policy

~~IV.~~ V. REPORTING

On or before March 1st of each year, a usage report, prepared by the Coordinator of the Ulster County Department of the Environment, in conjunction with any other department of the County that the Coordinator of the Department of Environment may deem necessary, shall be filed with the County Executive and the Ulster County Legislative Standing Committee assigned with oversight of the Department of the Environment and any other Committee as determined by the Clerk of the Legislature.

This report shall include, but not be limited to, the number of users of the Ulster County electric charging stations, the amount of time each electric vehicle spent charging, the cost associated with the electric use, and the revenue generated from fees collected. These reports will be utilized to review the Ulster County Electric Vehicle Charging Station Policy annually. The Ulster County Legislature may implement charging use time limits if deemed necessary, or as recommended by the Ulster County Legislative Standing Committee assigned with oversight of the Department of the Environment.

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

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

Legislators Dean Fabiano, James Maloney, and John Parete offer the following:

WHEREAS, the New York State Department of Transportation (NYSDOT) in 2009 replaced the Kingston Traffic Circle with a modern roundabout and associated by pass lanes as well as a new park and ride facility; and

WHEREAS, NYSDOT had requested that Ulster County assume responsibility for the maintenance of the lights for the roundabout, and the entire park and ride facility once they were in place; and

WHEREAS, the NYSDOT maintenance jurisdiction schedule unanimously approved by the Ulster County Legislature via Resolution No. 104 dated March 9, 2000 states that Ulster County is responsible for the "Parking Lot Pavement, Driveways, Lighting, Striping and Snow Removal"; and

WHEREAS, Resolution No. 104 dated March 9, 2000 was never properly administered; and

WHEREAS, the Town of Ulster has paid for the maintenance and electric cost of the lighting since the original park was built; and

WHEREAS, Ulster County currently has the responsibility for the electric costs of the lighting at this location, and maintenance of the park and ride facility; and

WHEREAS, Ulster County recognizes that added safety of having well maintained lighting at this location; and

WHEREAS, the new 2015 renovated park and ride facility is superior in functionality, and the County is desirous of providing this facility as an integral part of its transportation system for the benefit of its residents; and

WHEREAS, the possibility exists to site a tourism information center on lands associated with the new roundabout that can be accessed via the park and ride facility; and

Resolution No. 455 December 15, 2015

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

WHEREAS, Ulster County recognizes that the appearance of this gateway area is an important “first impression” for visitors to the area, and a “welcome home” to our residents; and

WHEREAS, municipalities, garden clubs and other civic groups have shown an interest in landscaping associated with the site; now, therefore, be it

RESOLVED, that the Chairman of the Ulster County Legislature is authorized to enter into agreements, contracts, and other assurances with NYSDOT for the maintenance of the lighting and the park and ride facility associated with the roundabout in the Town of Ulster; and, be it further

RESOLVED, that the County in participation with NYSDOT will seek out partnerships with interested parties to insure that the landscaping elements associated with the facility are faithfully maintained; and, be it further

RESOLVED, that the County is highly desirous of locating a tourism information center in the project area, and seeks the cooperation of NYSDOT to obtain lands for this facility,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee: Public Works and Capital Projects on _____.

Passed Committee: Ways and Means on _____.

FINANCIAL IMPACT:

\$5,000.00 - APPROXIMATE ANNUAL MAINTANANCE COSTS

Adopting Proposed Local Law No. 13 of 2015 (A Local Law Regarding Campaign Finance Reform in Ulster County)

Referred to: The Laws and Rules, Governmental Services Committee (Chairman Richard Parete and Legislators Donaldson, Greene, Roberts and Ronk), and The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Belfiglio, Briggs, Gregorius, Maio, Maloney and Richard Parete)

Chairman John Parete offers the following:

WHEREAS, Resolution No. 298 dated September 15, 2015, set the date for the Public Hearing on regarding Proposed Local Law No. 13 of 2015 (A Local Law Regarding Campaign Finance Reform in Ulster County), to be held on Tuesday, November 17, 2015 at 7:00 PM, in the Legislative Chambers, Ulster County Office Building, 244 Fair Street, Kingston, New York; and

WHEREAS, said Public Hearing was held on Tuesday, November 17, 2015 at 7:00 PM, in the Legislative Chambers, Ulster County Office Building, 244 Fair Street, Kingston, New York; and

WHEREAS, said Public Hearing was advertised in the official newspapers of the County of Ulster, and posted on the signboard maintained by the Clerk of the Legislature situated in the Ulster County Office Building; and

WHEREAS, all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law; now, therefore, be it

RESOLVED, that herein, Proposed Local Law No. 13 of 2015 is hereby adopted by the Ulster County Legislature, and, pending the approval of the County Executive, will be assigned a local law number consecutive to the last local law adopted and approved in 2015,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee: Laws and Rules, Governmental Services on _____.

Passed Committee: Ways and Means on _____.

FINANCIAL IMPACT:

\$600.00 – APPROXIMATE ADVERTISING COSTS

Proposed Local Law No. 13 Of 2015

County Of Ulster

A Local Law Regarding Campaign Finance Reform in Ulster County

BE IT ENACTED, by the Legislature of the County of Ulster, as follows:

SECTION 1. TITLE.

This Local Law shall be known by and may be cited as the Ulster County Campaign Finance Accountability Act.

SECTION 2. LEGISLATIVE FINDINGS.

The Ulster County Legislature hereby finds and declares that large political contributions from those seeking or currently performing business with the County may raise concerns on the part of taxpayers and residents as to their trust in government contracts. It has become increasingly more common for some individuals or entities to make substantial political contributions to those holding elective County office who are ultimately responsible for awarding contracts for County business. It is important for, and incumbent upon, elected officials to foster public confidence in governmental operations by preventing any actual, or even any perception of, corruption. For those reasons, and in furtherance of enhancing the public's trust and confidence in government, this Chapter is enacted.

SECTION 3. DEFINITIONS.

As used in this Chapter, the following terms shall have the following meanings:

- (A) "County" shall mean means the County of Ulster.
- (B) "County Elected Official" means the County Executive, a County Legislator, the County Comptroller, the County Clerk, the District Attorney or the County Sheriff.
- (C) "Contract" for purposes of this local law means any agreement or contract, including any amendment or modification thereto with the County of Ulster as defined in this Section 3 (A) for:
 - (i) the performance of any services or work;
 - (ii) the sale or lease of any land or building except for real property acquired by the County via a tax sale or tax foreclosure procedure pursuant to Article 10 or Article 11 of the New York State Real Property Tax Law;
 - (iii) a grant, loan or loan guarantee.

Proposed Local Law No. 13 Of 2015

County Of Ulster

A Local Law Regarding Campaign Finance Reform in Ulster County

For purposes of this local law, the term "Contract" excludes Project Labor Agreements and exempt contracts set forth in Section 8 herein.

(D) "Business Entity" means any individual, partnership, corporation, professional corporation, limited liability company, organization, or association in the performance of any work contracted through the County. The definition of a business entity includes all principals who own 10% or more of the equity in the corporation or business trust, partners, officers in the aggregate, as well as any subsidiaries directly controlled by the Business Entity. The term Business Entity does not include a political subdivision of the State of New York (i.e., municipalities), school districts, state and/or federal governments.

(E) "In-kind contributions" shall include:

- (i) Goods and services offered free of charge;
- (ii) Goods and services offered at less than the usual and normal charge;
- (iii) Payments by a third party for goods and services rendered to a candidate or political committee.

The value of a particular in-kind gift is determined as follows:

Goods: (such as equipment supplies, facilities and mailing lists) are valued at their normal purchase or rental price.

Services: (such as advertising, printing or consulting) are valued at the prevailing commercial rate at the time the services are rendered (i.e., the amount that was paid or would have been paid for the services.)

Discounts: are valued at the amount discounted (i.e., the difference between the usual and normal charge and the amount paid.)

SECTION 4. CAMPAIGN CONTRIBUTION ACCEPTANCE AND LIMITS

(A) A County Elected Official, or a campaign committee authorized by such individual, serving a two year term of office shall not accept a monetary or in-kind campaign contribution from any business entity who contracts with the County of Ulster if that contract must be approved and/or executed by such individual, in an amount not to exceed \$250 per calendar year. In the event the business entity does not contribute annually to the individual or committee as described above, then the

Proposed Local Law No. 13 Of 2015

County Of Ulster

A Local Law Regarding Campaign Finance Reform in Ulster County

amount that a County elected official may accept shall not exceed \$500 in the aggregate during the two-year term of office.

(B) A County Elected Official, or a campaign committee authorized by such individual, serving a four year term of office shall not accept a monetary or in-kind campaign contribution from any business entity who contracts with the County of Ulster, if that contract must be approved and/or executed by such individual, in an amount not to exceed \$250 per calendar year. In the event the business entity does not contribute annually to the individual or committee as described above, then the amount that a County elected official may accept shall not exceed \$1,000 in the aggregate during the four-year term of office.

(C) A County Elected Official shall discourage a monetary or in-kind campaign contributions from any employee whose employment is directly determined by the elected official responsible for said employment.

SECTION 5. CONTRIBUTION STATEMENT BY BUSINESS ENTITY

Prior to the awarding of a Contract, the Ulster County Purchasing Department shall receive a sworn statement, in a form approved by the Ulster County Attorney and Legislative Counsel, from the business entity under penalty of perjury that the entity has not made a campaign contribution in violation of Section 4 of this local law during the four (4) years preceding such sworn statement. Such sworn statement shall include that the business entity has not made or solicited contributions through intermediaries, third parties, or immediate relatives for the purpose of concealing the source of the contribution during that same four (4) year time period.

SECTION 6. CAMPAIGN CONTRIBUTIONS MADE PRIOR TO EFFECTIVE DATE

No contribution or money or any other thing of value, including in-kind contributions, made by a business entity shall be deemed a violation of this section, or be disqualified thereby, if that contribution was made by the business entity prior to the effective date of this local law. The disclosure requirements shall not apply to contracts awarded subsequent to the effective date if the solicitation and/or renewal process was initiated prior to the effective date of this local law.

Proposed Local Law No. 13 Of 2015

County Of Ulster

A Local Law Regarding Campaign Finance Reform in Ulster County

SECTION 7. ULSTER COUNTY CONTRACTS LISTING AND VERIFICATION AGAINST

(A) Prior to the awarding of a contract, the Director of Purchasing or his or her designee shall search the New York State Board of Elections Campaign Finance Contribution and Expenditure Database for the past four (4) calendar years to determine whether the business entity has contributed to the campaign of a County Elected Official in an amount in excess of the campaign contribution limits set forth in Section 4 of this local law. In the event it is found that such business entity has exceeded the threshold campaign contribution limits, the Director of Purchasing shall notify the County Elected Official to whom the contribution was made that he or she has accepted a contribution in excess of the campaign contribution limits as provided for in this local law with a copy of the notification sent to the business entity. The elected official will have thirty (30) calendar days to cure the defect by returning the excess contributions immediately. Proof of receipt of the return of such excess contributions must be submitted to the Director of Purchasing. Failure to provide such proof shall result in penalties as authorized in Section 9 (D) of this local law.

(B) The Director of Purchasing shall, as soon as practical, but no later than January 31 and July 31 of each year, update the listing of contracts with the County of Ulster available for public viewing at <http://ulstercountyny.gov/programs-initiatives/county-contracts>, ensuring that every business entity awarded a contract is represented.

SECTION 8. EXEMPTIONS

(A) The contribution limitations specified in this Local Law do not apply to business entities when:

- (i) such contract is awarded to the lowest bidder pursuant to New York State Law;
- (ii) (a). such contract is between the County and Early Intervention and/or pre-school special education providers that are not subject to the Request for Proposal Process under the Ulster County Procurement Policy and that the County is required to enter into pursuant to state Law;
- (b). such Contract is between the County and individuals, including

Proposed Local Law No. 13 Of 2015

County Of Ulster

A Local Law Regarding Campaign Finance Reform in Ulster County

parents, legal guardians and/or their designees for transporting children to Early Intervention and/or pre-school special education services.

- (iii) procurement is authorized by NYS General Municipal Law ("GML") § 103(3) (goods and services through another New York county's contract), GML § 104 (goods and services through NYS Office of General Services contracts, and GML § 103(16) (certain goods and services through another government's contracts, "piggybacking")
- (iv) such contract is awarded to Preferred Sources or as authorized in Section 162 of the State Finance Law, as amended from time to time;
- (v) the Contract is with a sole or single source provider;
- (vi) the contract is awarded to a contractor of another unit of government such as the United States of America, New York State, another County, a Town, City, or Village, or group of such other units of government, which is passing through funds of such other units of government or acting on behalf of such other unit of government; and
- (vii) contracts awarded as emergency contracts when the public exigency requires the immediate emergency services as determined by General Municipal Law, Executive Order or Resolution in accordance with Ulster County Procurement Policy Section IV (D), Emergency Procurements.

(B) The contribution limitations specified in this Local Law do not apply to Ulster County employees subject to collective bargaining agreements.

SECTION 9. PENALTIES, PAYMENT, AND COLLECTION THEREOF.

(A) Complaints of suspected violations of this Local Law shall be reported to the Ulster County Director of Purchasing, who will investigate the suspected violation within ten (10) days of receipt of a complaint.

(B) In the event it is found that such County Elected Official, or the campaign committee authorized by such individual, has accepted a monetary or in-kind contribution in excess of the campaign contribution limits set forth in Section 4 from a business entity, the Director of Purchasing shall notify the County Elected Official in writing within thirty (30) days from the date of the complaint, with a

Proposed Local Law No. 13 Of 2015

County Of Ulster

A Local Law Regarding Campaign Finance Reform in Ulster County

copy sent to the business entity stated in the complaint, that there has been a violation of the campaign contribution limits as provided for in this local law.

(C) The County Elected Official, or the campaign committee authorized by such individual, will have thirty (30) calendar days from the date of the Director of Purchasing's notification to respond to the complaint or correct the violation by immediately returning to the business entity the funds that exceed the contributions threshold set forth in Section 4 of this local law.

(D) Proof of receipt of the returned funds must be submitted to the Director of Purchasing. Failure to provide such proof shall result in the business entity being precluded from doing business with the County and a civil penalty being assessed to the County Elected Official in the following amount:

\$0 for the first offence

\$500 for each individual occurrence thereafter.

Civil penalties shall be made payable to the Ulster County Commissioner of Finance and deposited into the general fund.

(E) Civil Action. The County Attorney is authorized to commence a separate civil action to collect any fine authorized under this Chapter.

SECTION 10. INCORPORATION BY REFERENCE.

The regulatory and penalty provisions of this local law shall be incorporated by reference into the Ulster County Procurement Policy and all Ulster County Contracts as defined in Section 3 (C) of this local law.

SECTION 11. SEVERABILITY.

If any word, phrase, clause, sentence, paragraph, section or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the word, phrase, clause, sentence, paragraph, section of part thereof directly involved in the controversy in which such judgment shall have been rendered.

Proposed Local Law No. 13 Of 2015

County Of Ulster

A Local Law Regarding Campaign Finance Reform in Ulster County

SECTION 12. EFFECTIVE DATE.

This local law shall take effect immediately upon filing with the New York State Secretary of State.

Adopting Proposed Local Law No. 14 of 2015 (A Local Law Prohibiting The Sale Of Personal Care Products Containing Microbeads In Ulster County)

Referred to: The Energy and Environment Committee (Chairman Loughran and Legislators Richard Parete, Rodriguez, Ronk and Wawro), The Laws and Rules, Governmental Services Committee (Chairman Richard Parete and Legislators Donaldson, Greene, Roberts and Ronk), and The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Belfiglio, Briggs, Gregorius, Maio, Maloney and Richard Parete)

Legislators Hector Rodriguez and Peter Loughran and Legislator Greene offer the following:

WHEREAS, Resolution No. 325 dated November 17, 2015, set the date for the Public Hearing on regarding Proposed Local Law No. 14 of 2015 (A Local Law Prohibiting The Sale Of Personal Care Products Containing Microbeads In Ulster County), to be held on Wednesday, December 9, 2015 at 6:45 PM, in the Legislative Chambers, Ulster County Office Building, 244 Fair Street, Kingston, New York; and

WHEREAS, said Public Hearing was held on Wednesday, December 9, 2015 at 6:45 PM, in the Legislative Chambers, Ulster County Office Building, 244 Fair Street, Kingston, New York; and

WHEREAS, said Public Hearing was advertised in the official newspapers of the County of Ulster, and posted on the signboard maintained by the Clerk of the Legislature situated in the Ulster County Office Building; and

WHEREAS, all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law; now, therefore, be it

RESOLVED, that herein, Proposed Local Law No. 14 of 2015 is hereby adopted by the Ulster County Legislature, and, pending the approval of the County Executive, will be assigned a local law number consecutive to the last local law adopted and approved in 2015,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Resolution No. 457 December 15, 2015

Adopting Proposed Local Law No. 14 of 2015 (A Local Law Prohibiting The Sale Of Personal Care Products Containing Microbeads In Ulster County)

Passed Committee: Energy and Environment on _____.

Passed Committee: Laws and Rules, Governmental Services on _____.

Passed Committee: Ways and Means on _____.

FINANCIAL IMPACT:

\$600.00 – APPROXIMATE ADVERTISING COSTS

Proposed Local Law No. 14 Of 2015

County Of Ulster

A Local Law Prohibiting The Sale Of Personal Care Products Containing Microbeads In Ulster County

BE IT ENACTED, by the Legislature of the County of Ulster, as follows:

SECTION 1. LEGISLATIVE INTENT AND FINDINGS.

Over the past ten (10) years, manufacturers of personal care products have increasingly added small plastic beads, commonly known as microbeads, to numerous products including facial cleansers, body wash, shampoos, and toothpaste. Microbeads enter the waste water system when a product is used and washed off. This microplastic waste is released into streams, rivers, lakes and the ocean through sewage overflows or by passing through sewage treatment plants not designed to remove such tiny particles. Microbeads constitute plastic pollution that poses a threat to the environment and human health in Ulster County.

Microbeads are persistent organic compounds that attract and become contaminated with toxic chemicals in the environment, many of which are recognized as having serious deleterious impacts on human health and the environment, including DDT, PCBs, flame retardants and other industrial chemicals. Microbeads are similar in size to the food sources for a number of fish and other marine organisms, leading them to ingest the microbeads and the toxins that cling to them. The chemicals are transferred from plastic to fish tissue once ingested and then bioaccumulate as they are passed up the food chain to larger fish and wildlife. Humans that consume these fish also ingest the microbeads and their associated toxins.

An estimated 19 tons of microbeads enter the wastewater stream in New York annually and microbeads have been found in large quantities in New York State's waterbodies, including the Great Lakes, the Hudson and Mohawk Rivers and the Erie Canal. Without significant and costly improvements to Ulster County's sewage treatment facilities, microbeads in personal care products will continue to pollute the Hudson River and other waterbodies within Ulster County.

There are economically feasible and currently available alternatives to the use of plastic microbeads in personal care products, including such natural exfoliants as pumice, oatmeal, ground shells, nuts and seeds and sand. Some companies already use natural abrasive materials in their personal care products including apricot shells and cocoa beans.

Proposed Local Law No. 14 Of 2015

County Of Ulster

A Local Law Prohibiting The Sale Of Personal Care Products Containing Microbeads In Ulster County

Banning the sale of personal care products containing microbeads in Ulster County is necessary to protect its surface waters, as well as the larger bodies of water that also serve the County, from continuing pollution with microplastic waste that will hinder on-going efforts to restore those waterways and their fisheries, as well as putting at risk our recent investments in re-developing our waterfronts.

SECTION 2. DEFINITIONS.

As used in this Local Law, the following terms shall have the meanings indicated:

- (a) "Microbeads" shall mean any plastic component of a personal cosmetic product measured to be 5 millimeters or less in size.
- (b) "Person" shall mean any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint stock association or any other entity or business organization of any kind.
- (c) "Personal care product" means any article intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and any article intended for use as a component of any such article. Personal care products shall include, but not be limited to, the following: antibacterial soaps; hand soaps; bar soaps; liquid soaps; facial and body washes; facial and body cleansers; facial masks; exfoliating products; face, foot and body scrubs; body, skin and foot polishes; body, skin and foot buffers; body, skin and foot foams; micro technology items; acne treatment products; shampoos; conditioners; toothpaste; shaving creams or gels; and foot care products. "Personal care product" does not include any product for which a prescription is required.

SECTION 3. PROHIBITION.

It shall be unlawful for any person to sell, offer, or expose for sale any personal care product that contains microbeads as defined herein within the County of Ulster.

Proposed Local Law No. 14 Of 2015

County Of Ulster

**A Local Law Prohibiting The Sale Of Personal Care Products
Containing Microbeads In Ulster County**

SECTION 4. ENFORCEMENT.

This local law shall be enforced by the County through the Ulster County Department of Weights and Measures.

SECTION 5. PENALTIES.

(a) Any person who violates any portion of this law shall be liable for a civil penalty not to exceed \$2500 for each day during which such violation continues, and in addition thereto, such person may be enjoined from continuing such violation. For a second violation, such person shall be liable for a civil penalty not to exceed \$5000 for each day during which such violation continues and in addition thereto, such person may be enjoined from continuing such violation.

(b) The County Attorney may bring an action to recover the civil penalty provide for in this local law in any court of competent jurisdiction.

SECTION 6. REVERSE PREEMPTION.

This local law shall be null and void on the day that federal and statewide legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Ulster. The County Legislature shall determine via duly enacted resolution whether or not identical or substantially similar federal or statewide legislation, or pertinent preempting state or federal regulations have been enacted for the purpose of triggering the provision of this section.

SECTION 7. SEVERABILITY.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or

Proposed Local Law No. 14 Of 2015

County Of Ulster

**A Local Law Prohibiting The Sale Of Personal Care Products
Containing Microbeads In Ulster County**

invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

SECTION 8. SEQRA DETERMINATION.

On April 20, 2010, under the authority contained in Part 617.5(b) of the State Environmental Quality Review Act (SEQRA), the Ulster County Legislature adopted a Type II Action list. As lead agency, the Legislature hereby finds and determines that this law constitutes a Type II action pursuant to Sections 2.20, 2.27, and 4.2.1 of the Ulster County Type II list, that no significant environmental impacts will occur as a result of this action, and that no additional SEQRA findings or determinations are necessary.

SECTION 9. EFFECTIVE DATE.

This law shall take effect 180 days after filing with the Office of the Secretary of State.

Adopting Proposed Local Law No. 19 of 2015 (A Local Law Applying Salary Revisions for Certain Elected Ulster County Officials Serving For Fixed Terms)

Referred to: The Laws and Rules, Governmental Services Committee (Chairman Richard Parete and Legislators Donaldson, Greene, Roberts and Ronk), and The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Belfiglio, Briggs, Gregorius, Maio, Maloney and Richard Parete)

Legislators Kenneth Ronk, Richard Gerentine and David Donaldson offer the following:

WHEREAS, Resolution No. 388 dated November 17, 2015, set the date for the Public Hearing on regarding Proposed Local Law No. 19 of 2015 (A Local Law Applying Salary Revisions for Certain Elected Ulster County Officials Serving For Fixed Terms), to be held on Wednesday, December 9, 2015 at 6:55 PM, in the Legislative Chambers, Ulster County Office Building, 244 Fair Street, Kingston, New York; and

WHEREAS, said Public Hearing was held on Wednesday, December 9, 2015 at 6:55 PM, in the Legislative Chambers, Ulster County Office Building, 244 Fair Street, Kingston, New York; and

WHEREAS, said Public Hearing was advertised in the official newspapers of the County of Ulster, and posted on the signboard maintained by the Clerk of the Legislature situated in the Ulster County Office Building; and

WHEREAS, all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law; now, therefore, be it

RESOLVED, that herein, Proposed Local Law No. 19 of 2015 is hereby adopted by the Ulster County Legislature, and, pending the approval of the County Executive, will be assigned a local law number consecutive to the last local law adopted and approved in 2015,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: NOES:

Passed Committee: Laws and Rules, Governmental Services on _____.

Passed Committee: Ways and Means on _____.

FINANCIAL IMPACT: \$600.00 – APPROXIMATE ADVERTISING COSTS

Local Law Number 19 Of 2015

County Of Ulster

A Local Law Applying Salary Revisions for Certain Elected Ulster County Officials Serving For Fixed Terms

BE IT ENACTED, by the County Legislature of the County of Ulster as follows:

SECTION 1. LEGISLATIVE INTENT AND FINDINGS.

Pursuant to § C-110 of the Ulster County Charter and § A34-3 of the Administrative Code, “*All changes in salaries for elected officials shall be made by local law.*”

SECTION 2. APPLICABILITY.

The annual salaries of Ulster County Legislators serving for a fixed term of office in the following capacities are hereby submitted and shall be adjusted as follows:

<u>Title</u>	<u>Current Annual Salary</u>	<u>New Annual Salary</u>
Members of the County Legislature	\$ 10,000	\$ 14,000
Chairman of the County Legislature	\$ 19,500	\$ 23,500
Majority Leader of the County Legislature	\$ 12,000	\$ 16,000
Minority Leader of the County Legislature	\$ 12,000	\$ 16,000

SECTION 3. SEVERABILITY.

In the event that any portion of this local law is found to be invalid, such finding will not have any effect on either the remaining portions or applications of this local law or any provisions of the Ulster County Charter, which shall remain in full force and effect.

SECTION 4. EFFECTIVE DATE.

This Local Law shall take effect upon compliance with all applicable provisions of the Municipal Home Rule Law of the State of New York.

Local Law Number 19 Of 2015

County Of Ulster

**A Local Law Applying Salary Revisions for Certain Elected
Ulster County Officials Serving For Fixed Terms**

This Local Law is subject to a permissive referendum, and will be submitted to a vote of the qualified electors of the County of Ulster if within 45 days after the date on which it was so adopted, there is filed with the Clerk of the Ulster County Legislature a petition protesting against this Local Law, signed and authenticated as required by Section 24 of the Municipal Home Rule Law, by qualified electors of the County of Ulster registered to vote therein at the last preceding general election, in number equal to at least ten percentum of the total number of votes cast for Governor at the last gubernatorial election held in said County.

Calling Organizational Meeting Of 2016

Referred to: The Laws and Rules, Governmental Services Committee (Chairman Richard Parete and Legislators Donaldson, Greene, Roberts, and Ronk)

Chairman John Parete and Vice Chairman David B. Donaldson offer the following:

WHEREAS, pursuant to Section C-17 (A) of the Ulster County Charter and Section A2-12 (A) of the Administrative Code: *“Organizational meeting. 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 County Executive, the Clerk of the County Legislature, and the County Attorney not later than three days prior to such meeting. Public notice of such meeting shall also be given by the County Clerk at the same time written notice is given to the public officials referenced herein;”* and

RESOLVED, pursuant to Section C-17 (A) of the Ulster County Charter and Section A2-12 (A) of the Administrative Code, the Organizational Meeting of the Ulster County Legislature shall be held on Wednesday, January 6, 2016 at 6:30 PM in Legislative Chambers, County Office Building, 244 Fair Street, Kingston, New York,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee: Laws and Rules, Governmental Services on _____.

FINANCIAL IMPACT:

NONE

Approving The Execution Of A Contract Amendment In Excess Of \$50,000.00 Entered Into By The County – Rose & Kiernan, Inc. – Department Of Personnel

Referred to: The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Belfiglio, Briggs, Gregorius, Maio, Maloney and R. Parete)

Chairman of the Ways and Means Committee, Richard A. Gerentine, and Deputy Chairman Donald Gregorius offer the following:

WHEREAS, pursuant to Section C-11(O) of the Ulster County Charter and Sections A2-5(15) and A3-4 (X) of the Administrative Code, the Ulster County Legislature shall have the power to approve the execution of certain contracts and amendments in the amount of \$50,000.00 or in excess of \$50,000.00 entered into by the County; and

WHEREAS, a contract amendment for execution by the County with Rose & Kiernan, Inc. has been submitted for approval by the Ulster County Legislature, which is described below:

Personnel	Rose & Kiernan, Inc.	C13-00513 - Amd #2 - exercises first of two options to extend the term of the agreement for employee, health, dental and vision insurance coverage. Includes premiums paid to the individual carriers.	County funded - offer by employee & retiree premiums passed through to the individual insurance carriers.	RFP: UC13-53	12/31/15 - 12/31/16	\$4,529,651.76
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WHEREAS, said contract amendment has been reviewed by the Contract Manager, County Attorney's Office, Director of Purchasing, and the County Executive; now, therefore, be it

RESOLVED, the Ulster County Legislature has examined the contract amendment, and hereby approves the amendment in the form as filed with the Clerk of the Ulster County Legislature or as modified with the approval of the County Attorney and Legislative Counsel,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee: Ways and Means on _____.

FINANCIAL IMPACT:

\$4,529,651.76 – 2016 APPROPRIATION DOLLARS

Approving The Execution Of A Contract Amendment Causing The Aggregate Contract Amount To Be In Excess Of \$50,000.00 – Essex Technology Group Inc – Information Services

Referred to: The Economic Development, Tourism, Housing, Planning and Transit Committee (Chairman Briggs and Legislators Allen, Archer, Bartels, Litts, Maio and Maloney), and The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Belfiglio, Briggs, Gregorius, Maio, Maloney and R. Parete)

Chairman of the Economic Development, Tourism, Housing, Planning, and Transit Committee, Thomas J. Briggs, and Deputy Chairman James F. Maloney offer the following:

WHEREAS, pursuant to Section C-11(O) of the Ulster County Charter and Sections A2-5(15) and A3-4 (X) of the Administrative Code, the Ulster County Legislature shall have the power to approve the execution of certain contracts and amendments in the amount of \$50,000.00 or in excess of \$50,000.00 entered into by the County; and

WHEREAS, a contract amendment for execution by the County with Essex Technology Group Inc has been submitted for approval by the Ulster County Legislature, which is described below:

Information Services	Essex Technology Group Inc	C11-00561 - Amd #4 - extend the term of agreement for support for IBM system I, X, P, IBM system software, Hewlett Packard hardware, Microsoft software, and Lotus Domino platform	100% County	Professional Services	11/1/15 - 12/31/16	\$15,000.00
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WHEREAS, said contract amendment has been reviewed by the Contract Manager, County Attorney's Office, Director of Purchasing, and the County Executive; now, therefore, be it

RESOLVED, the Ulster County Legislature has examined the contract amendment, and hereby approves the amendment in the form as filed with the Clerk of the Ulster County Legislature or as modified with the approval of the County Attorney and Legislative Counsel,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee: Economic Development, Tourism, Housing, Planning and Transit on _____.

Passed Committee: Ways and Means on _____,

FINANCIAL IMPACT: \$15,000.00 – 2015/2016 APPROPRIATION DOLLARS

**Approving The Execution Of A Contract In Excess Of \$50,000.00
Entered Into By The County – Crawford & Associates Engineering
& Land Surveying, PC – County Attorney**

Referred to: The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Belfiglio, Briggs, Gregorius, Maio, Maloney and R. Parete)

Chairman of the Ways and Means Committee, Richard A. Gerentine, and Deputy Chairman Donald Gregorius offer the following:

WHEREAS, pursuant to Section C-11(O) of the Ulster County Charter and Sections A2-5(15) and A3-4 (X) of the Administrative Code, the Ulster County Legislature shall have the power to approve the execution of certain contracts and amendments in the amount of \$50,000.00 or in excess of \$50,000.00 entered into by the County; and

WHEREAS, a contract for execution by the County with Crawford & Associates Engineering & Land Surveying, PC has been submitted for approval by the Ulster County Legislature, which is described below:

County Attorney	Crawford & Associates Engineering & Land Surveying, PC	2015-00000431 - perform environmental site assessments for properties in the FEMA Hazard Mitigation program	100% Other	Quote	8/1/15 - 12/31/16	\$70,000.00
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WHEREAS, said contract has been reviewed by the Contract Manager, County Attorney's Office, Director of Purchasing, and the County Executive; now, therefore, be it

RESOLVED, the Ulster County Legislature has examined the contract, and hereby approves the contract in the form as filed with the Clerk of the Ulster County Legislature or as modified with the approval of the County Attorney and Legislative Counsel,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee: Ways and Means on _____.

FINANCIAL IMPACT:

\$70,000.00 – 2015/ 2016 APPROPRIATION DOLLARS

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

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

Chairman of the Public Works and Capital Projects Committee, Dean J. Fabiano, and Deputy Chairman Peter M. Loughran offer the following:

WHEREAS, pursuant to Section C-11(O) of the Ulster County Charter and Sections A2-5(15) and A3-4 (X) of the Administrative Code, the Ulster County Legislature shall have the power to approve the execution of certain contracts and amendments in the amount of \$50,000.00 or in excess of \$50,000.00 entered into by the County; and

WHEREAS, a contract amendment for execution by the County with Johnson Controls Inc has been submitted for approval by the Ulster County Legislature, which is described below:

Public Works	Johnson Controls Inc	C12-00228 - Amd #3 - exercises second of two options to extend term of agreement for maintenance and repairs of the centrifugal chillers at the County Office Building	100% County	Bid UC12-71	11/30/15 - 11/30/16	\$30,548.00
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WHEREAS, said contract amendment has been reviewed by the Contract Manager, County Attorney's Office, Director of Purchasing, and the County Executive; now, therefore, be it

RESOLVED, the Ulster County Legislature has examined the contract amendment, and hereby approves the amendment in the form as filed with the Clerk of the Ulster County Legislature or as modified with the approval of the County Attorney and Legislative Counsel,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee: Public Works and Capital Projects on _____.

Passed Committee: Ways and Means on _____.

FINANCIAL IMPACT:

\$30,548.00 – 2015/ 2016 APPROPRIATION DOLLARS

**Approving The Execution Of A Contract Amendment In Excess Of
\$50,000.00 Entered Into By The County – Motorola Solutions Inc –
Department of Emergency Management**

Referred to: The Law Enforcement and Public Safety Committee (Chairman Briggs and Legislators Fabiano, Provenzano, Ronk and Wishnick), and The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Belfiglio, Briggs, Gregorius, Maio, Maloney and R. Parete)

Chairman of the Law Enforcement and Public Safety Committee, Thomas J. Briggs, and Deputy Chairman Kenneth J. Ronk offer the following:

WHEREAS, pursuant to Section C-11(O) of the Ulster County Charter and Sections A2-5(15) and A3-4 (X) of the Administrative Code, the Ulster County Legislature shall have the power to approve the execution of certain contracts and amendments in the amount of \$50,000.00 or in excess of \$50,000.00 entered into by the County; and

WHEREAS, a contract amendment for execution by the County with Motorola Solutions Inc has been submitted for approval by the Ulster County Legislature, which is described below:

Emergency Management	Motorola Solutions Inc	C11-00538 - Amd #4 - extend term of agreement for maintenance and repair of the fire and ems radio system	100% County	Professional Services	12/1/15 - 11/30/16	\$60,766.32
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WHEREAS, said contract amendment has been reviewed by the Contract Manager, County Attorney's Office, Director of Purchasing, and the County Executive; now, therefore, be it

RESOLVED, the Ulster County Legislature has examined the contract amendment, and hereby approves the amendment in the form as filed with the Clerk of the Ulster County Legislature or as modified with the approval of the County Attorney and Legislative Counsel,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee: Law Enforcement and Public Safety on _____.

Passed Committee: Ways and Means on _____.

FINANCIAL IMPACT:

\$60,766.32 – 2015/ 2016 APPROPRIATION DOLLARS

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

Referred to: The Public Works and Capital Projects Committee (Chairman Fabiano and Legislators Archer, Greene, Loughran and Roberts), The Legislative Programs, Education, and Community Services Committee (Chairman David B. Donaldson and Legislators Gregorius, Lopez and Wawro), and The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Belfiglio, Briggs, Gregorius, Maio, Maloney and R. Parete)

Chairman of the Public Works and Capital Projects Committee, Dean J. Fabiano, and Deputy Chairman Peter M. Loughran offer the following:

WHEREAS, pursuant to Section C-11(O) of the Ulster County Charter and Section A2-5(15) of the Administrative Code, the Ulster County Legislature shall have the power to approve the execution of certain contracts and amendments in the amount of \$50,000.00 or in excess of \$50,000.00 entered into by the County; and

WHEREAS, a contract for execution by the County with Cornell Cooperative Extension has been submitted for approval by the Ulster County Legislature, which is described below:

Public Works	Cornell Cooperative Extension	2016-00000094 - Revenue - funding for the Bushkill/Watson Hollow slope stabilization project	N/A	N/A	1/1/16 - 12/31/17 estimated	\$63,000.00
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WHEREAS, said contract has been reviewed by the Contract Manager, County Attorney's Office, Director of Purchasing, and the County Executive; now, therefore, be it

RESOLVED, the Ulster County Legislature has examined the contract, and hereby approves the contract in the form as filed with the Clerk of the Ulster County Legislature or as modified with the approval of the County Attorney and Legislative Counsel,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee: Public Works and Capital Projects on _____.

Passed Committee: Legislative Programs, Education, & Community Services on ____.

Passed Committee: Ways and Means on _____.

FINANCIAL IMPACT:

\$63,000.00 – ADDITIONAL REVENUE DOLLARS

Approving The Execution Of A Contract Amendment In Excess Of \$50,000.00 Entered Into By The County – International Business Machines Corp – Information Services

Referred to: The Economic Development, Tourism, Housing, Planning and Transit Committee (Chairman Briggs and Legislators Allen, Archer, Bartels, Litts, Maio and Maloney), and The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Belfiglio, Briggs, Gregorius, Maio, Maloney and R. Parete)

Chairman of the Economic Development, Tourism, Housing, Planning, and Transit Committee, Thomas J. Briggs, and Deputy Chairman James F. Maloney offer the following:

WHEREAS, pursuant to Section C-11(O) of the Ulster County Charter and Sections A2-5(15) and A3-4 (X) of the Administrative Code, the Ulster County Legislature shall have the power to approve the execution of certain contracts and amendments in the amount of \$50,000.00 or in excess of \$50,000.00 entered into by the County; and

WHEREAS, a contract amendment for execution by the County with International Business Machines Corp has been submitted for approval by the Ulster County Legislature, which is described below:

Information Services	International Business Machines Corp	C09-00735 - Amd #6 - extends term of agreement for software maintenance and support of the Lotus Notes, E-mail and Multiplatforms	100% County	NY'S OGS	12/31/15 - 12/31/16	\$63,057.74
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WHEREAS, said contract amendment has been reviewed by the Contract Manager, County Attorney's Office, Director of Purchasing, and the County Executive; now, therefore, be it

RESOLVED, the Ulster County Legislature has examined the contract amendment, and hereby approves the amendment in the form as filed with the Clerk of the Ulster County Legislature or as modified with the approval of the County Attorney and Legislative Counsel,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee: Economic Development, Tourism, Housing, Planning and Transit on _____.

Passed Committee: Ways and Means on _____.

FINANCIAL IMPACT:

\$63,057.74 – 2016 APPROPRIATION DOLLARS

Confirming Appointment Of A Member To The Ulster County Youth Board

Referred to: The Legislative Programs, Education, and Community Services Committee (Chairman David B. Donaldson and Legislators Gregorius, Lopez, and Wawro)

Chairman of the Legislative Programs, Education and Community Services Committee, David B. Donaldson, and Deputy Chairman Mary Wawro offer the following:

WHEREAS, pursuant to Section C-123(A) of the Ulster County Charter and Section A41-3(A) of the Administrative Code: *“Youth Board. Membership; appointment; term. There shall be a Youth Board that shall consist of 15 members, at least two of whom shall be youth (between the ages of 16 and 21), who shall be appointed by the County Executive for a term of three years, subject to confirmation by the County Legislature. The Board shall encourage diverse representation indicative of the entire community. Membership shall reflect a balance between government and non-government representatives who are directly concerned with the well-being of youth and to represent the community to which it serves. All members of the Youth Board shall be residents of Ulster County. No member of the Youth Board shall hold any other County or state office. Members shall elect a Chairman and Vice Chairman for a term of one year. Board members shall be known as “Commissioners of the Youth Bureau of the County of Ulster” and shall receive no compensation for their services or activities except for actual and necessary expenses in the performance of duties as appropriated. The Sheriff of Ulster County, the Commissioner of Health or Public Health Director, the Family Court Judges, the County Attorney or his or her representative, the Commissioner of Social Services, and two members of the County Legislature designated by the Chairman of the County Legislature shall be ex officio members of the Youth Board”*; and

WHEREAS, the County Executive has appointed the following individual to the Ulster County Youth Board for a term ending on December 31, 2018:

Theresa V. Briggs
Kingston, New York 12401

now, therefore, be it

RESOLVED, that the Ulster County Legislature hereby confirms the appointment of the above listed individual to the Ulster County Youth Board for the term indicated above,

Resolution No. 467 December 15, 2015

Confirming Appointment Of A Member To The Ulster County Youth Board

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee: Legislative Programs, Education and Community Services on
_____.

FINANCIAL IMPACT:
NONE

Confirming Appointment Of A Member To The Ulster County Youth Board

Referred to: The Legislative Programs, Education, and Community Services Committee (Chairman David B. Donaldson and Legislators Gregorius, Lopez, and Wawro)

Chairman of the Legislative Programs, Education and Community Services Committee, David B. Donaldson, and Deputy Chairman Mary Wawro offer the following:

WHEREAS, pursuant to Section C-123(A) of the Ulster County Charter and Section A41-3(A) of the Administrative Code: *“Youth Board. Membership; appointment; term. There shall be a Youth Board that shall consist of 15 members, at least two of whom shall be youth (between the ages of 16 and 21), who shall be appointed by the County Executive for a term of three years, subject to confirmation by the County Legislature. The Board shall encourage diverse representation indicative of the entire community. Membership shall reflect a balance between government and non-government representatives who are directly concerned with the well-being of youth and to represent the community to which it serves. All members of the Youth Board shall be residents of Ulster County. No member of the Youth Board shall hold any other County or state office. Members shall elect a Chairman and Vice Chairman for a term of one year. Board members shall be known as “Commissioners of the Youth Bureau of the County of Ulster” and shall receive no compensation for their services or activities except for actual and necessary expenses in the performance of duties as appropriated. The Sheriff of Ulster County, the Commissioner of Health or Public Health Director, the Family Court Judges, the County Attorney or his or her representative, the Commissioner of Social Services, and two members of the County Legislature designated by the Chairman of the County Legislature shall be ex officio members of the Youth Board”*; and

WHEREAS, the County Executive has appointed the following individual to the Ulster County Youth Board for a term ending on December 31, 2018:

Ruth E. Zaccardo
Saugerties, New York 12477

now, therefore, be it

RESOLVED, that the Ulster County Legislature hereby confirms the appointment of the above listed individual to the Ulster County Youth Board for the term indicated above,

Resolution No. 468 December 15, 2015

Confirming Appointment Of A Member To The Ulster County Youth Board

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee: Legislative Programs, Education and Community Services on
_____.

FINANCIAL IMPACT:
NONE

Confirming Appointment Of A Member To The Ulster County Youth Board

Referred to: The Legislative Programs, Education, and Community Services Committee (Chairman David B. Donaldson and Legislators Gregorius, Lopez, and Wawro)

Chairman of the Legislative Programs, Education and Community Services Committee, David B. Donaldson, and Deputy Chairman Mary Wawro offer the following:

WHEREAS, pursuant to Section C-123(A) of the Ulster County Charter and Section A41-3(A) of the Administrative Code: *“Youth Board. Membership; appointment; term. There shall be a Youth Board that shall consist of 15 members, at least two of whom shall be youth (between the ages of 16 and 21), who shall be appointed by the County Executive for a term of three years, subject to confirmation by the County Legislature. The Board shall encourage diverse representation indicative of the entire community. Membership shall reflect a balance between government and non-government representatives who are directly concerned with the well-being of youth and to represent the community to which it serves. All members of the Youth Board shall be residents of Ulster County. No member of the Youth Board shall hold any other County or state office. Members shall elect a Chairman and Vice Chairman for a term of one year. Board members shall be known as “Commissioners of the Youth Bureau of the County of Ulster” and shall receive no compensation for their services or activities except for actual and necessary expenses in the performance of duties as appropriated. The Sheriff of Ulster County, the Commissioner of Health or Public Health Director, the Family Court Judges, the County Attorney or his or her representative, the Commissioner of Social Services, and two members of the County Legislature designated by the Chairman of the County Legislature shall be ex officio members of the Youth Board”*; and

WHEREAS, the County Executive has appointed the following individual to the Ulster County Youth Board for a term ending on December 31, 2018:

Amber Storm
Saugerties, New York 12477

now, therefore, be it

RESOLVED, that the Ulster County Legislature hereby confirms the appointment of the above listed individual to the Ulster County Youth Board for the term indicated above,

Resolution No. 469 December 15, 2015

Confirming Appointment Of A Member To The Ulster County Youth Board

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee: Legislative Programs, Education and Community Services on
_____.

FINANCIAL IMPACT:
NONE

**Confirming Re-Appointment Of A Member To The Ulster County
Board Of Ethics**

Referred to: The Laws and Rules, Governmental Services Committee (Chairman Richard Parete and Legislators Donaldson, Greene, Roberts and Ronk)

Chairman of the Laws and Rules, Governmental Services Committee, Richard A. Parete, and Deputy Chairman Kevin A. Roberts offer the following:

WHEREAS, pursuant to Section C-106 of the Ulster County Charter and Section A33-2 of the Administrative Code: "There shall be a Board of Ethics consisting of five members appointed by the County Executive, subject to the confirmation of the County Legislature. Board of Ethics members shall serve without compensation and at the pleasure of the County Executive. No more than two members shall be of the same political party. Members of the Board of Ethics shall receive no compensation for services rendered but shall be entitled to their reasonable and necessary expenses incurred in the performance of their duties, within appropriations made for such purposes," and

WHEREAS, the County Executive has re-appointed the following individual to the Board of Ethics:

Derek J. Spada
Woodstock, New York 12498
(Term 01/01/2016 – 12/31/2020)

now, therefore, be it

RESOLVED, that the Ulster County Legislature hereby confirms the re-appointment of Derek J. Spada to the Ulster County Board of Ethics,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee: Laws and Rules, Governmental Services on _____.

FINANCIAL IMPACT:
NONE

Confirming Re-Appointment Of Member To The Fish And Wildlife Board

Referred to: The Energy and Environment Committee (Chairman Loughran and Legislators R. Parete, Rodriguez, Ronk, and Wawro)

Chairman of the Energy and Environment Committee, Peter M. Loughran, and Deputy Chairman Kenneth Ronk offer the following:

WHEREAS, pursuant to Section 11-501 of the Environmental Conservation Law (ECL) of the State of New York each County within the State is authorized to appoint three members to serve on a Regional Fish and Wildlife Management Board; and

WHEREAS, one appointee must be a member of the County Legislature, one member must represent the landowners of the County and one member must represent the sportsmen of the County; and

WHEREAS, pursuant to ECL section 11-501(4) the appointments are made by the County Executive with the approval of the County Legislature; and

WHEREAS, the County Executive has re-appointed the following individual to the Fish and Wildlife Management Board as the Legislative Representative:

Thomas J. (TJ) Briggs
PO Box 4
Ellenville, NY 12428

Term: January 1, 2016
through
December 31, 2017

now, therefore, be it

RESOLVED, that the Ulster County Legislature hereby confirms the re-appointment of Thomas J. Briggs to the Fish and Wildlife Management Board, and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee: Energy and Environment on _____.

FINANCIAL IMPACT:
NONE

Confirming Re-Appointment Of Member And Appointment Of Alternate Member To The Fish And Wildlife Board

Referred to: The Energy and Environment Committee (Chairman Loughran and Legislators R. Parete, Rodriguez, Ronk, and Wawro)

Chairman of the Energy and Environment Committee, Peter M. Loughran, and Deputy Chairman Kenneth Ronk offer the following:

WHEREAS, pursuant to Section 11-501 of the Environmental Conservation Law (ECL) of the State of New York each County within the State is authorized to appoint three members to serve on a Regional Fish and Wildlife Management Board; and

WHEREAS, one appointee must be a member of the County Legislature, one member must represent the landowners of the County and one member must represent the sportsmen of the County; and

WHEREAS, pursuant to ECL section 11-501(4) the appointments are made by the County Executive with the approval of the County Legislature; and

WHEREAS, the County Executive has re-appointed the following individual to the Fish and Wildlife Management Board to represent the sportsmen of Ulster County:

Mark Loete
Chichester, New York 12416

Term: January 1, 2016
through
December 31, 2017;

and,

WHEREAS, the County Executive has appointed the following individual to the Fish and Wildlife Management Board as an alternate sportsmen representative of Ulster County:

Thomas Raffaldi
West Hurley, New York 12491

Term: January 1, 2016
through
December 31, 2017;

now, therefore, be it

RESOLVED, that the Ulster County Legislature hereby confirms the re-appointment of Mark Loete to the Fish and Wildlife Management Board; and be it further

Resolution No. 472 December 15, 2015

**Confirming Re-Appointment Of Member And Appointment Of
Alternate Member To The Fish And Wildlife Board**

RESOLVED, that the Ulster County Legislature hereby confirms the appointment of Thomas Raffaldi as an alternate sportsman representative to the Fish and Wildlife Management Board,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee: Energy and Environment on _____.

FINANCIAL IMPACT:

NONE

Confirming Appointment Of A Member To The Community Services Board's PW/DD Subcommittee

Referred to: The Public Health and Social Services Committee (Chairman Lopez and Legislators Allen, Belfiglio, Litts, and Provenzano)

Chairman of the Public Health and Social Services Committee, Craig V. Lopez, and Deputy Chairman Jeanette Provenzano offer the following:

WHEREAS, on November 9, 2015 the Community Services Board met and requested that Anne Flanagan Kelley be appointed to the PW/DD Subcommittee of the Community Services Board; and

WHEREAS, the County Executive, after considering the recommendation of the Community Services Board, has appointed the following individual to the PW/DD Subcommittee of the Community Services Board pursuant to section C-45 of the Ulster County Charter and section A6-3(A) of the Ulster County Administrative Code for the term stated:

Anne Flanagan Kelley
Hurley, New York 12443

Term to Begin: January 1, 2016
Term Expires: December 31, 2019
Replacing: Justina Ortlieb
Eligible Reappointment: Yes

and,

WHEREAS, the appointment is subject to confirmation by the Ulster County Legislature; now, therefore, be it

RESOLVED, that the above named individual is hereby confirmed as a member of the PW/DD Subcommittee of the Ulster County Community Services Board for the term indicated,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee: Public Health and Social Services on _____.

FINANCIAL IMPACT:
NONE

Confirming Appointment Of A Member To The Community Services Board's Substance Abuse Subcommittee

Referred to: The Public Health and Social Services Committee (Chairman Lopez and Legislators Allen, Belfiglio, Litts and Provenzano)

Chairman of the Public Health and Social Services Committee, Craig V. Lopez, and Deputy Chairman Jeanette Provenzano offer the following:

WHEREAS, on November 9, 2015 the Community Services Board met and requested Nina Singer be appointed to the Substance Abuse Subcommittee of the Community Services Board; and

WHEREAS, the County Executive, after considering the recommendation of the Community Services Board, has appointed the following individual to the Substance Abuse Subcommittee of the Community Services Board pursuant to section C-45 of the Ulster County Charter and section A6-3(A) of the Ulster County Administrative Code for the term stated:

Nina Singer
Saugerties, New York 12477

Term to Begin: January 1, 2016
Term Expires: December 31, 2018
Replacing: Mark Moriarty
Eligible Reappointment: Yes

and,

WHEREAS, the appointment is subject to confirmation by the Ulster County Legislature; now, therefore, be it

RESOLVED, that the above named individual is hereby confirmed as a member of the Substance Abuse Subcommittee of the Ulster County Community Services Board for the term indicated,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee: Public Health and Social Services on _____.

FINANCIAL IMPACT:
NONE

Confirming Reappointment Of A Member To The Community Services Board's Mental Health Subcommittee

Referred to: The Public Health and Social Services Committee (Chairman Lopez and Legislators Allen, Belfiglio, Litts and Provenzano)

Chairman of the Public Health and Social Services Committee, Craig V. Lopez, and Deputy Chairman Jeanette Provenzano offer the following:

WHEREAS, on November 9, 2015 the Community Services Board met and requested Penelope Bishop be re-appointed to the Mental Health Subcommittee of the Community Services Board; and

WHEREAS, the County Executive, after considering the recommendation of the Community Services Board, has re-appointed the following individual to the Mental Health Subcommittee of the Community Services Board pursuant to section C-45 of the Ulster County Charter and section A6-3(A) of the Ulster County Administrative Code for the term stated:

Penelope Bishop
Kingston, New York 12401

Term to Begin: January 1, 2016
Term Expires: December 31, 2019
Eligible Reappointment: Yes

and,

WHEREAS, the appointment is subject to confirmation by the Ulster County Legislature; now, therefore, be it

RESOLVED, that the above named individual is hereby confirmed as a member of the Mental Health Subcommittee of the Ulster County Community Services Board for the term indicated,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee: Public Health and Social Services on _____.

FINANCIAL IMPACT:
NONE

Confirming Reappointment Of A Member To The Community Services Board's Mental Health Subcommittee

Referred to: The Public Health and Social Services Committee (Chairman Lopez and Legislators Allen, Belfiglio, Litts and Provenzano)

Chairman of the Public Health and Social Services Committee, Craig V. Lopez, and Deputy Chairman Jeanette Provenzano offer the following:

WHEREAS, on November 9, 2015 the Community Services Board met and requested Nancy Tiano be re-appointed to the Mental Health Subcommittee of the Community Services Board; and

WHEREAS, the County Executive, after considering the recommendation of the Community Services Board, has re-appointed the following individual to the Mental Health Subcommittee of the Community Services Board pursuant to section C-45 of the Ulster County Charter and section A6-3(A) of the Ulster County Administrative Code for the term stated:

Nancy Tiano
Kingston, New York 12401

Term to Begin: January 1, 2016
Term Expires: December 31, 2019
Eligible Reappointment: Yes

and,

WHEREAS, the appointment is subject to confirmation by the Ulster County Legislature; now, therefore, be it

RESOLVED, that the above named individual is hereby confirmed as a member of the Mental Health Subcommittee of the Ulster County Community Services Board for the term indicated,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee: Public Health and Social Services on _____.

FINANCIAL IMPACT:
NONE

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)

Referred to: The Public Health and Social Services Committee (Chairman Lopez and Legislators Allen, Belfiglio, Litts and Provenzano), The Public Works and Capital Projects Committee (Chairman Fabiano and Legislators Archer, Greene, Loughran and Roberts), and The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Belfiglio, Briggs, Gregorius, Maio, Maloney and R. Parete)

Chairman of the Public Works and Capital Projects Committee, Dean J. Fabiano, and Deputy Chairman Peter M. Loughran offer the following:

WHEREAS, this resolution has been submitted by the County Executive on behalf of the Department of Public Works; and

WHEREAS, Astor Services For Children & Families (Astor), a domestic not-for-profit corporation, desires to rent office space; and

WHEREAS, Ulster County has space available to rent in two locations which appear to meet the needs of Astor; and

WHEREAS, one of the said locations is at the County's Trudy Resnick Farber Building, 50 Center Street, Ellenville, New York, where the County has 588 square feet available to lease to Astor at \$10.00 per square foot per year; and

WHEREAS, the other such location is at the Golden Hill Office Building, 239 Golden Hill Drive, Kingston, New York, where the County has 2,080 square feet available to lease to Astor at \$10.00 per square foot per year; and

WHEREAS, the Commissioner of Public Works has requested the Chairman of the Ulster County Legislature be authorized to enter into two lease agreements with Astor, to wit: a three-year lease agreement, commencing December 5, 2015 for the space in Ellenville for \$5,880.00 annually, with all utilities and taxes included, and for a three-year lease agreement, commencing December 5, 2015, for the space in Kingston for \$20,800.00 with all utilities and taxes included; and, now, therefore be it

Resolution No. 477 December 15, 2015

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)

RESOLVED, that the Chairman of the Ulster County Legislature is hereby authorized to enter into two lease agreements with Astor Services For Children & Families for office space consisting of 588 square feet in Ellenville for a term of three years commencing December 5, 2015, and for 2,080 square feet in Kingston for a term of three years commencing December 5, 2015 and at a cost to Astor of \$5,880 annually for the Ellenville location and at a cost of \$20,800 annually for the Kingston location, in a form as filed with the Clerk of the Legislature or as modified with the approval of the County Attorney,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee: Public Health and Social Services on _____.

Passed Committee: Public Works and Capital Projects on _____.

Passed Committee: Ways and Means on _____.

FINACIAL IMPACT:

\$ 2,223.00 – 2015 (1) ONE MONTH COUNTY

\$26,680.00 – 2016 COUNTY ANNUALLY

\$26,680.00 – 2017 COUNTY ANNUALLY

\$24,457.00 – 2018 (11) ELEVEN MONTHS COUNTY

ALL UTILITIES AND TAXES INCLUDED

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 (Highway And Bridges)

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

Chairman of the Public Works and Capital Projects Committee, Dean J. Fabiano, and Deputy Chairman Peter M. Loughran offer the following:

WHEREAS, this resolution has been submitted by the County Executive on behalf of the Department of Public Works; and

WHEREAS, the Carmine Liberta Bridge (BIN #3045230), owned by the County of Ulster (hereinafter the “County”), that carries NYS Route 299 over the Wallkill River in the Village of New Paltz has been determined to be at the end of its useful life and in need of replacement; and

WHEREAS, the County Executive established a Citizens Advisory Committee (hereinafter the “Committee”) consisting of stakeholders from the New Paltz community to make recommendations on the bridge replacement, including the type of bridge and the need for bicycle and pedestrian accommodations; and

WHEREAS, the Committee concluded that a new bridge design should be a “Pony Arch” to allow for better views across the Wallkill River, and with sufficient width to accommodate both bicycles and a sidewalk for pedestrians; and

WHEREAS, a temporary bridge will be needed to carry traffic across the Wallkill River during construction of the new bridge as available detour routes are too long and would adversely impact the economy, quality of life, and safety of the New Paltz area; and

WHEREAS, the existing bridge carries a waterline that services the Village of New Paltz (hereinafter the “waterline”) that will need to be replaced as part of the bridge replacement; and

WHEREAS, the County is proposing to complete the design of the bridge using in-house engineers from the County’s Department of Public Works (hereinafter “DPW”); and

WHEREAS, the County working with the Village and Town of New Paltz has been allocated funds from the communities New York Rising program to help offset the cost of the bridge, and the relocation of the waterline; and

Resolution No. 478 December 15, 2015

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 (Highway And Bridges)

WHEREAS, it is now necessary to establish Capital Project No. 458 – the Replacement of the Carmine Liberta Bridge (BIN #3045230) and to fund any needed environmental, supplemental design and legal work required for the replacement of the Carmine Liberta Bridge (BIN#3045230); now, therefore, be it

RESOLVED, this resolution authorizes expenditures exclusively for needed environmental, design, and legal work necessary to effectuate the replacement of the Carmine Liberta Bridge (BIN # 3045230); and, be it further

RESOLVED, that pursuant to 6 NYCRR Part 617.6(b) (3) of the Regulations pertaining to Article 8 of the Environmental Conservation Law of New York State (SEQRA), the Ulster County Legislature hereby declares its intent to serve as Lead Agency for the above recited project; and, be it further

RESOLVED, that the Ulster County Legislature has determined, after review of the criteria contained in 6 NYCRR Parts 617.4 and 617.5, that the project is an Unlisted Action; and, be it further

RESOLVED, that the Ulster County Legislature will conduct a coordinated review and circulate its Notice of Intent to serve as Lead Agency, together with the EAF and accompanying documentation to all interested and involved agencies pursuant to 6 NYCRR Part 617.6(b) (2) (i) and 6 NYCRR Part 617.6(b) (3); and, be it further

RESOLVED, that pursuant to 6 NYCRR Part 617.6(b) (3), at the conclusion of an otherwise unchallenged thirty (30) day period following the date of transmittal of the Notice of Intent, the EAF and documentation aforesaid to the interested agencies, the Legislature shall become the Lead Agency under SEQRA for this project; and, be it further

RESOLVED, that the 2015-2020 Capital Program is hereby amended as follows:

CREATE

Capital Project No. 458	Carmine Liberta Bridge	\$2,367,000.00
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and, be it further

Resolution No. 478 December 15, 2015

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 (Highway And Bridges)

RESOLVED, that Capital Project No. 458 is hereby established and that the 2015-2020 Ulster County Capital Fund Budget be amended as follows:

	<u>INCREASE</u>	<u>AMOUNT</u>
HH.5197.0458-4300.4355 (App. #)	Professional Services/Engineering Capital Project No.458	\$ 30,000.00
HH.5197.0458-3500.5710 (Rev.#)	Serial Bonds	\$30,000.00

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee: Public Works and Capital Projects on _____.

Passed Committee: Ways and Means on _____.

FINANCIAL IMPACT:

\$30,000 - ADDITIONAL 2015 CAPITAL APPROPRIATION DOLLARS

\$30,000 - ADDITIONAL SERIAL BONDS

*****A BOND RESOLUTION WILL BE REQUIRED*****

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”)

Referred to: The Economic Development, Tourism, Housing, Planning and Transit Committee (Chairman Briggs and Legislators Allen, Archer, Bartels, Litts, Maio and Maloney), The Public Works and Capital Projects Committee (Chairman Fabiano and Legislators Archer, Greene, Loughran and Roberts), and The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Belfiglio, Briggs, Gregorius, Maio, Maloney and R. Parete)

Chairman of the Ways and Means Committee, Richard A. Gerentine, and Deputy Chairman Donald Gregorius offer the following:

WHEREAS, this resolution has been submitted by the County Executive on behalf of the Department of Planning; and

WHEREAS, the County of Ulster (hereinafter the “County”) is the owner of 38.6 miles of the Ulster & Delaware (hereinafter “U&D”) Railroad corridor running from the City of Kingston to Highmount in the Town of Shandaken, including approximately 11.5 miles of easement through lands adjacent to the Ashokan Reservoir owned by the City of New York (hereinafter the “Watershed Property”) and managed by the New York City Department of Environmental Protection (hereinafter “NYCDEP”); and

WHEREAS, in December 2013, the Ulster County Executive and the then NYCDEP Commissioner announced an historic Agreement in Principle to facilitate and provide significant funding support for the conversion of 11.5 miles of the U&D corridor along the Watershed Property into a public, multi-use recreational trail (hereinafter the “Ashokan Rail Trail”) in order to provide a major economic development boost to Ulster County and Route 28 businesses, expand recreational opportunities for local residents and visitors, improve public health and quality of life, and further develop Ulster County’s rail trail network into a world-class tourism destination; and

WHEREAS, the Ashokan Rail Trail will open the northern shore of the Ashokan Reservoir to the public, without permit or fee, for the first time in more than a century and will ensure year-round public access for walking, running, bicycling, cross country skiing, snowshoeing and other non-motorized uses between Basin Road in West Hurley and Boiceville in the Town of Olive; and

WHEREAS, in August 2014, the Ulster County Legislature adopted Resolution No. 275, which established a policy to convert sections of the U&D corridor into rail trail only, including the 11.5 miles along the Watershed Property identified in the Agreement in Principle; and

Resolution No. 480 December 15, 2015

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”)

WHEREAS, in May 2015, the Ulster County Legislature adopted Resolution No. 187 authorizing the County Executive and Chairman of the Ulster County Legislature to execute a final agreement based on the Agreement in Principle with the City of New York to facilitate and provide significant funding and other support for a public rail trail along the Ashokan Reservoir (the “Agreement”); and

WHEREAS, the Agreement was fully executed on June 16, 2015 and included \$2,500,000.00 million in direct grant assistance from NYCDEP for trail planning and construction; and

WHEREAS, on October 1, 2015 the first \$1,000,000.00 in funding was released to the County in accordance with the Agreement; and

WHEREAS, the County is interested in moving forward design and engineering work for the Ashokan Rail Trail using a portion of the NYCDEP funding, which will be transferred into the Ashokan Rail Trail Capital Project for planning purposes only; and

WHEREAS, the proposed project being considered includes the construction of the Ashokan Reservoir Rail Trail and associated access facilities constitutes an action as defined under NYCRR Part 617.4(b)(6) [SEQRA]; and

WHEREAS, the County is desirous of establishing itself as a lead agency and conducting a coordinated review as provided for in NYCRR Part 617.6; now, therefore, be it

RESOLVED, this resolution authorizes expenditures exclusively for design and engineering work necessary to effectuate the design of the Ashokan Rail Trail; and be it further

RESOLVED, that pursuant to 6 NYCRR Part 617.6(b) (3) of the Regulations pertaining to Article 8 of the Environmental Conservation Law of New York State (SEQRA), the Ulster County Legislature hereby declares its intent to serve as Lead Agency for the above recited project; and, be it further

RESOLVED, that the Ulster County Legislature has determined, after review of the criteria contained in 6 NYCRR Parts 617.4 (b)(6), that the project is a Type I Action; and, be it further

Resolution No. 480 December 15, 2015

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”)

RESOLVED, that the Ulster County Legislature will conduct a coordinated review and circulate its Notice of Intent to serve as Lead Agency, together with the EAF and accompanying documentation to all interested and involved agencies pursuant to 6 NYCRR Part 617.6(b) (2) (i) and 6 NYCRR Part 617.6(b) (3); and, be it further

RESOLVED, that pursuant to 6 NYCRR Part 617.6(b) (3), at the conclusion of an otherwise unchallenged thirty (30) day period following the date of transmittal of the Notice of Intent, the EAF and documentation aforesaid to the interested agencies, the Legislature shall become the Lead Agency under SEQRA for this project; and, be it further

RESOLVED, that Capital Project No. 459 Ashokan Rail Trail is hereby established as follows:

CREATE

Capital Project No. 459	Ashokan Rail Trail	\$1,000,000.00
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and, be it further

RESOLVED, that Capital Project No. 459- “Ashokan Rail Trail” is hereby established and that the 2015-2020 Capital Fund Budget is amended as follows:

	<u>INCREASE</u>	<u>AMOUNT</u>
HH 7197-0459-4300-4355 (App #)	Engineering Services	\$550,000.00
HH 7197-0459-3200-2397 (Rev #)	Intergovernmental Charges Capital Projects, Other Gov’t (NYC DEP Grant)	\$550,000.00

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Resolution No. 480 December 15, 2015

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”)

Passed Committee: Economic Development, Tourism, Housing, Planning, and Transit on _____.

Passed Committee: Public Works and Capital Projects on _____.

Passed Committee: Ways and Means on _____.

FINANCIAL IMPACT:
NONE

Establishing The Ulster County Legislature As Lead Agency Under The State Environmental Quality Review Act (SEQRA) For The Installation Of A Solar Project On The Ulster County Resource Recovery Closed Landfill In The Town Of Ulster – Department Of Planning

Referred to: The Economic Development, Tourism, Housing, Planning and Transit Committee (Chairman Briggs and Legislators Allen, Archer, Bartels, Litts, Maio and Maloney), and The Energy and Environment Committee (Chairman Loughran and Legislators Richard Parete, Rodriguez, Ronk and Wawro)

Chairman of the Economic Development, Tourism, Housing, Planning, and Transit Committee, Thomas J. Briggs, and Deputy Chairman James F. Maloney offer the following:

WHEREAS, this resolution has been submitted by the County Executive on behalf of the Department of Planning; and

WHEREAS, the closed landfill in the Town of Ulster (hereinafter the “Ulster Landfill”) owned by the Ulster County Resource Recovery Agency (hereinafter “UCRRA”) is an appropriate site for the location of a solar energy project as determined by the United States Environmental Protection Agency (hereinafter the “EPA”); and

WHEREAS, Solar City, a vendor for the installation of solar energy projects has been awarded funding to subsidize the cost of solar energy to be sold to Ulster County (hereinafter the “County”) from the New York State Energy Research Development Agency (hereinafter “NYSERDA”) for a solar energy project to be located on the Ulster Landfill; and

WHEREAS, it is necessary for the County, working with UCRRA, to obtain an appropriate property interest in the portion of the Ulster Landfill on which the solar facility is proposed to be sited; and

WHEREAS, the approvals needed to obtain such property interests, as well as those needed to construct the solar facility, are actions as defined under NYCRR Part 617.2(b) [SEQRA], and the County is desirous of establishing itself as a lead agency and conducting a coordinated review as provided for in NYCRR Part 617.6; now, therefore be it

RESOLVED, that pursuant to 6 NYCRR Part 617.6(b) (3) of the Regulations pertaining to Article 8 of the Environmental Conservation Law of New York State (SEQRA), the Ulster County Legislature hereby declares its intent to serve as Lead Agency for the above recited project; and, be it further

Resolution No. 481 December 15, 2015

Establishing The Ulster County Legislature As Lead Agency Under The State Environmental Quality Review Act (SEQRA) For The Installation Of A Solar Project On The Ulster County Resource Recovery Closed Landfill In The Town Of Ulster – Department Of Planning

RESOLVED, that the Ulster County Legislature has determined, after review of the criteria contained in 6 NYCRR Parts 617.4 and 617.5, that the project is an Unlisted Action; and, be it further

RESOLVED, that the Ulster County Legislature will conduct a coordinated review and circulate its Notice of Intent to serve as Lead Agency, together with the EAF and accompanying documentation to all interested and involved agencies pursuant to 6 NYCRR Part 617.6(b) (2) (i) and 6 NYCRR Part 617.6(b) (3); and, be it further

RESOLVED, that pursuant to 6 NYCRR Part 617.6(b) (3), at the conclusion of an otherwise unchallenged thirty (30) day period following the date of transmittal of the Notice of Intent, the EAF and documentation aforesaid to the interested agencies, the Legislature shall become the Lead Agency under SEQRA for this project,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee: Economic Development, Tourism, Housing, Planning and Transit on _____.

Passed Committee: Energy and Environment on _____.

FINANCIAL IMPACT:

NONE

**Adopting Updated Procurement Manual Pursuant To General
Municipal Law Section 104-b – Department Of Purchasing**

Referred to: The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Belfiglio, Briggs, Gregorius, Maio, Maloney and R. Parete)

Chairman of the Ways and Means Committee, Richard A. Gerentine, and Deputy Chairman Donald Gregorius offer the following:

WHEREAS, this resolution has been submitted by the County Executive on behalf of the Department of Purchasing; and

WHEREAS, Resolution No. 66 of March 12, 1992, adopted the Policies and Procedures for the Ulster County Purchasing Department in accordance with Sections 103 and 104-b of New York's General Municipal Law; and

WHEREAS, the Policies and Procedures were revised pursuant to Resolution No. 93 of March 9, 2000; and

WHEREAS, it remains Ulster County's objective to obtain materials, supplies, equipment, technology, and services that are of suitable quality, in the accurate quantity, from the right source, at the most competitive price, in compliance with all applicable legal requirements ensuring that taxpayer dollars are expended in the most efficient manner and in accordance with the County's Policies and Procedures; and

WHEREAS, the Ulster County Department of Purchasing, in conjunction with the Ulster County Attorney's Office, has revised its Policies and Procedures to provide County Officials, employees and the County's business partners with a more comprehensive and user-friendly Procurement Manual; now, therefore, be it

RESOLVED, that the Ulster County Legislature hereby adopts the updated Policies and Procedures of the Ulster County Department of Purchasing as set forth in the Procurement Manual,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee: Ways and Means on _____.

FINANCIAL IMPACT:
NONE

SUMMARY OF CHANGES TO PROCUREMENT POLICY

The majority of changes to the Procurement Manual pertain to the thresholds for quotes. These thresholds have not been updated in many years, and the lower thresholds often drastically slow down projects, with minimal cost savings. The amount of time and administrative costs departments spend on chasing additional quotes often negates such savings. I have highlighted the changes to the thresholds below. Other changes involved correcting a typo in the organizational chart and changing the procurement card section to match the current SOP and update current contact numbers for the Procurement Card Administrator.

1. PROCUREMENTS SUBJECT TO COMPETITIVE BIDDING: Page 17:

Changed the thresholds for Purchase of Goods/Equipment/Commodities-\$20,000 or less from:

UNDER \$1,000	Awarded at the discretion of the Director of Purchasing.*
\$1,001 - \$5,000	Minimum of three (3) quotes. Verbal or written as required. Awarded at the discretion of the Director of Purchasing.*
\$5,001 - \$20,000	Minimum of three (3) quotes. Written, email or facsimile. Awarded at the discretion of the Director of Purchasing.*
OVER \$20,000	Sealed, public bid per GML §103

To:

UNDER \$5,000	Awarded at the discretion of the Director of Purchasing.*
\$5,001 - \$20,000	Minimum of three (3) quotes. Written, email or facsimile. Awarded at the discretion of the Director of Purchasing.*
OVER \$20,000	Sealed, public bid per GML §103

2. PROCUREMENTS SUBJECT TO COMPETITIVE BIDDING: Page 17:

Changed the thresholds for Purchases of Public Works/Services-\$35,000 or Less from:

UNDER \$5,000	Obtain three (3) verbal or written quotes/proposals. * Department may recommend Award. Contract Awarded at the discretion of the Director of Purchasing.
\$5,001 - \$20,000	Obtain three (3) written quotes/proposals. * Department may recommend Award. Contract Awarded at the discretion of the Director of Purchasing.
\$20,001 - \$35,000	Obtain four (4) written quotes/proposals. * Department may recommend Award. Contract Awarded at the discretion of the Director of Purchasing.
OVER \$35,000	Sealed, Public bid per GML §103

To:

UNDER \$10,000	Department should negotiate with the vendor. * Department may recommend Award. Contract Awarded at the discretion of the Director of Purchasing.
\$10,001 - \$35,000	Obtain three (3) written quotes/proposals. * Department may recommend Award. Contract Awarded at the discretion of the Director of Purchasing.
OVER \$35,000	Sealed, Public bid per GML §103

3. **PROCUREMENTS SUBJECT TO COMPETITIVE BIDDING: Page 18:**

Changed the threshold for Professional Services from:

UNDER \$3,000	Department negotiates with the Firm and processes Contract through Contract Management. ALL contracts must be approved by the County Executive.
\$3,000 - \$40,000	Department negotiates with the Firm and processes Contract through Contract Management. Obtain three (3) quotes/proposals when possible. ALL contracts must be approved by the County Executive.
OVER \$40,000	At the discretion of the Director of Purchasing, may require a written Request For Proposal (RFP) issued through Purchasing. See Section V for details of RFP process. All contracts must be approved by the County Executive; and in the event that the amount is \$50,000 or more, the contract must also be approved by the County Legislature.

To:

UNDER \$10,000	Department negotiates with the Firm. Department processes Contract through Contract Management. ALL contracts must be approved by the County Executive.
\$10,000 - \$40,000	Obtain three (3) quotes/proposals when possible. Department negotiates with the Firm with the best quote/proposal. Award is made at the discretion of the Purchasing Director. Department processes Contract through Contract Management. ALL contracts must be approved by the County Executive.
OVER \$40,000	At the discretion of the Director of Purchasing, may require a written Request For Proposal (RFP) issued through Purchasing. See Section V for details of RFP process. All contracts must be approved by the County Executive; and in the event that the amount is \$50,000 or more, the contract must also be approved by the County Legislature.

**Authorizing The Commissioner Of Finance To Accept Bids For
Parcels Of County-Owned Real Properties For Private Sale And
Authorizing The Chairman Of The Ulster County Legislature To
Convey Such Parcels – Department Of Finance**

Referred to: The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Belfiglio, Briggs, Gregorius, Maio, Maloney and R. Parete)

Chairman of the Ways and Means Committee, Richard A. Gerentine, and Deputy Chairman Donald Gregorius offer the following:

WHEREAS, this resolution has been submitted by the County Executive on behalf of the Department of Finance; and

WHEREAS, the Commissioner of Finance has requested permission to accept bids for parcels of county-owned real property as hereinafter described, which were acquired by the County by reason of non-payment of taxes, and have previously been offered at a public auction; and

WHEREAS, said parcel # 43 of the 2015 Public Auction, listed as .55 of an acre, residential, in the Town of Marlborough, section block and lot number 103.9-1-16, has unpaid taxes in the amount of \$28,880.00 dating back to the year 2012; and

WHEREAS, the prospective purchaser of parcel # 43 bid \$28,880.00 for the property which is the amount of taxes due; and

WHEREAS, said parcel # 68 of the 2015 Public Auction, listed as .46 of an acre, residential, in the Town of Plattekill, section block and lot number 101.16-1-25, has unpaid taxes in the amount of \$27,446.00 dating back to the year 2012; and

WHEREAS, the prospective purchaser of parcel # 68 bid \$27,446.00 for the property which is the amount of taxes due; and

WHEREAS, said parcel # 189 of the 2015 Public Auction, listed as 50 feet by 195 feet, residential, in the Town of Ulster, section block and lot number 39.7-7-39, has unpaid taxes in the amount of \$14,678.00 dating back to the year 2012; and

WHEREAS, the prospective purchaser of parcel # 189 bid \$5,00.00 for the property which is the upset price as determined by the Real Property Tax Service Agency; and

WHEREAS, the prospective purchasers shall be responsible for the 2015-16 school tax and all subsequent tax levies; and

Resolution No. 483 December 15, 2015

**Authorizing The Commissioner Of Finance To Accept Bids For
Parcels Of County-Owned Real Properties For Private Sale And
Authorizing The Chairman Of The Ulster County Legislature To
Convey Such Parcels – Department Of Finance**

WHEREAS, these conveyances constitute Type II actions under section 4.1.5 of the County of Ulster's State Environmental Quality Review Act (SEQRA) Type II List that was adopted in Resolution No. 118 on April 20, 2010; and

WHEREAS, as per section 3 of the County's Type II List, these actions do not pose a significant potential environmental impact and may be progressed as Type II actions in accordance with 6 NYCRR Part 617 of SEQRA; now therefore, be it

RESOLVED, that the Ulster County Commissioner of Finance is authorized to accept payments as follows:

PREVIOUS OWNER	TOWN	BIDDER	BID AMOUNT
Ligotino, Salvatore SBL#: 103.9-1-16 Parcel # 43	Marlborough	Strategic Realty Fund, LLC 4300 Stevens Creek Blvd., Suite 275 San Jose, CA 95129	\$28,880.00
Caraballo, Jose SBL#: 101.16-1-25 Parcel # 68	Plattekill	Villani, Paul T. 251 East Rd. Wallkill, NY 12589	\$27,446.00
Bier, Horst SBL# 39.7-7-39 Parcel # 189	Ulster	Redder, Adam 234 Glenerie Blvd. Saugerties, NY 12477	\$ 5,000.00

and, be it further

RESOLVED, that the Chairman of the Ulster County Legislature is authorized and directed to make, execute and deliver to said bidder making payment, a quitclaim deed conveying the interest of the County in said parcel, which quitclaim deed shall contain the covenant that the said County of Ulster shall in no event be or become liable for any defects in title conveyed for any cause whatsoever, and that no claim or demand of any nature shall ever be made against the County of Ulster arising from such sale, conveyance or the proceedings leading thereto,

and move its adoption.

Resolution No. 483 December 15, 2015

**Authorizing The Commissioner Of Finance To Accept Bids For
Parcels Of County-Owned Real Properties For Private Sale And
Authorizing The Chairman Of The Ulster County Legislature To
Convey Such Parcels – Department Of Finance**

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee: Ways and Means on _____.

FINANCIAL IMPACT:

TOTAL UNPAID TAXES: \$71,004.00

TOTAL ACCEPTED BID: \$61,326.00

Authorizing Distribution Of Mortgage Tax Receipts Pursuant To Section 261 Of The Tax Law

Referred to: The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Belfiglio, Briggs, Gregorius, Maio, Maloney and R. Parete)

Chairman of the Ways and Means Committee, Richard A. Gerentine, and Deputy Chairman Donald Gregorius offer the following:

WHEREAS, the County Clerk and the Commissioner of Finance have presented their reports concerning Mortgage Tax Receipts for the period of April 1, 2015 through September 30, 2015, and the same has been apportioned to the various municipalities; now, therefore, be it

RESOLVED, that the apportionment as presented for said period from April 1, 2015 through September 30, 2015 be and hereby is approved; and, be it further

RESOLVED, that the Commissioner of Finance is hereby authorized to pay the Treasurer of the City of Kingston, three villages and to the respective Supervisors of the twenty towns of the County of Ulster, the amount designated as follows:

CITY/TOWN/VILLAGE		CITY/TOWN/VILLAGE	
Denning	\$ 3,329.98	Rosendale	\$ 46,999.79
Esopus	73,658.52	Saugerties	144,626.79
Gardiner	63,302.22	Shandaken	30,600.57
Hardenburgh	1,308.19	Shawangunk	91,451.21
Hurley	65,233.59	Ulster	122,763.60
Kingston	141,298.41	Wawarsing	60,039.19
Kingston (Town)	5,673.16	Woodstock	113,272.70
Lloyd	94,548.80		
Marbletown	91,959.85	Ellenville	10,140.39
Marlborough	68,297.71	New Paltz Village	43,758.07
New Paltz	121,752.69	Saugerties Village	28,518.19
Olive	50,193.03		
Plattekill	55,301.76		
Rochester	96,540.30	TOTAL	\$1,624,568.71

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee: Ways and Means on _____.

FINANCIAL IMPACT: NONE