

Economic Development, Tourism, Housing, Planning & Transit Committee

Regular Meeting Minutes

DATE & TIME: February 4, 2014, 6:30 PM

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

PRESIDING OFFICER: Chair Thomas J. Briggs

LEGISLATIVE STAFF: Krista J. Barringer, Deputy Clerk

PRESENT: Legislators James F. Maloney, Lynn Archer, Herbert Litts, III (arrived 6:53 PM), Mary Beth Maio, and Hector Rodriguez (arrived 6:45 PM)

EXCUSED: Legislator Chris Allen

QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislator Kenneth Wishnick, League of Women Voters Representative Tom Kadgen, Ulster Publishing Columnist Hugh Reynolds, Ulster County Resident Josh Honig, and Town of New Paltz Supervisor Susan Zimet

Chair Briggs called the meeting to order at 6:31 PM.

MOTION NO. 1 RESOLVED To Approve the Minutes of January 27, 2014

Motion Made By: Legislator Maloney

Motion Seconded By: Legislator Maio

Discussion: None

Roll Call Vote: No

Voting In Favor: Legislators Briggs, Archer, Maio, and Maloney

Voting Against: None

No. of Votes in Favor: 4

No. of Votes Against: 0

Disposition: Carried

Motion No. 2 Resolution No. 10 – February 18, 2014

Resolution No. 10 Summary: This Resolution states the Ulster County Legislature joins the Town of New Paltz and the New Paltz School Board in opposing the Park Point

New Paltz application for a 25 year PILOT tax exemption from the UCIDA and requires a copy of this resolution to be sent to each member of the UCIDA.

Text of Motion: **Resolved to approve Resolution No. 10** - Opposing The Granting Of A PILOT Agreement By The Ulster County Industrial Development Agency For The Park Point New Paltz Application

Motion Made By: Legislator Maloney

Motion Seconded By: Legislator Archer

Discussion:

Legislator Maloney noted at the last meeting there was a discussion regarding a pending meeting between the developer and the Town and that the Committee had received communication indicating that meeting had been tentatively scheduled for February 27, 2014.

Legislator Archer asked if the Chairman was able to reach out to the Board of the IDA as discussed at the last meeting. Chairman Briggs stated he spoke briefly with members of the IDA Board at the public hearing held at the New Paltz High School and noted the IDA Board would be meeting on February 12, 2014, to which he would attend. He informed Legislator Wishnick that the requested editorial had been distributed to the Committee members.

Mr. Honig noted at the last Committee meeting the members asked where the New Paltz School District stood on the project and why would a school district turn down this opportunity. In response to these questions, he distributed a copy of a resolution passed by the New Paltz School District. (Document attached to minutes.) He further asked if a letter was sent to the IDA Board. Chairman Briggs replied he did not and reiterated he planned to attend their February 12, 2014 meeting.

Mr. Honig noted in regards to past performance of the developer, Wilmorite left Rochester with a \$19.9 million bad pilot and reneged on a mall pilot. He stated they sold the mall with a one million dollar deficit to the school district. He distributed documentation regarding the Rochester mall. (Documents attached to minutes.)

Mr. Honig stated, in regards to the letter from the Police Department, the Police Chief changed his position when he found out the College Police would be unable to patrol the development as it was not on campus and the Town Police was now responsible. Chairman Briggs asked if the Police Chief had put this revised position in writing. Mr. Honig replied he had heard of the changed position verbally as a citizen in the community.

Mr. Honig noted comment at the last meeting that Wilmorite started on the project four years ago, which would put it before the IDA policy change on dormitories, and then heard comment that it began working on the project two years ago. He wondered why a developer would invest time and money for two years on a project that required a pilot that did not exist until approximately two years ago.

Supervisor Zimet noted both Chairman Briggs and Deputy Chairman Maloney attended the public hearing and heard from themselves how the community feels about this project. She stated the Committee would receive a response from her in writing on the letter they just received from Harris Beach. She noted, in regards to the four year timeline, the developer first come in front of the Town Board/Planning Board for one and a half years. She stated the Town needed something on the table and asked for meetings over six months ago to obtain this. She stated two weeks ago, after the school board and the Town Board passed their resolutions, the developer first indicated they were willing to meeting. She noted they requested a private meeting to discuss where the Town Board was at on this project to which she stated she was uncomfortable to speak or present the full Town Board's position on this without first having a Town Board meeting. She stated the Town Board met and stated clearly they were willing to meet, as a whole with the developer, after the public hearing, which is tentatively scheduled for February 27, 2014. She stated the IDA was expressing interest in meeting as well. She felt the Legislature moving forward or not with Resolution No. 10 did not really make a difference to the IDA, Wilmorite, or to the Town at this time. She felt they each understood where they stood and it was up to them to determine if there was an answer or not.

Legislator Maloney reiterated his concerns from last meeting that the Resolution sends a bad message and that the Town of Esopus has opted to not take a position on the project.

Legislator Archer stated she viewed both sides of the issue and from an economic development perspective, she was hard pressed to see a value add with dormitories but did understand the viability from the college's perspective of having competitive dormitories. She stated she was concerned about doing this at the risk of the tax payer and the added burden there. She stated she was willing to table the Resolution to see where the local discussion heads. She noted this was a new pilot with new parameters.

Legislator Maloney stated the new policy was done in 2012 and certified letters regarding the proposed policy change was sent to all taxpayer districts and that the Town of Saugerties was the only municipality which spoke at their public hearing. Legislator Wishnick stated these letters were not sent to the Legislature and would have been sent to the County Executive. Legislator Archer clarified the Legislature was intended to be part of the IDA's decision making and this policy kind of circumvented the process to which the Legislature would be part of the decision. She was willing to hold off and wait to see if the negotiation is successful between the IDA, Wilmorite and the Town, in the best interest of the taxpayers.

Legislator Maloney felt once a policy was in place, the Legislature did not have a role to then change it mid-stream. He stated this policy change was done legally.

Legislator Archer reiterated her hope that there is movement between the Town, Wilmorite and the IDA. She felt the Legislature could still do opine on the issue, if it can not come to resolution between the parties.

Legislator Maloney noted, as part of the process, the Chairman of the Economic Development, Tourism, Housing, Planning and Transit Committee and the Legislature received a communication from the attorney for the developer indicating the Town Planning Board accepted the final environmental impact review statement (SEQRA) on October 23, 2013. He noted, with the Town Planning Board taking the lead agency status and under New York State law, the Town had 30 days to issue a finding statement; to which none had been received to date.

Supervisor Zimet indicted the representatives of the Town Planning Board understood the parameters of the timeline and suspected if there was a problem, it would be taken care of, to avoid being sued.

Legislator Wishnick clarified the Town of Esopus did not vote against passing a Resolution and decided to table the Resolution as they sought out additional information. He stated the core issues remained the IDA's ability to override Town Home Rule, a project that is not, in his opinion, economic development, and an amendment to the pilot process that the Legislative Oversight Committee Chair had full knowledge and did not bring this major policy decision change to the full Committee. He stated no other category of economic development is treated this way by the IDA. He noted how this can and has been utilized on other Ulster County projects. He felt the Towns are being held powerless and overruled by an independent body that are not elected officials. He stated this was sending a message to industries coming to Ulster County that they cannot get a frivolous pilot, you must really create jobs and you must really create economic development before you can turn to the taxpayers and ask them to subsidize their project.

Legislator Maloney replied to Legislator Wishnick that during his tenure on the Economic Development and Tourism Committee, Legislator Wishnick was invited to and informed of every IDA meeting and chose not to go. He felt the Town of New Paltz, by the actions of their Attorney, has put all of the taxpayers in that community in harms way.

Legislator Wishnick stated if one checked the minutes of February 12, 2013, it would be noted that the notice of this public hearing was not shared.

Supervisor Zimet stated she called George LaSalle, the attorney for the Town of New Paltz Planning Board, who indicated the 30-days is just a guideline and not a law. She stated he

indicated the applicant has not objected to the fact that it is after the 30-days. She reported his comment that the Williams Lake project took the New York State Department of Environmental Conservation six months from the final assessment to complete their part.

Chairman Briggs asked the Committee it's desires on the Resolution. Legislator Maloney suggested the Resolution be tabled until the meeting with the Town and the Developer is completed. Legislator Archer noted the Town and the IDA will each of met by the next Committee meeting.

Legislator Maloney motioned and Legislator Maio seconded to postpone the Resolution to the March 4th Economic Development, Tourism, Housing, Planning and Transit Committee meeting. With all voting in favor, the Resolution was postponed.

Chairman Briggs noted the IDA meeting is scheduled for 8:00 AM on February 12, 2014. Legislator Rodriguez asked if there was communication to the IDA as previously discussed. Chairman Briggs replied he spoke briefly with members at the public hearing held in New Paltz last Tuesday and noted no written communication was sent. He stated the IDA is still having it's meeting and he would chat with members at the meeting.

Motion No. 3	Motion to take Resolutions No. 55 – 60 as a block
Text of Motion:	<u>Resolved to take Resolutions No. 55 – 60 as a block</u>
Motion Made By:	Legislator Rodriguez
Motion Seconded By:	Legislator Maio
<u>Discussion:</u>	None
Roll Call Vote:	No
Voting In Favor:	Legislators Archer, Briggs, Litts, Maio, Maloney and Rodriguez
Voting Against:	None
No. of Votes in Favor:	6
No. of Votes Against:	0
Disposition:	Carried

Motion No. 4	Resolutions No. 55 - 60 – February 18, 2014
Text of Motion:	<u>Resolved to approve Resolutions No. 55 - 60</u> - Appointing Members to the Ulster County Planning Board
Motion Made By:	Legislator Rodriguez
Motion Seconded By:	Legislator Maio

New York State share for Federal Fiscal Year 2013 Mass Transportation Capital Projects (PIN# 8TRU 76; PIN# 8TRU 14; and PIN# 8TRU 62), in the total amount of \$154,500, in the form as filed with the Clerk of the Ulster County Legislature, or as modified with the approval of the County Attorney, Counsel to the County Legislature, Chairman of the County Legislature, and the Chairman and Deputy Chairman of the Economic Development, Tourism , Housing, Planning, and Transit Committee.

Discussion:

Chairman Briggs indicated this was “pass through” funding. Legislator Rodriguez noted through this project, the County would get two cut away buses.

Roll Call Vote: No
Voting In Favor: Legislators Archer, Briggs, Litts, Maio, Maloney and Rodriguez
Voting Against: None
No. of Votes in Favor: 6
No. of Votes Against: 0
Disposition: Carried

Motion No. 6 Resolution No. 65 – February 18, 2014

Text of Motion: **Resolved to approve Resolution No. 65** - Authorizing The Chairman Of The Ulster County Legislature To Execute An Agreement With The New York State Department Of Transportation To Accept New York State Funds For Ulster And Dutchess County Public Transit Service (LINK) – Department Of Public Transportation (Ulster County Area Transit)

Motion Made By: Legislator Rodriguez

Motion Seconded By: Legislator Litts

Resolution No. 65 Summary: This Resolution authorizes the Chairman of the County Legislature to execute an agreement, and any amendments thereto, with the New York State Department of Transportation to accept reimbursement for the operation of the LINK service (Project ID# 8823.24.126) in an amount not to exceed \$270,000, in form as filed with the Clerk of the Ulster County Legislature or as modified with the approval of the County Attorney.

Discussion:

Legislator Rodriguez noted the Link is probably one of the most successful of all the bus runs even though it is a relatively small run. Chairman Briggs concurred that a lot of

people are riding the buses and it is a good deal. Legislator Maio asked why there was no one present to discuss it.

Roll Call Vote: No
Voting In Favor: Legislators Archer, Briggs, Litts, Maio, Maloney and Rodriguez
Voting Against: None
No. of Votes in Favor: 6
No. of Votes Against: 0
Disposition: Carried

New Business:

Legislator Archer noted at the State of the County, County Executive Hein indicated \$12 million of capital funding for a couple of things, including trails. She noted the trail infrastructure drives tourism. She noted there were gaps in the trail system in her Town and through into Ellenville. She suggested the Committee look into where the gaps are as well as what policies are needed for an integrated trails system. She suggested the Planning Department may be able to present some of their findings as a way to start the dialogue. She noted the County Executive is looking at a five year plan to spend the \$12 million. Legislator Litts asked if there were any existing traffic and trails studies. Legislator Archer noted there is a Trails Advisory Council. Legislator Litts noted they probably have a lot of work done and the Committee should just piggy back on their work. Chairman Briggs asked if the Committee would like them to come in to discuss this at the March or April meeting. Legislator Archer felt the sooner would be better. Chairman Briggs agreed this would be on the agenda for the March Committee meeting.

Old Business: None

Adjournment

Motion Made By: Legislator Litts
Motion Seconded By: Legislator Archer
No. of Votes in Favor: 6
No. of Votes Against: 0

TIME: 7:01 PM

Dated the 11th day of February, 2014

Krista Barringer, Deputy Clerk

Minutes Approved on: March 4, 2014