

Energy & Environment Committee

Regular Meeting Minutes

DATE & TIME: July 21, 2015, 5:45 PM
LOCATION: Karen L. Binder Library, 6th Floor, COB, Kingston, NY
PRESIDING OFFICER: Chairman Peter Loughran
LEGISLATIVE STAFF: Krista J. Barringer, Deputy Clerk
PRESENT: Legislators Richard Parete, Ken Ronk (arrived 6:05PM) and Mary Wawro
EXCUSED: Hector Rodriguez
QUORUM PRESENT: Yes
OTHER ATTENDEES: Legislative Clerk Victoria Fabella, Legislative Counsel Chris Ragucci, Legislators Ken Wishnick, Jeanette Provenzano, Carl Belfiglio, Donald Gregorius, Lynn Archer, and Manna Jo Greene, County Attorney representatives Tracey Steeves and Marisa Hansen

Chairman Loughran called the meeting to order at 5:57 PM.

MOTION NO. 1 RESOLVED To Approve the Minutes of June 8, 2015

Motion Made By: Legislator Parete
Motion Seconded By: Legislator Wawro
Discussion: None
Roll Call Vote: No
Voting In Favor: Legislators Loughran, Parete and Wawro
Voting Against: None
No. of Votes in Favor: 3
No. of Votes Against: 0
Disposition: Approved

Motion No. 2 Resolution No. 260 July 21, 2015

Motion Made By: Legislator Parete
Motion Seconded By: Legislator Wawro

Text of Motion: **Resolved to approve Resolution No. 260** - Authorizing The Chairman Of The Ulster County Legislature To Execute An Amendment To The Service Agreement With The Ulster County Resource Recovery Agency

Resolution No. 260 Summary: This Resolution authorizes the Chairman of the Legislature to sign an amendment to the Service Agreement with the RRA that requires the RRA to obtain the

Legislature's approval prior to issuing bonds in the amount of \$500,000 or more, in the form as filed with the Clerk of the Ulster County Legislature

Discussion:

Legislator Belfiglio asked if the amendments to the contract had been approved by the RRA Board and noted he had not seen a Resolution before the RRA Board regarding these amendments. Legislator Parete indicated the RRA Board was waiting on the Legislature to do it first. Chairman Loughran noted the process as he understood it was that the Legislature approves and then the RRA Board approved. Legislator Parete indicated the RRA Board supported it as this was their resolution and that it had been forwarded to the Legislature from the RRA. He noted talk was still out there that the RRA Board could move forward with the siting of a landfill or other activities that could cost millions of dollars worth of debt and that three on the Board could go on a spending spree. He noted with the Resolution anything over \$500,000 would require Legislative approval. He noted Legislators Provenzano and Wishnick indicated there could be hot button issues that the Legislature just needed to give the RRA Board the authority to handle but at the end of the day the Legislature has the final say. He noted at the end of the day, the Legislature backs the full responsibility of the bonds.

Legislator Belfiglio noted County Attorney Havranek indicated at the Ways & Means Committee meeting last week that she wanted language to indicate the County was not responsible. Chairman Loughran and Legislator Parete stated that could not be included due to the State Legislation that enabled the Agency.

Legislator Belfiglio indicated if the County refused the bonding and the Agency bonded anyway, it could use the reserves to pay it resulting in a return to the net service fee. He noted the RRA is legally suppose to have 25% in contingency. Chairman Loughran noted legally the County is too. Legislator Belfiglio reiterated the ability of the RRA to still bond and use the operating budget to pay. Chairman Loughran reminded the County is responsible for this. Legislator Parete stated it would not be a return to a net service fee but rather increases to the disposal costs. Legislator Provenzano noted the Legislation deemed the RRA autonomous and it would be changing State legislation. Legislator Belfiglio noted there had been five amendments to the contract since the Agency was created. Legislator Provenzano indicated the changes made were in line with the Legislative powers.

Legislator Provenzano asked Legislative Counsel Ragucci if this Resolution would be taking away the independence of the Agency if they cannot bond without the approval of the Legislature. Counsel Ragucci replied he did not think they were completely autonomous as they were dependent on county government. Legislator Provenzano noted her understanding that the Agency was autonomous and did not need approval from the County Government for operational needs. Counsel Ragucci stated that was for budget approval.

Legislator Belfiglio suggested the County be careful what it wished for as it just might get it and expressed his prior experience with getting a budget on time and the letter of the law with the contract which could add a net service fee of up to 25% of their operating budget. Chairman Loughran replied if the Agency challenged, it was up to them but that he preferred to protect the

taxpayers. Legislator Belfiglio felt this was an accounting item that would require a vote on a bonding item.

Committee discussed the establishment of the Agency and the experience with siting a landfill.

Roll Call Vote: No
Voting In Favor: Legislators Loughran, Parete, Ronk and Wawro
Voting Against: None
No. of Votes in Favor: 4
No. of Votes Against: 0
Disposition: Carried

New Business

Legislator Parete noted at the last RRA Board meeting, the Executive's Office was in attendance with Deputy County Executive Crannell presenting on a proposal to place solar panels on the Town of Ulster landfill. Legislator Parete felt the Legislature appointed the Board as the County Executive has had little to do with the RRA and has refused to meet with the Chairman of the RRA Board, if he wanted to present proposals to the RRA, it should come through the Energy and Environment Committee. Legislator Provenzano noted the project would need the permission of the Town of Ulster, not the County Legislature. Legislator Ronk noted it was the County that was installing the solar panels. Legislator Parete reiterated his feeling that the Energy and Environment Committee should know about it and indicated he spoke about this with Resource Recovery Agency Executive Board Chair Smith.

Adjournment

Motion Made By: Legislator Ronk
Motion Seconded By: Legislator Wawro
No. of Votes in Favor: 4
No. of Votes Against: 0

TIME: 6:09 PM

Dated the 29th day of July, 2015

Krista J. Barringer, Deputy Clerk

Minutes Approved on: August 12, 2015