

**Laws & Rules, Governmental Services Committee
Regular Meeting Minutes**

DATE & TIME: March 14, 2016 – 6:30 PM
LOCATION: COB, 6th Floor, Karen Binder Library
PRESIDING OFFICER: Chairman Kevin Roberts
LEGISLATIVE STAFF: Jay Mahler, Deputy Clerk
PRESENT: Legislators Belfiglio, Donaldson, R. Parete and Rodriguez
ABSENT: None
QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislator John Parete, Legislative Counsel Nicholas Pascale, Legislator Bartels, Mr. Tom Kadgen – League of Women Voters, Vic Melville – League of Women Voters Observers Corp, Ken Crannell – Deputy County Executive, Ms. Bobbi Chase Wilding – Clean & Healthy New York

Chairman Roberts called the meeting to order at 6:33 PM.

Motion No. 1: RESOLVED To Approve the Minutes of the February 11, 2016 meeting

Motion Made By: Legislator Belfiglio
Motion Seconded By: Legislator R. Parete

Discussion: None

Roll Call Vote: No
Voting In Favor: Legislators Roberts, Belfiglio, Donaldson, R. Parete and Rodriguez
Voting Against: None
No. of Votes in Favor: 5
No. of Votes Against: 0
Disposition: Carried

Motion No. 2: Resolution No. 171 – March 15, 2016

Text of Motion: Resolved to approve Resolution No. 171 – Appointing Members To The Ulster County Solid Waste Management Improvement Commission

Motion Made By: Legislator Rodriguez

Motion Seconded By: Legislator R. Parete

Resolution No. 171 Summary: This resolution confirms the appointment of the following individuals to the Ulster County Solid Waste Management Improvement Commission: Kenneth Ronk – Chairman of the Legislature, Fred Wadnola – Chair of the UCRRA Board of Directors and Julie Noble – designee of the Mayor of the City of Kingston.

Discussion:

None

Roll Call Vote: No
Voting In Favor: Legislators Roberts, Belfiglio, Donaldson, R. Parete and Rodriguez
Voting Against: None
No. of Votes in Favor: 5
No. of Votes Against: 0
Disposition: Carried

Motion No. 3: Resolution No. 172 – March 15, 2016

Text of Motion: Resolved to approve Resolution No. 172 – Authorizing The County Executive To Execute A Grant Disbursement Agreement With The New York State Urban Development Corporation

Motion Made By: Legislator Rodriguez
Motion Seconded By: Legislator Belfiglio

Resolution No. 172 Summary: This resolution authorizes the County Executive to execute an agreement with the NYS Urban Development Corporation for funding for various flood mitigation projects in an amount up to \$389,863.

Discussion:

Legislator Rodriguez asked Deputy County Executive Crannell if he could explain the resolution. Mr. Crannell informed the members that the County Executive had spoken with the Chairman of the Legislature and Minority Leader to let them know that he was working on the issue with the state to get quick resolution so that the county isn't put in a position to front money to the towns. He added that it was his understanding that the Governor's Office has indicated that expedited payments could be expected in the next 2-4 weeks.

Legislator Belfiglio asked if Mr. Crannell knew the amounts for the towns who did not participate. Mr. Crannell responded that he was “pinch hitting” on the issue and that he did not have those figures.

Legislator Bartels asked what the relationship was between Resolution 172 and Resolution 130 which just passed the Government Efficiency & Review Committee. Legislator J. Parete explained that Resolution 130 authorized payment of the towns by June 1st. Legislator Rodriguez reiterated the comment made by Mr. Crannell that the towns should be receiving payment within the next four weeks. Legislator J. Parete informed the members that Resolution 130 provides for the towns to repay the county if/when the state money is received.

Legislator R. Parete informed the members that Resolution 130 had a June 1st payment date. Legislator Donaldson added that if the money was received before June 1 then Resolution 130 becomes moot. Legislator J. Parete commented that he was happy to finally see the issue resolved after almost four years.

Legislator Belfiglio complimented the due diligence of the legislature to bring this issue to light and commended the County Executive for contacting the state to see it through.

Chairman Roberts asked if there were any other comments on the issue. Legislator J. Parete advised the members that he approached some of the towns that the Legislature was told had opted not to participate in the program and asked them to provide the letters they submitted to the county to indicate they wanted to opt out. None were aware of any such letter. He questioned whether they were reached out to at all.

Legislator Bartels asked how the dollar amount on Resolution 172 was arrived at as it did not match the amount in Resolution 130. Mr. Crannell responded that he did not know. Legislator Belfiglio provided the members with information that was distributed as backup for Resolution 130 from the Government Efficiency and Review committee meeting.

Chairman Roberts thanked Mr. Crannell for joining them.

Roll Call Vote:	No
Voting In Favor:	Legislators Roberts, Belfiglio, Donaldson, R. Parete and Rodriguez
Voting Against:	None
No. of Votes in Favor:	5
No. of Votes Against:	0
Disposition:	Carried

Chairman Roberts moved on to new business and introduced Ms. Bobbi Chase Wilding from Clean & Healthy New York to discuss Proposed Local Law No. 3 of 2016 (A Local Law Protecting Children From Exposure To Toxic Chemicals.) Chairman Roberts explained that the Local Law was brought to the Public Health Committee a couple of weeks ago and thanked Legislator Bartels for bringing it to the Laws & Rules Committee this evening and for taking her time on the law to make sure it was in its best form.

Legislator Bartels thanked Chairman Roberts for the opportunity to discuss the law with the committee. She informed the members that a compelling presentation was given at the Public Health Committee and that it was her hope that when the law was finished the presentation could be made again. She advised the members that the law was modeled after a law in Albany County and expressed her shock that this was still an issue in modern times. She shared with the members a couple of different products she has purchased for her daughter that were discovered to have unacceptable levels of heavy metals. She advised the members that the Health Committee primarily had concerns with the promulgation of rules and regulations section, stating that the committee did not want the rules to be left entirely up to the Department of Health. She told the members that she and Legislator Wawro have met with the Health Department and the County Attorney to discuss their concerns. She said that County Attorney Clint Johnson would be working with them on the law.

Chairman Roberts opened the meeting to questions.

Legislator R. Parete asked how many toys were problematic. Ms. Chase Wilding responded that is difficult to answer but said that the majority of products did not have a problem. She said they have run into instances where one package of a certain toy could have 3 or 4 items that test high for heavy metals and another package of the same product could have none. Legislator Bartels added that the amount seems to have decreased over the years. She also shared that she was encouraged by the fact that the ban of the use of BPAs in Sippy cups came about after bans were enacted on the county level.

Legislator Rodriguez asked for an explanation of similar legislation advanced in other counties that are facing legal challenges. Ms. Chase Wilding informed the members that it was Albany County that was sued. She said they have since received a stay on the suit while the law was being revised to clarify the issue of preemption. Legislator Bartels informed the members that issue has already been corrected in the Ulster County version. She also pointed out that there was an issue with “standards” in the Albany Law that has been addressed in the Ulster version.

Legislative Counsel Pascale concurred with the description of the issues with the Albany law and the status of the case.

Legislator Donaldson asked if the law would apply to the bead necklaces that were distributed at the recent St. Patrick's Day Parade. Ms. Chase Wilding informed the members that those types of beads have been tested and did not contain heavy metals. The members discussed the fact that the law is specific to children's products, and that most of the things distributed at parades are considered adult products and would not be subject to the law.

Legislator Belfiglio questioned how a retailer was to handle this law and determine what products it banned. He added that he did not want to see a retailer penalized unless there were multiple offenses. The members discussed fines, penalties and enforcement. Ms. Chase Wilding advised the members that Vermont has a law requiring reporting which has resulted in the creation of a list of products that are potential hazards. She continued by saying that Ulster County could use that list as a reference.

Legislator Bartels informed the members that there is a quarterly testing requirement in the law that she is going to rework upon advice from the Health Department.

Chairman Roberts advised the members that he was concerned with the ability of the vendors to know what chemicals products might contain. He also suggested having a sign made explaining that toys from a list of certain countries may contain heavy metals. The members discussed the effectiveness of signs. Legislator Bartels reiterated her belief that laws on the local level can spur industry wide change.

Legislator Donaldson asked how the products are tested. Ms. Chase Wilding explained the device that is used to check the items. She said the devices cost between \$30,000-\$80,000, but said some companies offer rental and training. She said a follow up confirmation test in a lab would cost \$50 - \$100.

Legislator Bartels encouraged the members to read the law and relay any ideas, questions or concerns to either herself or Legislator Wawro. Chairman Roberts requested that Legislative Counsel also be included in the conversations moving forward.

Legislator Bartels asked if there were any other concerns that Chairman Roberts wished to relay. Chairman Roberts responded that he shared a concern previously discussed in the Public Health Committee that violations were entirely handled by the Health Department, including the hearing officer, and did not include an appeal process.

Old Business

Chairman Roberts asked if there was any old business. None was heard.

New Business

Chairman Roberts asked if there was any new business. None was heard.

Chairman Roberts asked if there was any other business, and, hearing none;

Adjournment

Motion Made By:	Legislator Belfiglio
Motion Seconded By:	Legislator Rodriguez
No. of Votes in Favor:	5
No. of Votes Against:	0

TIME: 7:15 PM.

Respectfully submitted by Jay Mahler, Deputy Clerk

Minutes Approved: April 18, 2016