

**Requesting The Introduction Of Legislation To Amend Article 13-G  
Of The Public Authorities Law Relating To The Ulster County  
Resource Recovery Agency**

***WITHDRAWN BY SPONSOR***

Referred to: The Environmental, Energy and Technology Committee (Chairman Belfiglio and Legislators Bartels, Lopez, Wawro, and Wishnick)

Chairman of the Environmental, Energy and Technology Committee, Carl Belfiglio, and Deputy Chairman Tracey A. Bartels offer the following:

WHEREAS, at the request of the Ulster County Legislature, the State Legislature authorized the creation of the Ulster County Resource Recovery Agency; and

WHEREAS, the County of Ulster has enacted Local Law # 10 of 2012 relating to solid waste management in the County of Ulster; and

WHEREAS, the County of Ulster wishes to ensure broader participation to effectuate the purposes of Local Law # 10 in relation to the management of and oversight relating to the processing of solid waste and recycling in Ulster County; and

WHEREAS, such oversight can assist the County in setting sound environmental and waste management policy; now, therefore be it

RESOLVED, that the County of Ulster hereby requests the introduction of legislation by representatives of the County of Ulster in the State Senate and Assembly to amend Article 13-G of the Public Authorities Law to provide for the following:

- A. An increase from 5 to ~~7~~ **8** in the number of Board Members of the Ulster County Resource Recovery Agency as defined in section 2050-b(1) of the Public Authorities Law (hereinafter, the "Agency");
- B. A provision that ~~the two~~ **of the** new Board members of the Agency shall, notwithstanding any other provision of the law, be members of the Ulster County Legislature, appointed by the Chairman of the Legislature and confirmed by the Legislature with one appointee recommended by the Majority Leader of the Ulster County Legislature and one member recommended by the Minority Leader of the Ulster County Legislature and that the Legislative appointees would serve for a term expiring December 31<sup>st</sup> of the year of the appointment or until their successor is qualified, or unless such Legislator's service on the

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County Legislature terminates, whichever is earlier; Vacancies would be filled in the same manner as the original appointment;

- C. A provision that one new Board Member of the Agency, who shall be a non-voting member, shall be either a Town Supervisor or Mayor of a municipality in Ulster County appointed by the Chairman of the Ulster County Legislature, upon the recommendation of the Ulster County Supervisors and Mayors Association and subject to confirmation by the Ulster County Legislature. Such Supervisor or Mayor shall serve for a term expiring December 31<sup>st</sup> of the year of the appointment or until their successor is qualified, or unless such Supervisor's or Mayor's service as a Town Supervisor or City or Village Mayor terminates, whichever is earlier; Vacancies would be filled in the same manner as the original appointment;**
  
- C.D. Amending section 2050-c of the Public Authorities Law to provide that effective January 1, 2016, a total of two members of the five members of the Agency who are not members of the Ulster County Legislature shall be appointed by the Chairman of the Ulster County Legislature upon the recommendation of the Minority Leader of the Ulster County Legislature;**
  
- E. A quorum of the Ulster County Resource Recovery Agency shall constitute four of the seven voting members and it shall take not less than four out of seven voting members to act on any manner. For any matter which requires greater than a majority, a total of at least 5 Board members shall be required to vote in favor on such matter;**
  
- ~~D. Authorization for the County Legislature to, via local law, form an Advisory Board to the Resource Recovery Agency with the powers and responsibilities as follows:~~
  - ~~1. The Advisory Board, if formed, would be subject to the provisions of Articles 6 and 7 of the Public Officers Law guaranteeing Freedom of Information and Open Meetings requirements;~~

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~~2. The Advisory Board's members would serve for a term of one year or until their successors are qualified, who would consist of:~~

~~I. Two members appointed by Ulster County Legislature upon the recommendation of a majority of the Supervisors and Mayors of the Towns, Villages, and Cities within the County of Ulster as expressed through an organized association made up of such persons or if no such association exists, as determined by the Ulster County Legislature, then by a signed writing of such Supervisors and Mayors during the first two weeks of January of each calendar year.~~

~~II. Two members of the County Legislature who shall not be on the Board of the Agency appointed by the Chairman of the Ulster County Legislature, with one being recommended by the Majority Leader and the other being recommended by the Minority Leader of the Ulster County Legislature.~~

~~III. A member appointed by the Ulster County Executive, and if he or she shall decline to make such an appointment within sixty days of the creation of the Advisory Board, then annually thereafter by the Legislature.~~

~~3. The responsibilities of the Advisory Board, if formed, are to be described in a local law of the County of Ulster. The Advisory Board would be entitled to:~~

~~I. Notice of all meetings of the Agency from the Executive Director of the Agency;~~

~~II. Elect a Chairperson and Secretary of the Advisory Board;~~

~~III. Counsel as appointed by, if at all, the Ulster County Legislature;~~

~~IV. Coverage by insurance for its actions as prescribed by the Ulster County Legislature for the members of the Advisory Board acting in their capacity as members of such Board;~~

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~~V. Reject non-operational decisions of the RRA Board within two weeks of receipt of written notice of such decisions by the Secretary of the Advisory Board (provided that if the Advisory Board rejected any decision of the Agency's Board, the Agency would be able to override such rejection and affirm the rejected policy by a vote of five Board members of the Agency);~~

~~VI. Non-operational decisions capable of being rejected by the Advisory Board shall be described in a local law of the County of Ulster and may include any or all of the following:~~

- ~~a. Contractual decisions relating to disposal capacity and disposal location of solid waste;~~
- ~~b. Disposal fee increases;~~
- ~~c. Expanding or reducing what materials are required to be processed through or accepted by the Agency;~~
- ~~d. An annual budget for the Agency;~~
- ~~e. An annual or other capital plan for the Agency;~~
- ~~f. Pre-approval of the issuance of any bonds by the Agency.~~

~~E. The local law may further provide for responsibilities of the Agency with respect to providing administrative support for the Advisory Board by the Agency.~~

~~F. The local law may further authorize the Advisory Board to enact rules of procedure for its own governance and that it shall organize at or by a particular time each year.~~

and, be it further

RESOLVED, that the Legislature hereby authorizes the Chairperson and Deputy Chairperson of the Energy, Environment and Technology Committee to, in consultation with the Majority and Minority Leaders, consult with any member of the New York State Legislature on behalf of the County Legislature to describe and detail any legislative language to be proposed by such member of the New York State Legislature as a result of this Resolution; and, be it further

RESOLVED, that a copy of this resolution shall be transmitted to the members of the New York State Legislature who represent Ulster County in the New

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York State Legislature, the Executive Director and Board Members of the Resource Recovery Agency, and New York State Department of Environmental Commissioner Joseph Martens,

and moves its adoption.

DEFEATED AS AMENDED BY THE FOLLOWING VOTE:

AYES: 10                      NOES: 10  
(Ayes: Legislators Bartels, Belfiglio, Gerentine, Gregorius,  
Harris, Maio, Roberts, Rodriguez, Wawro and Wishnick)  
(Absent: Legislators Aiello, Briggs and Richard Parete)

Passed Committee: Environmental, Energy, and Technology as amended on April 4, 2013

FINANCIAL IMPACT:  
NONE

0184.2

Legislator Ronk motioned, seconded by Legislator Belfiglio, to strike sections D thru F, deleting any reference to an Advisory Board to the Resource Recovery Agency.

MOTION ADOPTED BY THE FOLLOWING VOTE:

AYES: 18                      NOES: 2  
(Noes: Legislators John Parete and Provenzano)  
(Absent: Legislators Aiello, Briggs and Richard Parete)

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On May 14, 2013, Legislator Ronk motioned, seconded by Legislator Belfiglio, to reconsider the resolution.

MOTION ADOPTED BY THE FOLLOWING VOTE:

AYES: 17                      NOES: 5  
(Noes: Legislators Loughran, John Parete, Richard Parete,  
Robert Parete and Provenzano)  
(Absent: Legislator Gregorius)

On May 14, 2013, Legislator Ronk motioned, seconded by Legislator Fabiano, to refer the resolution back to the Environmental, Energy, and Technology Committee.

MOTION ADOPTED BY THE FOLLOWING VOTE:

AYES: 19                      NOES: 3  
(Noes: Legislators Belfiglio, Roberts and Wawro)  
(Absent: Legislator Gregorius)

***REFERRED BACK TO COMMITTEE***

Passed Committee: Environmental, Energy, and Technology as amended on June 6, 2013

Legislator Bartels motioned to amend the resolution as follows:

- In "A." change "7" to "8";
- In "B." strike the first "the" and after "two" insert "of the"
- Re-letter C to become D and insert a new C to read as follows:

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- C. A provision that one new Board Member of the Agency, who shall be a non-voting member, shall be either a Town Supervisor or Mayor of a municipality in Ulster County appointed by the Chairman of the Ulster County Legislature, upon the recommendation of the Ulster County Supervisors and Mayors Association and subject to confirmation by the Ulster County Legislature. Such Supervisor or Mayor shall serve for a term expiring December 31<sup>st</sup> of the year of the appointment or until their successor is qualified, or unless such Supervisor's or Mayor's service as a Town Supervisor or City or Village Mayor terminates, whichever is earlier; Vacancies would be filled in the same manner as the original appointment;
  
- Adding a new letter "E" to read as follows:
  - E. A quorum of the Ulster County Resource Recovery Agency shall constitute four of the seven voting members and it shall take not less than four out of seven voting members to act on any manner. For any matter which requires greater than a majority, a total of at least 5 Board member shall be required to vote in favor on such matter.