

NAME OF COMMITTEE: Governmental Services, Environmental & Administrative Committee

DATE: June 14, 2010

TIME: 6:00 PM

PLACE: Library Conference Room, 6th Floor
County Office Building

LEGISLATORS PRESENT: Chairman Kevin A. Roberts, Deputy Chairman Hector Rodriguez (arrived at 6:34 PM), Legislators Laura Petit (arrived at 6:35 PM), Kenneth Ronk, Robert Parete and Brian Shapiro

LEGISLATORS ABSENT: Legislators Carl Belfiglio, Dean Fabiano and Richard Parete

OTHERS PRESENT: Amanda LaValle, Coordinator, Department of the Environment
Robert Sudlow, Deputy County Executive
Lance Matteson, President, UC Development Corporation
Vic Melville, Corp Observer, LWV
Karen L. Binder, Clerk of the Legislature, Recording

1. Chairman Roberts called the meeting to order at 6:31 PM.

- The Chairman introduced Counsel to the Legislature Kenneth D. Gilligan.

2. Legislator Robert Parete motioned, seconded by Legislator Ronk to approve the minutes from May 17, 2010 meeting. All in favor.

Deputy County Executive Robert Sudlow advised that he was here on the late resolution regarding Silver Hollow. Silver Hollow and Turnwood are areas that have been designated as part of the 2006 FEMA award for damage to the stream banks, etc.

3. Resolutions

Chairman Roberts motioned to take the following resolution out of order:

Resolution No. 172 - Amending The 2010 Ulster County Budget For Silver Hollow Road Stream Bank Stabilization - FEMA Funded Work Project- Department Of Public Works (Highways And Bridges)

Deputy County Executive Robert Sudlow described how the June 2006 severe flooding from the Adirondacks and the 88 Corridor affected Silver Hollow and Turnwood and reiterated that they have been designated as part of the FEMA award. In most instances, the Federal funding would be 75%, 12.5% State funding and 12.5% County funding. In this case, the State is picking up the entire 25%. He mentioned that the vendor needs to sign a new agreement and the two

extensions that have been granted for these projects. The project funding needs to be used by the end of the calendar year and in both cases, we need to be out of the water by October 1. Legislator Shapiro stated that a motion had been made earlier in the Environmental Subcommittee to support the resolution based on the information given to us and to urge the GS, E and A Committee to approve the resolution.

Legislator Robert Parete motioned, seconded by Legislator Rodriguez to move the resolution. Approved unanimously (6 - 0).

Chairman Roberts motioned to take the following resolution out of order:

Resolution No. 152 - Approving the Execution of Various Contracts and Change Orders in the Amount of \$50,000.00 or in Excess of \$50,000.00 Entered Into by the County

There has been a late addition to the Abstract which must be approved.

Deputy County Executive Robert Sudlow mentioned that the addition to the Abstract pertains to agreement associated with Resolution No. 172. He had nothing further to bring to the committee at this time and left the meeting.

Legislator Ronk motioned, seconded by Legislator Petit to move the amended Abstract. Approved unanimously (6 - 0).

Chairman Roberts motioned to take the following resolution out of order since Counsel Kenneth D. Gilligan was present regarding this matter:

Resolution No. 170 - Setting a Public Hearing on Introductory Local Law No. 3 of 2010 (A Local Law Amending the Ulster County Charter, Local Law No. 2 of 2006, and Amending the Administrative Code for the County of Ulster, Local Law No. 10 of 2008) to Reduce the Number of Legislative Districts from 23 to 21, Effective at the General Election of 2011), to be Held on Tuesday, July 13, 2010 at 6:00 PM)

Legislator Ronk motioned, seconded by Chairman Roberts to move the resolution.

Legislator Shapiro stated the following: "I will say again, I cannot say enough; I was going to vote against this. I would make a motion that it is out of order because the Charter has not been in place; you have to have the Charter in place and at some point, you can amend it. We've been here, we've done this and it makes no sense, it is out of order, it is not allowed. Considering that the Charter has not been in place and the public has already voted on this and we can visit this later."

Counsel to the Legislature Kenneth D. Gilligan said the Charter does provide for being amending. Talking about a lawsuit in 2003 doesn't restrict it at all since the type of government changed and the Legislature voted to change that. I'm referring to the Court Consent Order of 2003 which puts no restrictions whatsoever in this Charter which was approved by the Legislature and the voting public. The voting public has the same rights and the people in 2003 to vote.

Legislator Shapiro stated the following: "That's would be my point. I know you are getting restless; I want to address this. Reducing the Legislature is something as you know a small group started in 2003. I don't mind having a little constructive dialogue about it. It is almost a matter of disenfranchising the public - yes, it is in the Charter that there are provisions to amend this but perhaps it is a matter of putting it in proper sequential order. It hasn't gone into effect yet and this is what the public voted for.

Counsel Kenneth D. Gilligan asked, "What hasn't gone into effect yet?"

Legislator Shapiro answered, "Reducing the Legislature; it hasn't happened yet and the public voted on it."

Counsel Kenneth D. Gilligan stated that it can be amended at anytime.

Legislator Shapiro stated the following: "My feeling and the feeling of Counsel that I have conferred with, is that the public supported this; we can amend it but it would not seem it is in proper order to do things if the public has supported reducing the Legislature to a smaller number...of just jumping ahead and doing it before that (the reduction) has actually happened. That is my research point."

Legislator Ronk said, "I respectfully disagree about the disenfranchisement because this would have to go before the voters in order to go into effect. You wouldn't be disenfranchising them."

Legislator Shapiro said, "Why would you put something before the voters to amend something that the voters have already voted on? And it hasn't come to fruition."

Legislator Ronk said, "You didn't give the voters a choice between 23, 21, 18, 12 or 5."

Legislator Shapiro said, "But you make my case. Why not vote all over...vote for 5 before 21 happens and vote it back to 21 before 5 happens? You've got to actually do it...this is my point and then if it doesn't work out or for political reasons we want to move forward but it has to happen eventually or we just enter this perpetual cycle of amending the thing."

Legislator Rodriguez - call the question. Chairman Roberts motioned, seconded by Legislator Ronk to move the resolution. DEFEATED: 2 - 4 (Noes: Rodriguez, Petit, Robert Parete and Shapiro)

*This resolution **will not** appear on the agenda of the June 15, 2010 Legislative Session.

Resolution No. 160 - Authorizing the Chairman of the Ulster County Legislature to Execute an Agreement with the Town of Ulster for use of the Ulster Police Firearms Range and Training Facility - Sheriff's Office

This resolution has been approved unanimously by the Law Enforcement and Public Safety Committee.

Legislator Ronk discussed the origin of this agreement and other issues that arose concerning this agreement in the Law Enforcement and Public Safety Committee.
Legislator Robert Parete and Legislator Shapiro requested that their names be removed from

the sponsorship.

Legislator Ronk motioned, seconded by Legislator Petit to move the resolution. Approved unanimously (6 - 0).

The record was so noted that the agreement as filed with the Clerk of the Legislature would be approved and or modified by the County Attorney.

Lance Matteson, Ulster County Development Corporation was present. He will attend the next Environmental Subcommittee meeting which is scheduled for Monday, July 19, 2010 at 5:30 PM.

Resolution No. 163 - Appointing Members to the Periodic Compensation Review Committee

There was not discussion regarding this resolution.

Legislator Ronk motioned, seconded by Legislator Rodriguez to move the resolution. Approved unanimously (6 - 0).

Resolution No. 168 - Reappointing - Commissioner of Elections (Mihm)

This resolution does not require committee approval; timely submittal by the Democrats.

4. Late Resolutions

Resolution No. 169 - Reappointing - Commissioner of Elections (Turco)

Legislator Ronk motioned, seconded by Legislator Petit to move the resolution. Approved unanimously (6 - 0).

Resolution No. 171 - Urging The New York State Assembly And The New York State Senate To Reject Any Cuts, In Any Form, To The Flexible Fund For Family Services (FFFS)

Legislator Robert Parete mentioned that the concept of this resolution was discussed in Health and Human Services Committee. There was a brief discussion of the impact of the Department of Social Services Budget and the translation of this resolution.

Legislator Shapiro motioned, seconded by Legislator Rodriguez to move the resolution. Approved unanimously (6 - 0).

5. Motion to adjourn

Legislator Robert Parete motioned seconded by Legislator Ronk to adjourn. All in favor. Meeting adjourned at 6:55 PM.

Respectfully submitted,
Karen L. Binder, Clerk
Ulster County Legislature