

NAME OF COMMITTEE: Governmental Services & Administration Committee

DATE: June 20, 2011

TIME: 6:00 PM

PLACE: **Ulster County Resource Recovery Agency**
999 Flatbush Road
Kingston, New York

LEGISLATORS PRESENT: Chairman Kevin A. Roberts, Legislators Carl Belfiglio, Dean Fabiano, Michael Madsen and Robert Parete

LEGISLATORS ABSENT: Legislators Hector Rodriguez and Kenneth Ronk

OTHERS PRESENT: Legislator Mary Beth Maio
Tim Rose, Executive Director, Ulster County Resource Recovery Agency
Leon Smith, Board Member, Ulster County Resource Recovery Agency
Victor J. Melville, LWV-Observer Corp
Karen L. Binder, Clerk of the Legislature, Recording

1. **Chairman Roberts called the meeting to order at 6:01 PM.**
2. **Legislator Robert Parete motioned, seconded by Legislator Madsen to approve minutes from May 16, 2011 and May 9, 2011. All in favor.**
3. **Departments/Agencies**

Ulster County Resource Recovery Agency

Leon Smith: He stated that the Board voted on settlement for violations incurred during the past year and a half or two. \$40K of the \$50K fine has been suspended and \$10K is the amount of the settlement. If the RRA violates the consent order, the full amount of the fine can be imposed. The fine represents violations for being over the daily tonnage and weekly tonnage and not giving Department of Environmental Conservation (DEC) seven days notice on repair. The RRA was written up for not notifying the DEC. The RRA will be required to submit tonnage reports on a weekly basis for the time being with NO written time limit. The correction action on the floor plan has to be inspected by a licensed engineer - Tim Rose is a licensed engineer and the DEC has agreed it would be acceptable for him to do this thereby saving the RRA \$.

Legislator Fabiano asked, "How many times was tonnage over?"

Tim Rose responded that the RRA was over 4 times on weekly tonnage and 168 times daily tonnage over an almost two year period. Tonnage is now under control. The scales are closely monitored and the RRA cannot shut the gates because residents need access to the facility. However, they have re-routed the haulers to New Paltz where the tonnage issue

isn't a problem. Leon Smith added that the increased tonnage application with DEC will not be approved until the fine is paid.

Chairman Roberts asked, "Why is the DEC asking for 7 days notice on repairs?"

Tim Rose responded that DEC wants the opportunity to come and review the situation before repair or modification is made.

Leon Smith pointed out that Tim Rose has developed a better working relationship with DEC than the one that previously existed.

Chairman Roberts asked, "Will the fine have a significant impact on the Net Service Fee?"

Tim Rose answered that the fine could have been substantially more - upward of \$1 million.

Legislator Belfiglio commented that the fine even at 10 K isn't going to go over well.

Leon Smith provided that the RRA is working on a 10 year forecast incorporating flow control. The fees will be unknown because of the contracts. The 10 year plan will be discussed at the July Board meeting.

Chairman Roberts stated that he was aware that Michael Bemis was at the Board meeting. He asked: "Can you share of this with the committee?"

Leon Smith responded that there will be a settlement hearing in Albany on Tuesday of next week but the amount cannot be disclosed. He will attend the settlement hearing with RRA Counsel Steve Wing, Esq. He believes that there will be a push to settle.

Chairman Roberts: The RRA had hired an attorney to investigate the allegations surrounding the RRA. He asked, "Can you share any of that?"

Leon Smith: The report should be done soon - they are looking at all of the allegations and to determine if there was anything criminal during this investigation.

Legislator Belfiglio asked, "Has the State Comptroller's Office has been down yet?"

Leon Smith: The RRA is in receipt of a letter from the State Comptroller's Office stating that they would start audit proceedings in the late spring. Nothing further has been received. *All members of the Legislature received a copy of a similar letter addressed to Chairman of the Ulster County Legislature Frederick J. Wadnola. Nothing further has been received to date.

Tim Rose provided updates on various projects that are being done: replacing a knee wall in New Paltz, secondary containment, the leachate study has been authorized to move forward and the environmental issue has been worked out with DEC.

Chairman Roberts asked, "When will the RRA would be submitting their budget?"

Leon Smith answered that he believes the RRA Budget will be submitted by August 1.

Chairman Roberts asked, "How does the Net Service Fee look?"

Leon Smith responded that he is unsure of the numbers of this time. Copies of monthly tonnage report/Treasurer's report were distributed to all committee members.

Tim Rose added that the RRA has been asked not mow during July and August because of certain birds that are nesting at the New Paltz transfer station. DEC was made aware of this through a group of bird watchers. The RRA has taken this information under advisement.

4. Resolutions

Resolution No. 137 - Confirming Appointment of Member to the Traffic Safety Board

Legislator Robert Parete spoke briefly about the appointment and his qualifications.

There was no further discussion.

Legislator Robert Parete motioned, seconded by Legislator Fabiano to approve the resolution. All in favor (5 - 0).

5. Late Resolutions

Resolution No. 161 - Authorizing the Ulster County Commissioner of Finance to Accept and Reject Bids for Purchase and Refund on Parcels of County-Owned Property at the May 11, 2011 Mini Public Auction - Department of Finance

There was no discussion on this resolution.

Legislator Belfiglio motioned, seconded by Legislator Fabiano to approve the resolution. All in favor (5 - 0).

Resolution No. 162 - Amending the 2011 Ulster County Budget - Port Authority of New York and New Jersey Port Security Grant - Ulster County Sheriff's Office

There was no discussion on this resolution.

Legislator Robert Parete motioned, seconded by Legislator Madsen to approve the resolution. All in favor (5 - 0).

Resolution No. 163 - Amending The 2011 Ulster County Budget - Summer Youth Employment Program - Department Of Employment And Training

There was discussion regarding the funding for this program. The County only received confirmation of this funding at 4:15 PM. Legislator Robert Parete stated that he thought this funding should be appear in a new line which should be created and earmarked for Summer Youth Program rather than as General Office Supplies and Other Contractual Programs.

6. Other Business

A Special Informational Meeting will be held on **Tuesday, July 12, 2011 at 7:00 PM**, in the Legislative Chambers, 6th Floor, County Office Building, 244 Fair Street, Kingston, NY, on Flow Control. Michael Cahill, Esq., from Germano & Cahill, PC, has been invited to speak.

Michael Cahill, Esq., Germano & Cahill, PC, will give a PowerPoint Presentation (Proposed Amendment to Local Law No. 9 of 1991) and provide information regarding solid waste management (Flow Control). Mr. Cahill has represented New York municipalities regarding the power of local government to regulate solid waste services under the Commerce Clause of the U.S. Constitution, and has lectured on this topic before a variety of professional organizations.

Legislator Belfiglio asked if Sylvia Wohlfahrt, Director of the Department of Information Services to discuss the Ulster County Information Services Assessment & Recommendation dated April 11, 2011, prepared by Harris Consulting, 28 College Avenue, Geneva, New York 14456. Karen Binder will contact the County Executive's Office to extend the invitation to Ms. Wohlfahrt.

Motion to adjourn

Legislator Belfiglio motioned, seconded by Legislator Robert Parete to adjourn. All in favor.

Meeting adjourned at 6:36 PM.

Respectfully submitted,

Karen L. Binder, Clerk
Ulster County Legislature