

**NAME OF COMMITTEE:** Governmental Services & Administration Committee

**DATE:** March 14, 2011

**TIME:** 6:00 PM

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

**LEGISLATORS PRESENT:** Chairman Kevin A. Roberts, Deputy Chairman Hector Rodriguez, Legislators Carl Belfiglio, Dean Fabiano, Kenneth Ronk, Michael Madsen and Robert Parete

**LEGISLATORS ABSENT:** None

**OTHERS PRESENT:** Legislator Mary Beth Maio  
Frank Faluotico, Ulster County Undersheriff  
Tim Rose, Acting Executive Director, UCRRA  
Stephen Wing, Esq., UCRRA Counsel  
Victor J. Melville, LWV-Observer Corp  
Karen L. Binder, Clerk of the Legislature, Recording

1. **Chairman Roberts called the meeting to order at 6:02 PM**
2. **Legislator Ronk motioned, seconded by Legislator Rodriguez to approve minutes from February 14, 2011. All in favor.**
3. **Departments/Agencies**

Ulster County Resource Recovery Agency

**Stephen Wing, Esq.**

He addressed the committee regarding Flow Control. In the Cashin/Cahill report issued in 1998, flow control was not recommended. Michael Cahill, Esq., represented Brookhaven, Smithtown, and Oneida-Herkimer on Flow Control and won. The Carbone decision doesn't apply to systems publicly owned.

If Ulster County had Flow Control, it would eventually enable the UCRRA to pay back the \$32 million. At a meeting today with Michael Cahill, Esq., proposed changes to Ulster County's current law were discussed.

Stephen Wing, Esq., hopes the goal of the Legislature is the same as the Agency - making the Agency financially independent. He feels the Legislature has significant control through the agreement between the County and the UCRRA.

The law currently in place requires the cooperation of the Agency and the County. With Flow Control, everyone would pay the same tipping fee making a level playing field. This would enable smaller companies to come in as new start-up businesses. There would have to be a gradual implementation of Flow Control.

Legislator Robert Parete asked if the Board has taken a position in the past and can Flow Control does Flow Control have to be done by local law or regulation? Stephen Wing, Esq., answered that Flow Control would have to be done by local law.

There was discussion regarding C & D and control over what is collected.

Stephen Wing, Esq., explained that control over recyclables could be exercised. The UCRRA is also in the process of updating the Solid Waste Management Plan..

Legislator Belfiglio asked how Flow Control would turn the current situation around? Legislator Rodriguez answered that volume is everything.

Stephen Wing, Esq., offered that the UCRRA wouldn't bring in as much from haulers once they are paying what everyone else pays but they would be bringing in the volume therefore creating revenue. The Agency could be delegated to act as the licensing official for the County as well as enforcement.

Legislator Rodriguez said Flow Control would create a monopoly - the southern end wouldn't be able to go to Orange County - they would have to go through the UCRRA.

Stephen Wing, Esq., mentioned that the RRA gets waste from Dutchess and Greene Counties - the RRA is more convenient to them.

Tim Rose spoke about the small operators not being able to compete right now.

Legislator Rodriguez stated that it would go from a commodity model to a monopoly model. He also discussed hypothetically, what would happen if a hauler from out of the County collected trash in Ulster County.

Stephen Wing, Esq., explained that the hauler would have to be charged with a violation since they would be forbidden to haul in Ulster County.

Legislator Robert Parete asked what the next steps would be? Chairman Roberts responded that Michael Cahill, Esq., has been asked to draft the Flow Control Law. Legislator Robert Parete would like to have the RRA Board approve of Flow Control first. Chairman Roberts agreed that they do want the RRA Board to approve of the local law.

There was discussion regarding the Cashin/Cahill report. The report was previously distributed to all Committee members at the Special Committee Meeting held on March 1, 2011.

Chairman Roberts took the following resolution out of order:

- **Resolution No. 76 - Requesting Appropriation Of Funds From The Forfeiture Account For The Ulster Regional Gang Enforcement Narcotics Team -Amending The 2011 Ulster County Budget - Ulster County Sheriff's Office**

There was no discussion on this resolution.

Legislator Robert Parete motioned, seconded by Legislator Rodriguez to approve the resolution for the March 15, 2011 Legislative Meeting. All in favor. (7 -0)

#### **Ulster County Resource Recovery Agency (continued)**

Tim Rose discussed the MRF (Materials Recovery Facility) Strategic Options Analysis. They have been looking at the various options - going to single stream. Newspaper and cardboard they would keep as revenue producers but converting to an MRF would be costly. They cannot control recycling because of the way the State law was written. They would not lose \$ on single stream. Copies of the MRF Analysis were distributed to all Committee members (both electronically and hard copy). He believes the report is self-explanatory.

Legislator Rodriguez asked if the report would change with Flow Control? There was discussion about small firms bringing in recyclables and the options for the larger companies. Legislator Rodriguez asked if Stephen Wing, Esq., would look into Flow Control with recycling.

#### **4. Resolutions**

- **Resolution No. 60 - Designating Chairman Frederick J. Wadnola As The Ulster County Legislature's Member To Serve On The County Jury Board**

There was no discussion on this resolution.

Legislator Ronk motioned, seconded by Legislator Rodriguez to approve the resolution for the March 15, 2011 Legislative Meeting. All in favor. (7 -0)

- **Resolution No. 75 - Authorizing The Chairman Of The Ulster County Legislature To Create An Ulster County Charter Revision Commission**

There was a brief discussion on this resolution.

Legislator Rodriguez motioned, seconded by Legislator Fabiano to approve the resolution for the March 15, 2011 Legislative Meeting. All in favor. (7 -0)

#### **5. Late Resolutions**

The following resolution was previously taken out of order.

- **Resolution No. 76 - Requesting Appropriation Of Funds From The Forfeiture Account For The Ulster Regional Gang Enforcement Narcotics Team -Amending The 2011 Ulster County Budget - Ulster County Sheriff's Office**

- **Resolution No. 77 - Authorizing Submission Of An Application For A State Assistance Contract With The New York State Department of State And The New York State Department of Environmental Conservation For The Brownfield Opportunity Areas Program - Department Of Planning**

There was no discussion on this resolution.

Legislator Rodriguez motioned, seconded by Legislator Fabiano to approve the resolution for the March 15, 2011 Legislative Meeting. All in favor. (7 -0)

- **Res. No. 78 - Resolution Of The Ulster County Legislature Establishing And Reporting The Standard Work Day For Elected Or Appointed Officials - Amending Resolution No. 195 Dated July 10, 2010**

There was no discussion on this resolution.

Legislator Ronk motioned, seconded by Legislator Rodriguez to approve the resolution for the March 15, 2011 Legislative Meeting. All in favor. (7 -0)

#### **6. Other Business**

- **Appointing And Reappointing Members To The Ulster County Industrial Development Agency**

No action was taken on the above matter.

#### **7. Motion to adjourn**

Legislator Fabiano motioned, seconded by Legislator Ronk to adjourn. All in favor.

Meeting adjourned at 7:08 PM.

Respectfully submitted,

Karen L. Binder, Clerk  
Ulster County Legislature