

NAME OF COMMITTEE: Governmental Services, Environmental & Administrative Committee & Environmental Subcommittee

DATE: October 18, 2010

TIME: 6:30 PM

PLACE: Library Conference Room, 6th Floor
County Office Building, 244 Fair Street
Kingston, New York

LEGISLATORS PRESENT: Chairman Kevin A. Roberts, Deputy Chairman Hector Rodriguez, Legislators Carl Belfiglio, Dean Fabiano, Laura Petit, Robert Parete and Brian Shapiro

LEGISLATORS ABSENT: Legislators Ken Ronk and Richard Parete

OTHERS PRESENT: Chairman Frederick J. Wadnola
Legislator Paul Hansut
Legislator James Maloney
Legislator Michael Madsen
Kenneth D. Gilligan, Esq., Counsel to the Legislature
Robert Sudlow, Deputy County Executive
Steve Noble, UC Resource Recovery Agency
Katherine Beinkafner, UC Resource Recovery Agency
Timothy Rose, UC Resource Recovery Agency
Leon Smith, UC Resource Recovery Agency
Charles Whitaker, UC Resource Recovery Agency
Dennis Helm, UC Resource Recovery Agency
William Kemble, Reporter, Daily Freeman
Paula Sirc, Reporter, Shawangunk Journal
Hugh Reynolds, Reporter, Kingston Times
Maurice Hinchey, Reporter, Saugerties Post Star
Michael Novinson, Reporter, Times Herald-Record
Karen L. Binder, Clerk of the Legislature, Recording

1. **Chairman Roberts called the meeting to order at 6:40 PM.**
2. **Approve minutes from joint meeting September 20, 2010**

Legislator Rodriguez motioned, seconded by Legislator Fabiano to approve the minutes. All in favor.

3. Resolutions

- **Draft Resolution (late)** - Supporting The Grant Application Of Canal Street Cutlery, LLC, In Ellenville, NY, For Upstate Regional Blueprint Grant Of \$75,000.00 Through Empire State Development

There was a brief discussion regarding this resolution. Legislator Rodriguez motioned, seconded by Legislator Fabiano to move the resolution. Motion approved (7 - 0)

- **Resolution No. 250 - 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**

Additions to Abstract - see attached.

Chairman Roberts explained the reason for the resolution appearing on this committee's agenda -- the Contract Management Office added approximately 20 contracts to the Abstract for October. Legislator Robert Parete motioned, seconded by Legislator Fabiano to move the resolution. Motion approved (7 - 0)

- **Resolution No. 262 - Requiring The Purchase And Use Of Green Cleaning Products In All County Facilities**

Legislator Robert Parete offered that the above resolution passed the Environmental Subcommittee. He spoke about the use of green products in schools and how the availability of products has changed in five years so that the prices have become more competitive with other products on the market.

Legislator Rodriguez mentioned that the County is already using certain green products.

Legislator Belfiglio will be voting "no" until more financial information is provided. There was no further discussion on this resolution. Legislator Robert Parete motioned, seconded by Legislator Shapiro to move the resolution. Motion approved (6 - 1). Noes: Legislator Belfiglio

- **Resolution No. 263 - Requiring The Purchase And Use Of Low Or No Volatile Organic Compounds (VOC) Paints And Coatings In All County Facilities**

Legislators Robert Parete and Shapiro stated that the issues regarding this resolution have already been spoken to. There was no further discussion on this resolution. Again Legislator Belfiglio will be voting "no" on this resolution until more financial information is provided. Legislator Rodriguez motioned, seconded by Legislator Petit to move the resolution. Motion approved (6 - 1). Noes: Legislator Belfiglio

- Legislator Petit presented a late resolution "**Requesting An Audit(s) and Investigation of the Ulster County Resource Recovery Agency.**" Legislator Rodriguez motioned, seconded by Legislator Shapiro to move the resolution for lateness. All in favor.

Chairman Roberts asked if there was further discussion regarding this resolution which had

already been passed by the Environmental Subcommittee.

Legislator Petit commented that due the recent information received about the UC Resource Recovery Agency, she believes it would be advisable to do a performance audit due to the sizeable liability to the County.

Chairman Roberts asked if there was a time frame involved i.e. not the time for an audit to be completed but for the years the audit would cover?

Legislator Shapiro stated that if the Comptroller takes a look at the RRA, he would be looking at the County's interest.

Chairman Roberts suggested that the RESOLVED be changed to read: RESOLVED, that the Ulster County Comptroller's Office reports its findings within ~~60~~ 90 days to the Ulster County Legislature."

Legislator Rodriguez motioned, seconded by Legislator Shapiro to change the "RESOLVED" to read as shown above - 60 days to 90 days. Motion approved (7 - 0). Legislator Rodriguez motioned, seconded by Legislator Shapiro to move the resolution. Motion approved (7 - 0).

4. Ulster County Resource Recovery Agency

Chairman Roberts announced that he was now closing the regular part of this meeting and inviting the press and the RRA Board of Directors for discussion of the certain allegations concerning the RRA. He welcomed the Board of Directors, the media, Chairman of the Legislature, the Majority Leader and fellow Legislators.

Chairman Roberts stated that he was personally saddened at the events that happened over the past week or so - personally and professionally. He is saddened for the taxpayers, the County, the negative coverage that this has brought upon us. The allegations specifically the ones of potentially falsifying safety records and of employees bringing weapons on the grounds will be addressed tonight and he asked everyone to be orderly, be respectful and only one person to speak at a time.

Kenneth D. Gilligan, Esq., Counsel to the Legislature, reminded everyone present that if they were going to speak about one person that the meeting should enter Executive Session.

Legislator Shapiro asked Counsel if Executive Session applied even if the person were not a County employee? Counsel responded in the affirmative.

Legislator Petit stated that everyone should stay on track and not to transition into discussion regarding any one employee.

Chairman Roberts reminded that discussion will be limited to the allegations specifically the ones of potentially falsifying safety records and of employees bringing weapons on the grounds which the County should take seriously.

Counsel again stated that the committee needs to be careful what they address.

Chairman Roberts asked Counsel to advise the committee when they may be getting close to any issue that requires Executive Session. He added that this was an informal setting and that it could become more formal if the Committee wished to subpoena anyone. Mr. Bemis was invited but advised by his attorney not to attend.

Steve Noble, Chairman of the Board, was asked to speak first. He had a written statement (redacted copy attached). Noble's statement was interrupted by Counsel, who reviewed it with the suggestion that a certain paragraph should not be read but the remainder of the letter would be fine to share with those present.

Legislator Belfiglio motioned to enter into Executive Session in order to hear the entire contents of Noble's letter, seconded by Legislator Fabiano. Legislator Petit said that once the letter had been heard that Executive Session should end and no further information would be discussed. Legislator Fabiano rescinded his second on the motion to enter Executive Session. Motion failed.

The RRA is asking for a postponement for 30 days in order to compile and report to the Legislature all pertinent facts regarding the allegations. They are still in the discovery process and working to uncover all of the facts. They are hoping provide as much information as soon and as accurately as possible.

Legislator Petit resolution previously passed asking for performance audit. Internal issues would be conducted by RRA with anything criminal being referred to the District Attorney.

Legislator Belfiglio - the Board fired the Director. He feels the public would be better served if the Comptroller does a performance audit.

Chairman Roberts - The resolution previously adopted will stand; the RRA's internal investigation is a separate matter.

Chairman Wadnola believes it is acceptable to have two investigations. Thinks RRA should do their investigation and the Comptroller should do the audit.

Chairman Roberts: Do we want to suspend this informal hearing tonight?

Legislator Rodriguez: Should we return to Legislator Belfiglio's motion for Executive Session?

Steve Noble stated he didn't feel that the paragraph in his letter would not shed any additional information that hasn't already appeared in the press.

Legislator Shapiro supports the postponement since the RRA is the lead agency in this matter with the acknowledgement that the County has the desire to get to the bottom of allegations due to its fiduciary involvement.

Legislator Rodriguez mentioned the approved resolution for a performance audit that requires the Comptroller to report to the Legislature with 90 days.

Chairman Roberts asked Noble how their investigation would be handled? Noble said that staff would be reviewed and compiled by staff. They have a Board meeting scheduled for November 2, 2010 to discuss this.

Chairman Wadnola expressed concern about an employee coming on the property with a weapon and wondered why it wasn't dealt with immediately.

Steve Noble may want to reach out to other governmental agencies if the need arises.

Chairman Roberts to Steve Noble: would you be able to answer specific questions? Do you know who brought the weapon on the premises? Do you have details about the falsification of records? Steve Noble responded that he could not answer these questions at this time.

There was further discussion regarding the investigations that are pending, legal issues that may arise, and the fact that everyone present is aware of the allegations from the newspapers.

Legislator Belfiglio motioned to enter Executive Session in order to have the paragraph read from Steve Noble's letter. No second. Motion failed.

Legislator Hansut asked at what point in time would the District Attorney look into the specific allegations? He wanted to know when the Board members were aware of the circumstances at the RRA?

Legislator Petit suggested that a motion to form a subcommittee could be made. No motion was made.

Tim Rose was asked to speak to the committee regarding the weapon issue and falsification of records.

Legislator Rodriguez suggested that since the Board members present were not prepared to answer any questions this evening that the Committee may want to have the Legislature create a special committee to investigate.

Chairman Wadnola restated that there are enough investigations that will be happening and an Additional committee should not be necessary.

Legislator Belfiglio expressed his thoughts on the purpose of tonight's meeting and its outcome.

Chairman Roberts explained the invitation to Steve Noble, Charles Whitaker and Tim Rose.

Legislator Shapiro stated that this was the proper forum for the RRA members to provide information to the committee if they could. Legislator Petit echoed his comment.

Chairman Wadnola to Legislator Belfiglio: "I have the utmost faith in the UCRRA Board members and know them personally. I know they will do a thorough job and report back to us."

Chairman Roberts noted that the Committee is satisfied with the RRA doing their internal investigation and reporting back to this Committee in 30 days. He then invited questions from the press.

Reporter Hugh Reynolds asked about Bemis being fired?

Reporter Bill Kemble asked about Bemis having access to his computer after the meeting?

Steve Noble said that these issues would be addressed but not at this time.

Counsel reminded everyone about the nature of their questions and answers.

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

Meeting adjourned at 7:30 PM.

Respectfully submitted,

Karen L. Binder, Clerk
Ulster County Legislature