

Ulster County Legislature
Standing Committee Meeting Minutes

January 2013

Economic Development and Tourism
Environmental, Energy & Technology
Health & Personnel
Law Enforcement & Public Safety
Laws & Rules, Governmental Services
Legislative Programs, Education & Community Services
Ways & Means

Environmental, Energy, & Technology Committee

Regular Meeting Minutes

DATE & TIME: January 10, 2013, 5:45 PM

LOCATION: Karen L. Binder Library, 6th Floor, COB, Kingston, NY

PRESIDING OFFICER: Chair Carl Belfiglio

LEGISLATIVE STAFF: Krista J. Barringer, Deputy Clerk

PRESENT: Legislators: Tracey A. Bartels, Craig Lopez (arrived 5:50), John Parete (left 7:52), Kenneth J. Ronk (arrived 6:15, left 6:57, arrived 7:55), Mary Wawro and Kenneth Wishnick

EXCUSED: None

QUORUM PRESENT: Yes

OTHER ATTENDEES: RRA Executive Director Tim Rose, RRA Board Member Charles Landi, RRA Board Chair Leon Smith, RRA Attorney Ken Gilligan, League of Women Voters of the Mid Hudson Region Representatives Lenore Ridgway and Susan Holland, and the following students from Onteora High School: Ellen McCutcheon, Angelica Nieves-Kastel, Olivia Paetow, Bridget Chartrand, and Alex Kaiser

- Chair Belfiglio called the meeting to order at 5:47 PM and requested attendees to sign in.

MOTION NO. 1 RESOLVED To Approve the Minutes of November 29, 2012

Motion Made By: Legislator Bartels for discussion

Motion Seconded By: Legislator Belfiglio

Discussion:

Legislator Bartels requested the audio be checked to confirm the language of her statement “concurred that the Legislature should veto the proposal on all levels and get answers in a study.” She noted she did not listen to the audio as she just looked at the minutes today. She felt she could vote to approve the minutes if this sentence was stricken. Deputy Clerk Barringer was asked to review the audio and

confirm the language. Chair Belfiglio felt the Committee could approve the minutes with the understanding that it is just a typo. Legislator Bartels asked if there was a problem with waiting to approve the minutes as it would be more appropriate. Chair Belfiglio agreed to postpone the vote on the minutes until the next meeting. He requested a motion to approve to delay the vote on the minutes.

Legislator Parete noted he received minutes from the Committee about a month ago and asked if there was an Environmental, Energy, and Technology meeting held on December 4, 2012. He noted at that meeting he and Legislators Lopez and Wawro were excused. Chair Belfiglio stated the meeting was a special informational meeting on the budget. Legislator Parete indicated it was referring to the meeting before that which was a meeting of the Environmental Committee. Deputy Clerk Barringer confirmed there was such a meeting. Legislator Parete asked when this meeting was called. Deputy Clerk Barringer indicated a meeting of the Environmental, Energy, and Technology Committee was held and Legislative Counsel has determined since that the meeting was not necessary. She noted the meeting was called at the request of Legislative Counsel on December 4, 2012 at 5:50 pm for a 6:00 pm meeting. Chair Belfiglio confirmed he received the meeting notice on his phone. Legislator Parete stated State Law requires meetings to be noticed five days in advance for a meeting and the press and public must be notified. He stated this was not done. He also noted he was excused from the meeting but that he was actually absent. He stated he was in the Chambers and asked why he was not informed of the meeting. He noted the meeting consisted of a vote of 4-0 to approve some Resolution. Chair Belfiglio thought it was to approve the public hearing for the Flow Control Law. Legislator Parete noted the Environmental, Energy, and Technology Committee held a meeting the week before. He stated there was not scheduled meeting for the Environmental, Energy, and Technology Committee until 5:57 to be there at 6:00. Chair Belfiglio sought clarification as to why the Legislators were at the County Building on December 4th and was informed it was the Budget vote. Legislator Parete reiterated the State Law of five days to notify the public. Chair Belfiglio noted the State Law indicates a statement of "or as soon as possible" and noted the Legislature had done this before. Legislator Parete noted he asked for a written opinion from an attorney and had not received it. He noted it had been a month. He stated anything the Committee did would then be illegal. Chair Belfiglio suggested Legislator Parete contact the Robert Freeman of NYS Committee on Open Government. Legislator Parete stated he spoke with them. Legislator Wishnick stated in the past year there were a number of occasions where there was a need for quick action on brief items, usually thirty second meetings that were called just before a Legislative meeting, and he felt it was important to resolve the nature of the

legality of this as if it is a practice that is not legal, he felt it should not be used by any committee, at any time. He felt if it was legal to be as soon as practical given unique circumstance of something that has to be done, then it is a practice that is avoided but occasionally done. He agreed the answer to its legality should be known. He felt the Legislature should never be in a position of being asked to do something that is outside the law. Chair Belfiglio remembered that Legal Counsel requested the Committee to hold the meeting. Legislator Wishnick noted it was a technicality that was being addressed. Legislator Bartels concurred. Legislator Parete stated just because legal counsel says it, doesn't mean one should jump off the bridge and if someone screwed up then the Legislature should put it off to the next time. He stated there was no life or death situation that he knew of and if it was a technical or procedural error, it should have been put off. Chair Belfiglio asked if there were minutes. Deputy Clerk Barringer replied there were minutes but because the meeting was deemed not necessary for the technicality, there was no minutes that needed to be approved as there was no need for the meeting. Legislator Bartels felt if there was a meeting the minutes should be approved. Chair Belfiglio noted there was a meeting as Legislator Belfiglio, Bartels and Wishnick were at the Ways and Means Committee meeting. Deputy Clerk Barringer noted Legislator Lopez and Wawro arrived at the Legislative offices right after the Environmental, Energy, and Technology Committee meeting concluded. Legislator Lopez noted he was listed as excused but was obviously absent. Legislator Bartels noted the language of excused is confusing as the only time she was absent from an emergency meeting of the Environmental, Energy, and Technology Committee was when she was attending a Ways and Means Committee meeting and did not feel she could leave as she was the person speaking on the subject. She noted she was noted as being absent but she was four feet away. Legislator Parete stated he did not participate in that emergency Environmental, Energy, and Technology Committee meeting but stated to listen and the meeting ended at that time with no vote. She supported Legislator Wishnick's position and suggested the Committee get an opinion to which the Legislature can come to an understanding of what is allowable and under what circumstances and adopt that as a policy.

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Legislator Wishnick stated in regards to legal counsel, the Legislature cannot survey attorneys every time they have to make a decision of what is legal and what is not. He felt the Legislature has to choose. He noted there is a Legislative attorney that has been hired and unless there is something egregious, they must trusting what the opinion is of that attorney and if they do not trust the opinion of

that attorney, then they should be picking a different attorney. He did not feel the Legislature could be shopping for legal opinions or the process to get things done would become that much more onerous. Legislator Parete felt the Legislators should be educating themselves on the Open Meetings laws, the Freedom of Information laws, and what constitutes a meeting, what does not, and what the rules are. He felt the Legislators should not be asking an attorney when they should know themselves. Legislator Bartels stated the Committee as advised to have the meeting by their attorney at the Ways and Means Committee meeting. Legislator Wishnick stated they were approached at that meeting. Chair Belfiglio stated there was a quorum so Legislator Ronk must have also been in attendance. He noted since the minutes were not published or kept because it was not a necessary meeting, Legislator Parete's objections are noted.

Legislator Lopez sought clarification on the language as excused would indicate they were aware of the meeting and chose not to attend instead of absent would mean they just didn't show up. Legislators Bartels, Lopez, Parete, and Wawro discussed the definition and use of the words absent and excused.

Chair Belfiglio noted every effort was taken to record what was said and to include all that they could to get a quorum. He felt the meeting was not a secret meeting but that it pertained to the budget at the time and the Committee felt the budget vote would have had to be postponed. He felt Legislator Parete's action to contact the Committee on Open Government was the right tactic and hoped he would share the response once it was received.

Roll Call Vote:	No
Voting In Favor:	0
Voting Against:	0
No. of Votes in Favor:	0
No. of Votes Against:	0
Disposition:	Vote postponed to next meeting

Motion No. 2	LATE Resolution No. 127 – January 22, 2013
Text of Motion:	<u>Resolved to approve Resolution No. 237</u> - Confirming Appointments To The Ulster County Resource Recovery Agency
Motion Made By:	Legislator Bartels for discussion
Motion Seconded By:	Legislator Wawro

Resolution Summary: This Resolution confirms the appointment of Leon A. Smith and Dominic A. Tagliaferro as members of the Ulster County Resource Recovery Agency.

Discussion:

Chair Belfiglio clarified with RRA Board Chair Smith that his membership was up and another member resigned and asked what would happen on the RRA Board if the appointments were not made this month. RRA Board Chair Smith stated he was informed legally the current appointments stay over until the appointments are made. He noted they have an organizational meeting on January 17, 2013, they would proceed as normal and Dennis Helm would be invited to attend the meeting. He noted Mr. Helms has indicated he would attend until someone is appointed in his place.

Chair Belfiglio stated he has asked for weeks for the names and resumes of the candidates and was only given them yesterday. He noted the Committee was only given them yesterday at 5:40 pm. RRA Board Chair Smith stated he sent his in over a month ago. Chair Belfiglio noted the Committee did not receive it and the Resolution is now a late submission. He wondered, in the absence of legal counsel, if the Committee did not vote on the Resolution, if it would be postponed for next month or what would happen if the Committee voted it down. He noted it was a late Resolution and would still go through Laws and Rules. Legislator Bartels responded this was a grey area in the Legislature's rules and something that has been argued both ways depending on the issue. RRA Attorney Gilligan stated based on past experience, the Laws and Rules Committee determined they were the end all, if they wanted to pass it. Chair Belfiglio clarified if the Committee could not send it to the Laws and Rules or if it goes there by default. RRA Attorney Gilligan stated as a late Resolution, it goes there. Chair Belfiglio noted the Resolution does not even need to be in the Committee as it a late Resolution. Legislator Bartels felt the rules need to be fixed as it would be a back end toward getting a Resolution around the Environmental, Energy, and Technology Committees by submitting things late and having them go directly to the Laws and Rules Committee, who do not oversee environmental issues. She also wondered by it was late and asked when the deadline for Resolutions were for the month. Legislator Wishnick noted the deadline was January 2, 2013. Legislator Bartels felt this might have been part of the problem since the deadline was on the same day as the organizational meeting. RRA Attorney Gilligan stated there was nothing in the Legislature's own rules that say this but it is done by tradition and it should be clarified and put in the rules correctly.

Chair Belfiglio noted in the Resolution to sell the assets of the RRA, it was a late Resolution and therefore did not need to be looked at in Committee as it would go directly to the Laws and Rules Committee. He stated he felt it should be discussed. He requested time to call the Legislature's legal counsel. Legislator Wishnick suggested calling for a recess.

Legislator Bartels noted the appointments were both Majority appointments and asked if they were discussed in the Majority caucus. Chair Belfiglio responded the Majority did not have a caucus this month and the appointments were not discussed at their caucus prior to the organizational meeting on January 2nd. He reiterated the Legislators had not received the resumes until 5:45 last night and his first inclination was to postpone the Resolution until next month for the lack of information. Legislator Bartels noted one candidate is known to the Committee as he is the sitting chair. RRA Attorney Gilligan stated a delay to the next month would have an impact on the business of the Board as he is the Chairman of the Board. Legislator Wishnick asked if the Chairman would still have the powers of the Chair if there was no action this month. RRA Attorney Gilligan responded if they started going into the end of February, it might have an impact and requested they make the appointment soon. Legislator Bartels noted the failure of Majority caucus, not the Committee, might hamper the Agency's ability to act, especially with the current Chair. She felt it sends a message if the Committee is unable to confirm a person that they are familiar with their work. She noted while the other candidate looks good, she felt it was not the Minority appointment. Chair Belfiglio noted there was no contact information on the second candidate's resume. Legislator Bartels stated these were valid points and should be raised in the Majority caucus. She asked who was bringing these candidates forward. Chair Belfiglio noted these were the Legislative Chairman's candidates and highlighted the appointment Resolution was sponsored by Legislators Bernardo, Maio, Maloney, and Ronk. Deputy Clerk Barringer noted Legislator Ronk had requested to be alerted for this discussion as he was attending another Legislative meeting and went to locate him.

Chair Belfiglio motioned to table the Resolution. Legislator Wishnick seconded the motion. The motion failed with Legislators Bartels and Parete voting no. Legislator Lopez did not vote on the motion.

RRA Attorney Gilligan requested the Committee to rethink this motion as it would be hard for the Board to conduct business without two members of a five-person body. Chair Belfiglio noted the Board was able to carry on as they are. RRA Attorney Gilligan noted one current member does not want to continue to serve and that the one attending the meeting does. He noted without a Chairman for two months the Legislature was putting the Board in a difficult situation. Chair

Belfiglio noted it would only be for one month. RRA Attorney Gilligan noted it would be the end of February, making it two months. RRA Executive Director Rose noted they meet the third Monday or the day before the full Legislature. Legislator Bartels highlighted a delay would mean the Board would not have acting members until March. Legislator Wawro asked if the RRA Committee composition would be changed. Legislator Bartels responded it may change but not before March. Chair Belfiglio clarified it can change but only through an act of the State Legislature.

RRA Executive Director Rose stated he has a lot on his plate right now and needs an operating, intact, in place, in structure Board. He stated with flow control coming in and other issues that demand a functioning Board to move forward with. He requested the Legislature not make it a lame duck Board. He stated he did not care who they voted for or what they did but that he needed five members.

Chair Belfiglio updated Legislator Ronk and stated as Chair, he requested information for almost a month and just received the information last night. He noted there were discussions about the fact that the current Chair would like to remain on the Board and he heard there were two other candidates but that he had not heard their names or resumes. He noted he made a resolution to table which failed. Legislator Bartels stated she did not know if the motion failed as Legislator Lopez had not voted yet. Chair Belfiglio reiterated his position that the Committee did not have an opportunity to review the candidates. Legislator Bartels requested a call to the motion to table as the Legislators did not fully vote. Legislator Wishnick noted the Republican caucus had not yet weighed in on the appointments. Legislator Bartels requested the Committee finish the vote on the motion.

Legislators Lopez and Ronk voted no to postpone the vote. The motion failed 5-2.

Legislator Bartels asked why the Resolution was a late Resolution. Legislator Ronk stated Chair Bernardo did not have all the resumes until after the Resolution deadline and the Legislature could not properly introduce appointments without resumes. He noted RRA Board Chair Smith's resume was received on time. He stated they wanted to expedite the submission of the Resolution to ensure a functioning Board rather than wait a month. He noted RRA Board Chair Smith had expressed these concerns about this to him a couple of time.

Legislator Bartels requested moving forward, that rather than wait for both appointments, it could have been two separate appointments and she hoped that in the future if resumes were received then that Resolution be submitted on time. Legislator Ronk noted the Resolution could be amended to add the additional

candidate and Legislator Bartels noted it could be a separate Resolution. Chair Belfiglio noted it would have been nice to have both candidates there.

Legislator Ronk noted the Resolution was going to the Laws and Rules Committee and out of respect for the Environmental, Energy, and Technology Committee, it was added to their agenda. Legislator Bartels and Ronk discussed the vague description of the process of late Resolutions and the Laws & Rules Committee.

Legislator Parete asked if the other candidate wanted the position on the RRA Board. He noted RRA Board Chair Smith was in attendance. Legislator Ronk stated they were appointments of the Chair and it was he understanding the candidate did desire he position. Legislator Bartels clarified they were Majority appointments. Legislator Ronk stated the Majority leadership discussed the appointments in emails and noted he sent an email to the entire caucus seeking recommendation for appointments. He noted they received two plus RRA Board Chair Smith.

Legislator Wishnick noted in essence, the Committee was casting a vote but the vote did not matter in as much as the Laws and Rules Committee makes the decision. Legislator Ronk stated the vote matters. Chair Belfiglio stated it was a matter of public record. He noted it was a Majority appointment that needed to be confirmed by the Legislature and that was the vote that counts. He felt if the Resolution was on time and the Committee voted no, the Resolution would not have gone to the Legislature this month. Legislator Ronk and Legislative Clerk Fabella stated this was a matter of discussion. Legislative Clerk Fabella stated based on her three years of experience in the Legislature, if it fails in Committee, it still goes to the floor. She noted there are arguments about this practice. Legislator Bartels stated this had not been the practice during the last year and stated she could give multiple examples. Chair Belfiglio asked if this was just on appointments or any Resolution. Legislative Clerk Fabella stated in her experience that had been the standard. RRA Attorney Gilligan stated this issue was silent in the Legislature's own rules. He stated it had been done for 25 years that way and he felt it was time to change it. Legislator Bartels clarified it was done for 25 years that it could still go to the floor even if it didn't pass Committee until this year. Legislator Ronk noted the rules do not clearly define what happens. RRA Attorney Gilligan concurred the rules do not clearly define it and what had been happening was the last say was always the Laws and Rules Committee or any Legislator could bring up anything at anytime. Legislator Bartels responded until this year, 2011. RRA Attorney Gilligan and Legislator Bartels concurred it was done previously. Legislator Bartels noted any Legislator could bring any item up as originally drafted which also changed in the last year as the Committee could change the draft. She noted a Committee could change in it's entirety a proposed

Resolution and the Committee's draft is what went to the floor. RRA Attorney Gilligan noted there were times that items were debated and Committees decided not to put something forward at the Laws and Rules Committee.

Chair Belfiglio offered RRA Board Chair Smith an opportunity to speak. RRA Board Chair Smith felt all the Legislators knew him and he said he would be interested in staying on and while he was interested, he wanted to get going and not have it dragged out. He felt the RRA Board had done some good things in the past year and he did not want to delay them. He stated he wished the other candidate could be in attendance for their organizational meeting on the 17th.

Legislator Parete asked if the other candidate knew about the Environmental, Energy, and Technology Committee meeting. Chair Belfiglio stated he did not think so as he had no way of contacting him. Deputy Clerk Barringer stated she spoke with him and did inform him the Resolution was being brought before the Environmental, Energy, and Technology Committee meeting but did not express to him that he needed to be in attendance. She noted he expressed being very happy at the appointment.

RRA Executive Director Rose felt there was a great team on the RRA Board. He felt they have very good skill sets in different areas.

Chair Belfiglio stated there were two individuals on the Resolution and noted the Committee could vote for the Resolution or vote on them by member. He suggested voting on them by member. Legislator Bartels asked how would that vote be recorded as what was before them was a single Resolution. She asked if two new Resolutions would be developed. Chair Belfiglio asked if they can vote on the person or the Resolution. Legislator Ronk and Wawro responded the Resolution. Legislator Parete noted there were two names that were vetted by the Majority, he knew both of them and suggested the Committee just move forward and vote.

Chair Belfiglio reminded the Committee there was a new law in the Open Meetings law that stated when there are public Committee Meetings that the material should be posted 48 hours before the meeting. He noted he received the material 5:40 pm the night before.

Legislator Wawro noted she was abstaining from the vote due to a family connection.

Roll Call Vote:	No
Voting In Favor:	Legislators Bartels, Belfiglio, Lopez, Parete, and Ronk
Voting Against:	Legislator Wishnick in protest to the process
Abstaining from Vote:	Legislator Wawro

No. of Votes in Favor: 5
No. of Votes Against: 1
No. of Votes in Abstention: 1
Disposition: Carried

Invited Guest: RRA Executive Director Tim Rose on the implementation of Local Law #12 (Flow Control)

RRA Executive Director Rose stated the Local Law has not yet been filed yet and he spoke with Deputy County Executive Crannell who indicated they had to do a second publication but that it would be filed shortly. He stated the RRA Board was honoring the tipping fees from last year through the month of January. He state as of February 1, 2013, all fees would go to \$100 per ton for all haulers, \$80 per ton for the City of Kingston, and \$90 per ton for the Towns. He stated all haulers were notified through a mass mailing utilizing a list from the Department of Health as they regulate the garbage trucks as well.

Chair Belfiglio reiterated the tipping fees of \$80, \$90, and \$100 excludes the fuel charge. RRA Executive Director Rose confirmed this. Chair Belfiglio estimated the fuel charge as \$3-\$4 per ton. RRA Executive Director Rose stated it was more like \$4-\$5 per ton depending on the going price of fuel. Chair Belfiglio asked if this charge was calculated every month. RRA Executive Director Rose confirmed this and noted it could be \$6 per ton if fuel prices go up that high.

RRA Executive Director Rose stated on Christmas Eve they did a mass mailing to the municipalities in Ulster County reiterating that their rates would not be going up. He understood there was some confusion with the municipalities regarding their rates remaining the same based on the communication sent to them back in October 2012.

RRA Executive Director Rose stated they have a draft application in development for implementation of the flow control law. He stated this is out to the Board Members for comments and he identified a couple of items that he would like to change but he felt it is a good application. He stated as soon as he is informed that it is law, they will mail out to all the haulers affected the application with a copy of the law with a cover letter summarizing the law and the application process. He would identify a date for these applications to be returned with the required fees and expected it would be between 4 to 6 weeks following the phone call.

RRA Executive Director Rose stated they had completed projections on the tonnage that they believe the Agency will receive and within the first year, they must ensure they are on target. He stated the tonnage figures were based on the DEC reports received from the landfills of what they reported out of Ulster County, the haulers

Environmental, Energy, & Technology Committee

Regular Meeting Minutes

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LEGISLATIVE STAFF: Krista J. Barringer, Deputy Clerk

PRESENT: Legislators: Tracey A. Bartels, Craig Lopez (arrived 5:50), John Parete (left 7:52), Kenneth J. Ronk (arrived 6:15, left 6:57, arrived 7:55), Mary Wawro and Kenneth Wishnick

EXCUSED: None

QUORUM PRESENT: Yes

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Motion Seconded By: Legislator Belfiglio

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Roll Call Vote:	No
Voting In Favor:	0
Voting Against:	0
No. of Votes in Favor:	0
No. of Votes Against:	0
Disposition:	Vote postponed to next meeting

Motion No. 2	LATE Resolution No. 127 – January 22, 2013
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Text of Motion:	<u>Resolved to approve Resolution No. 237</u> - Confirming Appointments To The Ulster County Resource Recovery Agency
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Motion Seconded By:	Legislator Wawro
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Discussion:

Chair Belfiglio clarified with RRA Board Chair Smith that his membership was up and another member resigned and asked what would happen on the RRA Board if the appointments were not made this month. RRA Board Chair Smith stated he was informed legally the current appointments stay over until the appointments are made. He noted they have an organizational meeting on January 17, 2013, they would proceed as normal and Dennis Helm would be invited to attend the meeting. He noted Mr. Helms has indicated he would attend until someone is appointed in his place.

Chair Belfiglio stated he has asked for weeks for the names and resumes of the candidates and was only given them yesterday. He noted the Committee was only given them yesterday at 5:40 pm. RRA Board Chair Smith stated he sent his in over a month ago. Chair Belfiglio noted the Committee did not receive it and the Resolution is now a late submission. He wondered, in the absence of legal counsel, if the Committee did not vote on the Resolution, if it would be postponed for next month or what would happen if the Committee voted it down. He noted it was a late Resolution and would still go through Laws and Rules. Legislator Bartels responded this was a grey area in the Legislature's rules and something that has been argued both ways depending on the issue. RRA Attorney Gilligan stated based on past experience, the Laws and Rules Committee determined they were the end all, if they wanted to pass it. Chair Belfiglio clarified if the Committee could not send it to the Laws and Rules or if it goes there by default. RRA Attorney Gilligan stated as a late Resolution, it goes there. Chair Belfiglio noted the Resolution does not even need to be in the Committee as it a late Resolution. Legislator Bartels felt the rules need to be fixed as it would be a back end toward getting a Resolution around the Environmental, Energy, and Technology Committees by submitting things late and having them go directly to the Laws and Rules Committee, who do not oversee environmental issues. She also wondered by it was late and asked when the deadline for Resolutions were for the month. Legislator Wishnick noted the deadline was January 2, 2013. Legislator Bartels felt this might have been part of the problem since the deadline was on the same day as the organizational meeting. RRA Attorney Gilligan stated there was nothing in the Legislature's own rules that say this but it is done by tradition and it should be clarified and put in the rules correctly.

Chair Belfiglio noted in the Resolution to sell the assets of the RRA, it was a late Resolution and therefore did not need to be looked at in Committee as it would go directly to the Laws and Rules Committee. He stated he felt it should be discussed. He requested time to call the Legislature's legal counsel. Legislator Wishnick suggested calling for a recess.

Legislator Bartels noted the appointments were both Majority appointments and asked if they were discussed in the Majority caucus. Chair Belfiglio responded the Majority did not have a caucus this month and the appointments were not discussed at their caucus prior to the organizational meeting on January 2nd. He reiterated the Legislators had not received the resumes until 5:45 last night and his first inclination was to postpone the Resolution until next month for the lack of information. Legislator Bartels noted one candidate is known to the Committee as he is the sitting chair. RRA Attorney Gilligan stated a delay to the next month would have an impact on the business of the Board as he is the Chairman of the Board. Legislator Wishnick asked if the Chairman would still have the powers of the Chair if there was no action this month. RRA Attorney Gilligan responded if they started going into the end of February, it might have an impact and requested they make the appointment soon. Legislator Bartels noted the failure of Majority caucus, not the Committee, might hamper the Agency's ability to act, especially with the current Chair. She felt it sends a message if the Committee is unable to confirm a person that they are familiar with their work. She noted while the other candidate looks good, she felt it was not the Minority appointment. Chair Belfiglio noted there was no contact information on the second candidate's resume. Legislator Bartels stated these were valid points and should be raised in the Majority caucus. She asked who was bringing these candidates forward. Chair Belfiglio noted these were the Legislative Chairman's candidates and highlighted the appointment Resolution was sponsored by Legislators Bernardo, Maio, Maloney, and Ronk. Deputy Clerk Barringer noted Legislator Ronk had requested to be alerted for this discussion as he was attending another Legislative meeting and went to locate him.

Chair Belfiglio motioned to table the Resolution. Legislator Wishnick seconded the motion. The motion failed with Legislators Bartels and Parete voting no. Legislator Lopez did not vote on the motion.

RRA Attorney Gilligan requested the Committee to rethink this motion as it would be hard for the Board to conduct business without two members of a five-person body. Chair Belfiglio noted the Board was able to carry on as they are. RRA Attorney Gilligan noted one current member does not want to continue to serve and that the one attending the meeting does. He noted without a Chairman for two months the Legislature was putting the Board in a difficult situation. Chair

Belfiglio noted it would only be for one month. RRA Attorney Gilligan noted it would be the end of February, making it two months. RRA Executive Director Rose noted they meet the third Monday or the day before the full Legislature. Legislator Bartels highlighted a delay would mean the Board would not have acting members until March. Legislator Wawro asked if the RRA Committee composition would be changed. Legislator Bartels responded it may change but not before March. Chair Belfiglio clarified it can change but only through an act of the State Legislature.

RRA Executive Director Rose stated he has a lot on his plate right now and needs an operating, intact, in place, in structure Board. He stated with flow control coming in and other issues that demand a functioning Board to move forward with. He requested the Legislature not make it a lame duck Board. He stated he did not care who they voted for or what they did but that he needed five members.

Chair Belfiglio updated Legislator Ronk and stated as Chair, he requested information for almost a month and just received the information last night. He noted there were discussions about the fact that the current Chair would like to remain on the Board and he heard there were two other candidates but that he had not heard their names or resumes. He noted he made a resolution to table which failed. Legislator Bartels stated she did not know if the motion failed as Legislator Lopez had not voted yet. Chair Belfiglio reiterated his position that the Committee did not have an opportunity to review the candidates. Legislator Bartels requested a call to the motion to table as the Legislators did not fully vote. Legislator Wishnick noted the Republican caucus had not yet weighed in on the appointments. Legislator Bartels requested the Committee finish the vote on the motion.

Legislators Lopez and Ronk voted no to postpone the vote. The motion failed 5-2.

Legislator Bartels asked why the Resolution was a late Resolution. Legislator Ronk stated Chair Bernardo did not have all the resumes until after the Resolution deadline and the Legislature could not properly introduce appointments without resumes. He noted RRA Board Chair Smith's resume was received on time. He stated they wanted to expedite the submission of the Resolution to ensure a functioning Board rather than wait a month. He noted RRA Board Chair Smith had expressed these concerns about this to him a couple of time.

Legislator Bartels requested moving forward, that rather than wait for both appointments, it could have been two separate appointments and she hoped that in the future if resumes were received then that Resolution be submitted on time. Legislator Ronk noted the Resolution could be amended to add the additional

candidate and Legislator Bartels noted it could be a separate Resolution. Chair Belfiglio noted it would have been nice to have both candidates there.

Legislator Ronk noted the Resolution was going to the Laws and Rules Committee and out of respect for the Environmental, Energy, and Technology Committee, it was added to their agenda. Legislator Bartels and Ronk discussed the vague description of the process of late Resolutions and the Laws & Rules Committee.

Legislator Parete asked if the other candidate wanted the position on the RRA Board. He noted RRA Board Chair Smith was in attendance. Legislator Ronk stated they were appointments of the Chair and it was he understanding the candidate did desire the position. Legislator Bartels clarified they were Majority appointments. Legislator Ronk stated the Majority leadership discussed the appointments in emails and noted he sent an email to the entire caucus seeking recommendation for appointments. He noted they received two plus RRA Board Chair Smith.

Legislator Wishnick noted in essence, the Committee was casting a vote but the vote did not matter in as much as the Laws and Rules Committee makes the decision. Legislator Ronk stated the vote matters. Chair Belfiglio stated it was a matter of public record. He noted it was a Majority appointment that needed to be confirmed by the Legislature and that was the vote that counts. He felt if the Resolution was on time and the Committee voted no, the Resolution would not have gone to the Legislature this month. Legislator Ronk and Legislative Clerk Fabella stated this was a matter of discussion. Legislative Clerk Fabella stated based on her three years of experience in the Legislature, if it fails in Committee, it still goes to the floor. She noted there are arguments about this practice. Legislator Bartels stated this had not been the practice during the last year and stated she could give multiple examples. Chair Belfiglio asked if this was just on appointments or any Resolution. Legislative Clerk Fabella stated in her experience that had been the standard. RRA Attorney Gilligan stated this issue was silent in the Legislature's own rules. He stated it had been done for 25 years that way and he felt it was time to change it. Legislator Bartels clarified it was done for 25 years that it could still go to the floor even if it didn't pass Committee until this year. Legislator Ronk noted the rules do not clearly define what happens. RRA Attorney Gilligan concurred the rules do not clearly define it and what had been happening was the last say was always the Laws and Rules Committee or any Legislator could bring up anything at anytime. Legislator Bartels responded until this year, 2011. RRA Attorney Gilligan and Legislator Bartels concurred it was done previously. Legislator Bartels noted any Legislator could bring any item up as originally drafted which also changed in the last year as the Committee could change the draft. She noted a Committee could change in its entirety a proposed

Resolution and the Committee's draft is what went to the floor. RRA Attorney Gilligan noted there were times that items were debated and Committees decided not to put something forward at the Laws and Rules Committee.

Chair Belfiglio offered RRA Board Chair Smith an opportunity to speak. RRA Board Chair Smith felt all the Legislators knew him and he said he would be interested in staying on and while he was interested, he wanted to get going and not have it dragged out. He felt the RRA Board had done some good things in the past year and he did not want to delay them. He stated he wished the other candidate could be in attendance for their organizational meeting on the 17th.

Legislator Parete asked if the other candidate knew about the Environmental, Energy, and Technology Committee meeting. Chair Belfiglio stated he did not think so as he had no way of contacting him. Deputy Clerk Barringer stated she spoke with him and did inform him the Resolution was being brought before the Environmental, Energy, and Technology Committee meeting but did not express to him that he needed to be in attendance. She noted he expressed being very happy at the appointment.

RRA Executive Director Rose felt there was a great team on the RRA Board. He felt they have very good skill sets in different areas.

Chair Belfiglio stated there were two individuals on the Resolution and noted the Committee could vote for the Resolution or vote on them by member. He suggested voting on them by member. Legislator Bartels asked how would that vote be recorded as what was before them was a single Resolution. She asked if two new Resolutions would be developed. Chair Belfiglio asked if they can vote on the person or the Resolution. Legislator Ronk and Wawro responded the Resolution. Legislator Parete noted there were two names that were vetted by the Majority, he knew both of them and suggested the Committee just move forward and vote.

Chair Belfiglio reminded the Committee there was a new law in the Open Meetings law that stated when there are public Committee Meetings that the material should be posted 48 hours before the meeting. He noted he received the material 5:40 pm the night before.

Legislator Wawro noted she was abstaining from the vote due to a family connection.

Roll Call Vote:	No
Voting In Favor:	Legislators Bartels, Belfiglio, Lopez, Parete, and Ronk
Voting Against:	Legislator Wishnick in protest to the process
Abstaining from Vote:	Legislator Wawro

No. of Votes in Favor: 5
No. of Votes Against: 1
No. of Votes in Abstention: 1
Disposition: Carried

Invited Guest: RRA Executive Director Tim Rose on the implementation of Local Law #12 (Flow Control)

RRA Executive Director Rose stated the Local Law has not yet been filed yet and he spoke with Deputy County Executive Crannell who indicated they had to do a second publication but that it would be filed shortly. He stated the RRA Board was honoring the tipping fees from last year through the month of January. He state as of February 1, 2013, all fees would go to \$100 per ton for all haulers, \$80 per ton for the City of Kingston, and \$90 per ton for the Towns. He stated all haulers were notified through a mass mailing utilizing a list from the Department of Health as they regulate the garbage trucks as well.

Chair Belfiglio reiterated the tipping fees of \$80, \$90, and \$100 excludes the fuel charge. RRA Executive Director Rose confirmed this. Chair Belfiglio estimated the fuel charge as \$3-\$4 per ton. RRA Executive Director Rose stated it was more like \$4-\$5 per ton depending on the going price of fuel. Chair Belfiglio asked if this charge was calculated every month. RRA Executive Director Rose confirmed this and noted it could be \$6 per ton if fuel prices go up that high.

RRA Executive Director Rose stated on Christmas Eve they did a mass mailing to the municipalities in Ulster County reiterating that their rates would not be going up. He understood there was some confusion with the municipalities regarding their rates remaining the same based on the communication sent to them back in October 2012.

RRA Executive Director Rose stated they have a draft application in development for implementation of the flow control law. He stated this is out to the Board Members for comments and he identified a couple of items that he would like to change but he felt it is a good application. He stated as soon as he is informed that it is law, they will mail out to all the haulers affected the application with a copy of the law with a cover letter summarizing the law and the application process. He would identify a date for these applications to be returned with the required fees and expected it would be between 4 to 6 weeks following the phone call.

RRA Executive Director Rose stated they had completed projections on the tonnage that they believe the Agency will receive and within the first year, they must ensure they are on target. He stated the tonnage figures were based on the DEC reports received from the landfills of what they reported out of Ulster County, the haulers

reports of the actual tonnage generated, and how much they estimate they will lose. He noted the assumption of C&D and out of county garbage that they are currently taking may be lost. He noted the previously reported number of 15-20% increase was lowered to 0-5%, if the Agency is lucky. He stated he would know more as they get into the process, especially in February. He noted the Agency is currently receiving the same amount of tonnage through January and in February, they will need to keep a close eye on tonnages to determine if the tonnage is on target and to ensure the \$100 tipping fee is accurate. He stated he would be reporting this information to the RRA Board on a weekly basis through email.

RRA Executive Director Rose stated the position for the new Code Enforcement/Environmental Engineer was approved by the RRA Board at their December meeting. He noted he originally thought of hiring a Code Enforcement Officer that also had an Engineering background as then they could use that in the facility; then he received some resumes that were not necessarily engineers but had very good backgrounds and the more he thought about it, the engineering component of it was smaller than the enforcement of the flow control and recycling law. He stated there were some environmental components that did not require an engineer to do but rather could be an environmental scientist to do. He noted this included storm water management, sampling and safety. He re-wrote the job description, with the support of the Board and is currently re-advertising. He received some pretty good resumes and at the January 17th meeting of the Board, they will be officially creating the position. He hopes to have the new person on board the beginning of February.

Legislator Parete clarified these would be the trash cops. RRA Executive Director Rose noted this would be a flow control Code Enforcement Officer that would not carry guns. He stressed to applicants that the first year would be a lot flow control enforcement and may be going before administrative law judge.

Legislator Wishnick asked if the Agency would be establishing a schedule of fines. RRA Executive Director Rose stated they would with a procedure for putting GPS' in the trucks as the step before yanking the license. He noted this had to be well defined. Legislator Wishnick noted it had to be out of the realm of someone being outrageous in their discretion as to how it is being implemented but rather made clear from the start what the consequences would be. RRA Executive Director Rose stated he was very familiar with this structure from his experience with the State Health Department. He noted if the violator paid the fee the matter was done and if they disagreed with it, it went before an administrative law judge. He noted the administrative law judge could cut the fee in half or double it. Legislator Wishnick clarified it would be in the judge's hands. RRA Executive Director Rose concurred and noted an administrative judge has been assigned based on the recycling law but has not been used and will use it now with

a better venue to use it. RRA Attorney Gilligan stated they are assigned by the court system in Albany. Legislator Bartels clarified this applied to the recycling law and if the administrative law judge would be used in the same form. She asked in regards to the recycling law, if the Agency would start with warnings and education for both the haulers and the public and then follow up with action. RRA Executive Director Rose confirmed this is the process and noted as someone in the regulatory role for most of his career, he is a strong believer in the educational component first.

Legislator Bartels felt the administrative law judge was assigned locally and recalled knowing who it was and inviting him/her to the Recycling Oversight Committee meetings and hearing back from them that it would not be appropriate. Legislator Wawro suggested it was Lou Klein. Legislator Ronk concurred it was Lou Klein and noted his use as an administrative law judge in a couple of different areas, including the smoking ban. Legislator Bartels felt it must have been a Legislative appointment. RRA Executive Director Rose wondered the term of that appointment and if it ran out. Legislator Bartels noted if it did, the Committee should look into it immediately.

Legislator Parete stated of the whole process, this piece pleased him. He felt having an administrative law judge was preferable to someone ticketed come into the Agency. He felt the three-tier tipping structure was bad. He felt someone picking up in Shawangunk and paying \$100 per ton versus someone in Kingston paying \$80 per ton was unfair. He felt this could be challenged somewhere as somewhat collusive. He felt there were favors done to get votes and this was a mistake and wrong.

RRA Board Member Landi suggested, by way of keeping the Committee informed, that RRA Executive Director Rose informed them of a FOIL request received by the Agency. RRA Executive Director Rose noted the Agency received a FOIL request from a Manhattan law firm. RRA Attorney Gilligan stated they were seeking all records related to and relied upon to designate solid waste management facilities pursuant to the new law, records related to how the Agency devised the tipping fees, and any enforceable contracts between the Agency and municipalities or private parties within Ulster County. He noted they were trying to get their ducks in a row to determine if they can bring a lawsuit. Legislator Bartels asked who the law firm was. RRA Attorney Gilligan stated he believed the County was also in receipt of a FOIL request. RRA Board Member Landi stated the law firm was Beaveridge and Diamond.

Chair Belfiglio commented on the enforcement of the law and asked if there would be Vendor RFPs out for GPS tracking system and operations. He noted he spoke with Flow Control Counsel Michael Cahill and suggested an amendment to the law to take that language out. He felt a lot of the language was not necessary but put in the law nonetheless. RRA Executive Director Rose stated software would be in house and they would purchase this. He stated the units themselves would be on the hauler and that

most already have these systems. He noted Waste Management, County Waste, and Royal know, at any time of day, where all their trucks are. He reiterated his goal was not to put this enforcement requirement on every truck but rather as the last resort.

Legislator Bartels commented on the fee structure and noted she agrees with Legislator Parete. She hoped through the implementation of the system will get to a one fee structure. She stated she did not like the idea of the multi-fee structure. She stated as a Legislator, she would rather see a one fee system instead of the total irradiation of the net service fee with the introduction of flow control. RRA Board Chair Smith stated he agreed but that they had to sign contract extension with the Towns and City and did not sign with Waste Management. He stated as contracts come in they will try to get all fees to the same. He stated with the pick up the fee is \$90 with a pick up fee they get to the \$100 fee. Legislator Bartels asked in regards to the pickup service, once the contracts with the Towns, that portion of Agency service can be competitively bid, even with flow control. RRA Executive Director Rose and RRA Board Chair Smith confirmed this to be true. RRA Board Chair Smith noted the Towns would then have to be responsible for their own solid waste management plans. RRA Executive Director Rose confirmed this. RRA Board Chair Smith noted if Towns did not have contracts with them, they were not under the Agency's Solid Waste Management plan so they would have to write their own. RRA Executive Director Rose stated he was told by the DEC when the contracts were being negotiated, prior to flow control, that the RRA would leave the Town out and the DEC would go to the Town and tell them they have to hire a consultant to develop their own solid waste plan. RRA Board Chair Smith noted the Town contracts were signed for one year. RRA Executive Director Rose stated October 1 are most of the expiration dates. Legislator Bartels suggested the Agency spend the time over the next year to reach out to the Towns to ensure they are fully aware of their options and what it means. She felt there was not broad understanding. He noted with flow control, the Towns have to bring the waste to them and that they might not need to write their own plan now. He noted prior to flow control, the Towns could have sent their waste anywhere and DEC wanted to know where it was going. He noted the argument could be made that the Towns could hire their own hauler and still brings the waste to the Agency and as such would fall under the guise of their plan. Legislator Bartels stated they should make sure this is the case. RRA Board Chair Smith agreed this should be clarified as he did not want to see Towns out there writing their own solid waste plans which would cost them a fortune.

RRA Executive Director Rose gave an update on the solid waste management plan. He stated they submitted the plan to the DEC over a year ago and the DEC was still reviewing it. He stated he met with the gentleman at the DEC Central Office that was reviewing it in December 2011 and this person stated he was very pleased and offered kudos to the staff. He noted other Counties hire consultants to complete the plan but

the Agency did the entire plan in-house. He stated the DEC person stated it was written better than many of the consultants. He noted they saved a great deal of money by doing it in-house. He stated the plan would have some tweaking as some items were missing and needed to be added. He also noted that with flow control legislation, he expected DEC would kick it back anyway as the flow control dynamic that would need to be addressed.

RRA Executive Director Rose stated Transportation bidding went out on the sludge hauling, the MSW hauling, as well as the final disposal of the sludge. He stated there was considerable saving on the sludge which they were hauling to Buffalo and would now be sending both it to Colony. He stated the savings was expected to be about \$63,000 per year for both hauling and disposal. He stated all MSW would be going to Seneca Meadows. He stated the Waste Management contract was gone as of 12/31/12 with the flow control law. He noted after the flow control went through, the Board held many special meetings to get these bids done, approved and out. He noted the bids were for just New Paltz, just Ulster, or for both. He stated MBI received the full package for long haulers. Legislator Parete noted he thought the little guys would have a chance to do this service. RRA Executive Director Rose stated he spoke with RRA Attorney Wing about this and based on the State Comptroller's report, he sought for full compliance with his recommendations. Legislator Parete noted at the hearings he heard people said, with flow control, all the little guys would be jammed. Legislator Bartels noted this bid was for long hauling and not carriers. RRA Executive Director Rose noted the Agency got nailed by the State Comptroller for not going out to bid for the High Acres contract as it was tied with the waste that was coming in. He stated if flow control had not gone through, he was concerned he would have to renegotiate with Waste Management to feed their landfill or waste energy plants but since flow control, he could let that contract expire. He stated with this contract gone, all waste is going to Seneca Meadows. RRA Board Chair Smith stated the new contract cost the Agency between \$13,000 to \$15,000 more per year on trucking. RRA Executive Director Rose confirmed this cost was for the first six months. He noted he negotiated a six month extension with all the trucking companies and none of the three were going to raise their rates and for the first three months, he was asking for some breathing room. He discussed the difficulties he faced with the renegotiating of contracts with and without flow control.

Legislator Wishnick asked as the County is now delivering 50% more waste to Seneca Meadows, if we are getting a reduced tipping fee. RRA Executive Director Rose stated the Agency is delivering about 30% more as two-thirds always went to Seneca Meadows and one-third to High Acres. He stated there was no change in the tipping fee as the contract does not change. Legislator Wishnick asked if the Agency could go out to bid and if the Agency had a currently running contract with Seneca Meadows. RRA

Executive Director Rose responded the contract is up in 2014. He noted the quandary he was in based on the State Comptroller's report and his inability to renegotiate the contracts.

Legislator Wishnick reiterated if in 2014 there would be an opportunity to save money. RRA Executive Director Rose responded yes, in September 2014, they would go out to bid for final disposal and in October/November 2014 for long haul trucking. He noted they can break out the waste into a couple of different places and once it is known where, they can direct the truckers to these locations. He stated he did not like, in an operational standpoint, that they do not have an emergency contingency plan. He noted in the instance when there were trucks backed up at Seneca Meadows, he was able to direct others to High Acres so they could return in time to get another load the next day. He is hoping there are no major problems for the next two years as they do not have a contingency plan.

Chair Belfiglio noted the Agency provides to the Legislative Clerk with a tonnage report monthly but noted the Committee had not been getting them. He stated these tonnage reports as well as all financials will go to the Committee monthly. RRA Executive Director Rose stated these would be sent out after the monthly RRA Board meeting.

Legislator Bartels stated she was grateful for RRA Executive Director Rose's participation in the Committee meetings and hope they can put him first on the agenda. She noted flow control is the first of many things that the Committee would be discussing regarding waste management in the County.

RRA Executive Director Rose noted the State Comptroller's report stated the Agency was not going out to bid for such things as uniforms and tires. He noted RRA Board Member Landi made a connection with the Ulster County Purchasing Department and the Agency is in discussion for the ability to piggyback on the County's procurement of fuel, tires and other items as a political subdivision of the County. Legislator Parete stated as the Towns could do this, he was unaware of why the RRA would not be able to. Chair Belfiglio stated the only reason why not may be because they are a Public Authority and the bylaws do not conform to the County. RRA Board Chair Smith stated they would have to contact the Public Budget authority to see if they would be allowed to do this. RRA Executive Director Rose stated they would be checking into it.

Chair Belfiglio stated he did not think the State Comptroller's report was that bad based on all it could go wrong and noted the Agency does not conform to the same rules and regulations as a government or municipality. He noted for procurement, they have different guidelines and it was noted in the report that they were not following their own guidelines that were set by the Agency when they were formed. Legislator Parete

and Chair Belfiglio discussed the goal of buying local while still meeting the procurement guidelines as established.

Legislator Bartels noted the solid waste management plan would be changed based on flow control and wondered about the next step in the process as the plan does not currently include a landfill or the concept of a landfill. She stated this was taken out from the last ten year plan and noted the County needed to plan for it. She felt it does deserve to be a regional approach but still needed to be in the plan. Legislator Parete noted the County divorced itself of the RRA, other than appointments and oversight of the Board. He felt if the RRA wants to go research and invest it's money to site a landfill, great but it would not be the County as they do not have the net serving fee and should not be funding anything at the RRA. He felt the Agency could come to the County for oversight to the Agency. Various Legislators expressed disagreement with this statement. He felt as a taxpayer, he did not want to pay for this activity when the goal of the whole Agency was to get it off the backs of the taxpayers. Legislator Bartels replied for her flow control was never strictly a financial issue but rather a whole system issue. She stated Oneida-Herkimer was a good example where they have flow control in place and then after a few years, successfully sited a landfill as well as a progressive recycling policy and household hazardous waste. She felt this should be a cost benefit analysis. She felt the end result could cost the taxpayers less. Legislator Parete felt this should be done by the Agency and that it is their business now. RRA Attorney Gilligan stated the County landfill was a plan by the County Legislators. Legislator Parete stated the landfill did not have to be a County landfill.

Chair Belfiglio indicated this discussion would be had by the Committee but based on time constraints he needed to move the meeting along. Legislator Bartels stated her point for bringing it up was simply to say the draft plan does not have landfill and she felt it should be added. RRA Board Member Landi stated the original solid waste service agreement of 1991 between the County and the RRA calls for flow control and the siting of a landfill. Chair Belfiglio referenced the study contained in the three green binders located in the Library. Legislator Bartels reiterated she would like to see the concept in the plan and she wanted the Legislature to be looking at it and for the Agency to put it in writing that they will also look at it. Chair Belfiglio noted there would need to be money for studies should be under the Legislature's oversight as it will cost a lot of money.

Chair Belfiglio noted during a caucus meeting last month, he was asked some questions now that flow control was enacted. He asked if the County was bound to the net service fee now with flow control. Committee members stated yes. Legislator Parete felt it was terrible that the County did not renegotiate the net service fee. Legislator Bartels stated the County could not.

Chair Belfiglio noted if the Agency incurred any new debt was the County responsible for it up to \$40 million. He noted right now the law states they can only bond up to \$40 million and in one year, it was up to \$39 million. He felt the next conversations the Committee should have would be the future oversight by the Legislature and the renegotiation of the contract between the County and the RRA. He felt this should change a bit as that which was proposed in 1989 and 1992 never came to fruition and yet the oversight is still the same which is mostly a hands off approach to the Agency.

RRA Attorney Gilligan thought there were six to seven amendments to the original agreement. Chair Belfiglio and Legislator Parete confirmed there were. Legislator Parete concurred with Chair Belfiglio and felt if the RRA wanted flow control there should have been some considerations such as flow control for the elimination of the net service fee and no longer insuring or guaranteeing bonds. Chair Belfiglio suggested the Agency get municipal bonds.

RRA Executive Director Rose stated the bids for long haul trucking resulted in the Agency retaining MBI for New Paltz and Ulster and their rates are \$19.40 per ton. He noted MBI stands for Mr. Bults, Incorporated. He stated the bids ranged from \$19.40 per ton to \$32 per ton from four bidders. He noted the MBI was the lowest for both New Paltz and Ulster. He stated they immediately went out to bid for the sludge hauling and MBI received that contract as well. He stated the rate out of New Paltz and Ulster to Seneca Meadows is \$19.40 and the rate out of Ulster to High Acres is \$19.90 if needed to use but they are not using them now. He stated they pay for the fuel as well but there is no tax on the fuel. He noted if the haulers included fuel in their rates they would mark up the fuel costs. He stated prior the rates for hauling were \$19.50 to \$20.50 and they will see savings over the year.

In regards to the solid waste management plan, RRA Executive Director Rose will be seeking comments to the plan after the DEC releases it for edits and they will have a public hearing. Legislator Wishnick noted by the time the Agency receives the plan from the DEC, it will need an update. Legislator Bartels stated she was giving her comments now regarding the landfill as she was aware this was a one sentence change to the plan. She felt the plan did not need to specify where the landfill would be sited. RRA Board Chair Smith stated he received so many calls and not one person who called was in favor of a landfill.

Chair Belfiglio confirmed the plan had to be approved by the Legislature. RRA Executive Director Rose stated he did not know but felt it might need to be approved. Deputy Clerk Barringer noted the Legislature asked the RRA to produce the County plan. Legislator Bartels stated she would be even more firm on her comments since it is the Legislature's plan.

Discussion: RRA Board Composition (1:37:07)

Chair Belfiglio prefaced the discussion that there was a resolution submitted by Legislator Rodriguez and co-sponsored by Chair Belfiglio last month that requested the State Legislature to allow the County to have elected officials on the RRA Board. He noted the resolution was pulled during the general meeting as there was an amendment that would have put two new members, County Legislators with one Minority pick and one Majority pick, on the Board. He felt the decision deserved more discussion and had to be brought out more. He felt it would have passed but wanted to have more discussion. He felt the current Board structure already had the Minority and Majority appointments. He asked that the discussion not only address Board Composition but also more oversight. He stated the Board Members' sole purpose was to keep the Agency functioning and financially stable but the Legislator's were owned to the taxpayer to ensure costs do not get out of hand and proper oversight.

Chair Belfiglio felt in regards to Board make-up as established at its inception was totally political as the Majority gets four picks and Minority gets one. He had been told the Board had been pressured to extend bonds, refinance, etc.

Legislator Bartels distributed the make-up of the Oneida-Herkimer Board of Directors. She noted it was a ten member Board and although she did not know the genesis of their decision to determine the make it, it included four appointments by the Oneida County Legislative Board, three appointees from the Herkimer County Legislature, and three appointments from the Oneida County Executive. She stated she heard talk of the possible inclusion of the Legislators, Board of Supervisors, Mayors and felt they needed to think of the final number to include on the Board. She did not think the Legislature would want too many people on the Board. She felt if the Board stayed with the existing five appointments, she advocated, both when she was in the Majority and the Minority, the split should be three and two, regardless of the split in the Legislature, giving more appointments to the Majority. She felt maybe there would be less number of appointments from the Legislature if Legislators themselves served and was not opposed to having a member from the Minority and the Majority appointed to the Board. She felt beyond this she wanted a Committee discussion.

Chair Belfiglio noted Rockland County has seventeen members and highlighted the makeup included eight County Legislators, five Town Supervisors, two appointments by the County Executive, and two appointments are Village Mayors. He noted when the Committee originally designed the makeup of a Commission of the Future of the RRA; it included Village Mayors, County Executive, Mayor of City of Kingston and Town Supervisors. Legislator Parete noted Rockland County only has five Towns and

all Towns were members of the Board. RRA Attorney Gilligan noted they have almost the same number of Board Members as Ulster County has Legislators.

Legislator Lopez noted RRA Executive Director Rose had stated the original intent was to keep politics out of the decision making and asked what has changed in this intent. Legislator Wishnick responded the original intent to keep siting the landfill away from the politicians more than keeping politicians out of the process. He stated the politicians did not want to get the heat in the siting of the landfill process and instead could say it is theirs to do. He stated it did not quite work that way as the public still sought out the politicians just the same. He felt the responsibilities in terms of being responsible for the RRA still rests with the Legislature if the Agency makes any decisions that result in the not being able to meet their operating costs and expected; it would come right back to the taxpayers. He stated decisions will be made regarding tipping fees where entities that are upset with these decisions will come right back to the Legislature. He stated at this point, an increasing number of Legislators feel if we are going to have an increasing amount of responsibility shouldn't we have some direct participation. He clarified this was the distinction between the now and then. He noted should the RRA choose to go into the siting of a landfill, can the Legislature really distance itself and he was not convinced you can as the public already figured that out.

Legislator Parete stated the process needed more stakeholders in it. He stated the Legislature, ten to twelve years ago, caused the problems they are dealing with now. He stated this was why the law was so poorly crafted that the Legislature has no leverage with the RRA to say do a good job as you cannot come back on us as the County is still on the hook for whatever deficiencies they might have. He stated if it had been taken care of properly then the stakeholders, those whose trash is being picked up by them, the Town Supervisors, business and environmental folks could have a voice. He noted the Towns and City of Kingston have nothing to say. He stated there are consequences to elections and noted the Minority/Majority thing breeds problems but ultimately, we should work together and just appoint five people. Legislator Bartels noted most of the appointments that are made by the County is a three-two split. Legislator Parete did not think it typically three-two. Legislator Bartels clarified she was referencing strictly County appointments. She felt if the full body voted together, they would all be Majority appointments. Legislator Parete stated this was not necessarily and pointed out one Republican that was appointed by Democrats. Legislator Bartels stated she did not agree with leaving it as a full Legislative appointment. She highlighted the Majority appointments discussed tonight which were not discussed in Caucus. Legislator Parete stated this was a process issue and felt there could be other vetting processes that could be employed. He asked if the Charter Revision was three-two and noted it had some Executive and some Legislative appointments. Legislator Bartels noted the Legislative appointments were three-two.

She felt the four-one split was odd and reiterated her advocating for the change when she was in the Majority as well as the Minority.

RRA Attorney Gilligan noted when thinking of a large number of people to consider the Resolution voted on tonight, they received only three applications for two positions on the Board.

Legislator Bartels felt if staying with five Legislative appointments, ideally three Majority and two Minority; add two Legislators, one Majority and one Minority; add an Executive appointment; add an appointment from the Supervisors Association; and add an appointment from the City of Kingston.

RRA Attorney Gilligan felt it would take a tireless Legislator to work at the Legislature and also commit 4-5 meetings a month with the RRA Board. Legislator Bartels replied it takes a tireless volunteer to do it now.

Legislator Bartels noted the example she provided was a ten member board. She felt the consideration should be the fairness of the Board of Supervisors having one appointment equal to the City of Kingston and that they might want to give the Board of Supervisors two appointments. Legislator Parete noted the City of Kingston has 23,000 people and Saugerties has 20,000. Legislator Bartels stated that was her point. Legislator Parete stated maybe it should not be 1:1 and noted New Paltz has a lot of people. Legislator Bartels stated she did not know where the City of Kingston's parity comes in relation to the Board of Supervisors appointments. Chair Belfiglio stated regardless, these were the stakeholders and affected by their own decisions. He stated right now, the current Board structure is not elected by the general public but rather serve for the public authority. He felt elected officials would base their decisions on what is best for the taxpayer. He noted RRA Attorney Gilligan's concern of too many people and noted there were three applications.

Legislator Bartels stated the additional members are not in the same application process as the Majority/Minority appointments but include two Legislators and the Executive appointment which would be taken out of the application process.

Chair Belfiglio noted all the appointments could have seven appointments if they keep the original five. He noted the Committee could do that or they could decide to move forward with all elected officials. Legislators Bartels and Parete indicated they would not want a Board of all elected officials. Legislator Bartels felt different talent and expertise is brought in to the Board when you talk about a appointment that is not an elected official.

Legislator Bartels felt the composition should be specific that whatever appointments remain that they not be elected officials and then in that case, the appointments coming

out of the Legislature remain to be citizens. She advocating they write the makeup of the Board to specifically stating one member from the Majority of the Legislature, one member from the Minority, one member from the Board of Supervisors, one appointment from the City of Kingston, five Legislative appointees – not to be elected officials. She felt this would maintain the integrity of a diverse Board. She felt if it wasn't specific, the five Legislative appointments could be Legislators.

Legislator Parete felt comfortable if it was a nine member board with five citizens from the community, three Supervisors and one Legislator.

RRA Executive Director Rose noted the RRA was making contracts with the Towns. Legislator Bartels stated these contracts would be going away, other than the contracts for hauling and recycling. Legislator Parete asked what happened in Rockland with the five Town Supervisors sitting on the Board. Legislator Bartels stated she thought they did not have any contractual issues. Legislator Parete did not feel this would be necessarily a conflict of interest to be a Board Member with a vested interest as long as everyone knows there is a vested interest. Legislator Bartels suggested the Committee look into was Rockland does regarding its contracts and any potential conflicts.

Legislator Bartels stated the bulk of the Legislators feel they need one or two Legislators on the Board. Beyond that, she felt the Committee needed to discuss the Board of Supervisors, City of Kingston Mayor, and the County Executive presence. She asked how the Committee should proceed short of looking at other examples.

Legislator Wishnick asked if the Committee was specifying the Mayor or the Mayor's appointment as well as the Board of Supervisors or the Supervisor's appointment. Legislator Wishnick noted the Committee may think it is restricting the number of citizen appointments but they might appoint a community environmentalist. Legislator Bartels felt they could specify for the Board of Supervisors that it be two appointments that must be from the Board of Supervisors. Chair Belfiglio asked if the appointment could be a Town or City Council person appointed by the Association of Town Supervisors. Legislator Parete asked what would happen if the Legislature appointed one, two or three Town Supervisors. Legislator Bartels stated she would advocate against that as she would want to see the five Legislative appointments be citizens.

Legislator Bartels noted the concern that there may not be any Supervisors that want the job. She felt they needed to be specific as to what seat would fill.

Legislator Wishnick noted the following consensus of two Legislators with one from the Majority and one from the Minority and five appointments from the Legislators that are not elected officials. Legislator Bartels and Wawro concurred that they would like to see those Legislative appointments split three Majority to two Minority. Chair Belfiglio stated he was not necessarily in agreement to the three-two split for the

Legislative appointments. Legislator Bartels stated it was fair. Chair Belfiglio concurred it seemed fair. Legislator Wawro felt it was more balanced.

Legislator Parete stated if they did not have two Majority appointments, then someone from the Minority might attempt to put up one or two of their own. He felt tired of the numbers and desired just to have two to five good people appointed to the Board.

Chair Belfiglio suggested four appointments from the Association of Town Supervisors and Mayors (Including the 20 Towns, City of Kingston, and 3 Villages). Legislator Wishnick suggested letting the Association come up with the number to represent them. Legislator Bartels felt the number of people should be decided by the Committee.

Legislator Bartels clarified the question as to if the Committee was authorizing the Town Supervisors to be appointed or for them to make appointments and/or if their appointments were restricted to sitting Town Board members. Chair Belfiglio felt it should be picked by the Town Board Association and could be a Supervisor or a Village Trustee but had to be an elected official.

Legislator Wishnick asked how many would be appointed by the Town Supervisors Association. Legislator Parete suggested four. Legislator Bartels suggested three and one for the Executive. Legislator Wawro thought it should be one.

Legislator Wishnick noted the County Executive did not desire an appointment. Legislator Bartels stated she would want to give him one whether he wants one or not as the County Executive is a county-wide office. Legislator Parete noted the County Executive divorced himself from the process. Legislator Bartels stated she did not care, she would give the Executive an appointment. She stated she was fine with three.

Chair Belfiglio noted this brought the Board to a total of 11 members. Legislator Wishnick stated it should not be bigger than 11. Legislator Wawro concurred.

Legislator Parete suggested the Committee talk with the people in Rockland County to determine if it is a circus. RRA Executive Director Rose stated he knew the Rockland County Executive Director well and would ask her about her experience with a seventeen member Board.

Chair Belfiglio noted if on the Town Supervisor's Association, the Mayor had a bigger presence than others and it was clarified he has one vote. Legislative Clerk Fabella noted the current President of that Association is Town of Shawangunk Supervisor John Valk. Legislator Bartels suggested they confirm the Mayor is really a presence at the Association. Chair Belfiglio suggested everyone just get one vote, the City of Kingston and the Town Supervisors. Legislator Wishnick suggested letting the Town Supervisors Association figure it out. Legislator Wawro clarified if the Town Supervisors Association did not have four Supervisors willing to serve, then they would

appoint someone. Legislator Bartels stated she did not know and felt this was something to be discussed. Legislator Wawro did not feel that there would be four members of the Town Supervisors Association willing to serve.

Chair Belfiglio asked if this task was too big for this Committee to handle and should the Committee look for the help of a consultant to do this. He stated he spoke with a Legislator that he thought had \$21,000 to play with from a budget amendment for franchising but he found out the budget amendment did not pass. Legislative Clerk Fabella confirmed the budget amendment was withdrawn. Chair Belfiglio noted the \$21,000 was in some fund somewhere and did not even know if it was available. He felt if they received some start up money for a consultant such as the consultant provided to him by RRA Executive Director Rose, a lawyer, Tedo A. West. He noted the Committee could spend hours on this and Legislator Wishnick's experience in solid waste management. He noted he had correspondence from the law firm from back in July 2012 and felt it might be in the Committee's advantage to enlist the help from someone with knowledge so they do not have to reinvent the wheel. RRA Executive Director Rose noted he passed the name on to Chair Belfiglio as this lawyer works very closely with Rockland County Board. Chair Belfiglio noted he did not necessarily think this consultant had all the answers for the Committee but could offer a direction as they were just Legislators. Legislator Bartels felt they were people elected to make these decisions. Chair Belfiglio noted it was Legislators back in 1989 that developed the contract between the RRA and the County. Legislator Wishnick stated this was not rocket science. Legislator Bartels concurred.

Legislator Wawro suggested they do some research with the Town Supervisors to see if they would make commitments to serve. She then felt they could decide if they wanted to make it specific to Supervisors or appointments. Legislator Bartels felt reaching out to the Board of Supervisors was a great place to start.

Legislator Bartels felt the draft numbers was a good base to start from and they did not need to hire expensive consultants or attorneys. She noted Rockland County's Board is made up of all elected officials. She felt the Committee was not reinventing any wheel.

Chair Belfiglio clarified he was referring to increasing the Legislative oversight to this public authority. He asked if the Committee knew where it's bounds where and if they knew how they could have more oversight by just establishing it. Legislator Bartels stated as they looked at the contract this might be an area that they need advice. Chair Belfiglio noted there were County Attorneys but that the County Executive did not want to get involved in the Board makeup or anything else, why would he want to help. Legislator Wishnick stated the County Executive already offered to help.

Legislator Ronk felt eleven members was a large Board and suggested they move the number of appointments for the Town Supervisors to two. Legislator Bartels felt two would be better. Legislator Wawro concurred and felt if they did some research with the Town Supervisors that it would confirm this. Legislator Ronk felt a nine member Board was absolutely the largest that can be functional. He felt over nine members and the Board starts to lose control.

Chairman Belfiglio and Legislator Bartels noted they were looking at Oneida-Herkimer with ten members and Rockland County with seventeen members.

Legislator Ronk stated he was opposed to an even member Board and felt it always had to be an odd member Board to ensure an easy way to break a tie. Legislator Bartels noted in a ten member Board, six votes wins. Legislator Ronk noted it is harder to get a majority as they have to get a higher number.

Legislator Bartels suggested the Committee meet again in the interim so they can reach out to the Town Supervisor and vet some of the ideas via email and have another meeting prior to the next meeting, ideally on session day so that they can get something together which would not be a late resolution for next month.

The Committee discussed possible dates and decided to meet January 23, 2013 at 6:00 pm for a special meeting to draft a sample resolution. It was noted that Legislator Parete needed to be contacted to inform him of the meeting. Legislator Bartels and Chair Belfiglio discussed having a draft Resolution prepared ahead of time. Chair Belfiglio there was a draft Resolution that was withdrawn so they could work from that document.

Legislator Bartels suggested the Committee think on this topic and reach out to the Town Supervisors Association.

Legislator Wawro clarified the Committee would also decide who the Town Supervisors can appoint. Chair Belfiglio noted the goal was to allow elected officials. Legislator Ronk suggested two Town officials. Chair Belfiglio felt a public works representative would be an ideal candidate based on the field that they are in but they are not elected. Legislator Ronk stated he would contact the Town Supervisors. Chair Belfiglio noted this would be a multi-month process as it would involve the State Legislature giving approval. He noted the Committee would just need to decide the Board makeup first. Legislator Bartels reiterated her request that the Committee give consideration to the three-two break.

Chair Belfiglio suggested they not reach out to the Town Supervisors until the Resolution is drafted. Legislator Wawro stated the Town Supervisors may state they do not want to serve and would put the Committee back to square one. Legislator Bartels

felt it would communicate to the Town Supervisors what the Committee is seriously looking at and to discuss the possibility of whether it should be actual Supervisors or Town Board members or public officials.

Chair Belfiglio asked if the terms would have to be specified in the Resolution to ensure the terms are not all the same. RRA Executive Director Rose noted the enabling act would need to be amended. Legislator Bartels concurred they would need to consider staggered terms. RRA Board Chair Smith felt the Committee would need to decide on terms, when it would be put into place, and if they would be new terms or encompass the current appointments. Chair Belfiglio felt the two Legislative appointments had to be one to two year appointments. Legislator Bartels and Wishnick felt they should be one year terms.

Adjournment

Motion Made By: Legislator Bartels

Motion Seconded By: Legislator Wawro

No. of Votes in Favor: 6

No. of Votes Against: 0

TIME: 8:12 PM.

Dated the 7th day of, February, 2013

Krista Barringer, Deputy Clerk

Minutes Approved on:

Environmental, Energy, & Technology Committee

Regular Meeting Minutes

DATE & TIME: January 23, 2013, 6:00 PM

LOCATION: Karen L. Binder Library, 6th Floor, COB, Kingston, NY

PRESIDING OFFICER: Chair Carl Belfiglio

LEGISLATIVE STAFF: Krista J. Barringer, Deputy Clerk

PRESENT: Legislators: Tracey A. Bartels, Craig Lopez, Kenneth J. Ronk (left 7:28), Mary Wawro and Kenneth Wishnick (arrived 6:14)

EXCUSED: None

QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislators Mary Beth Maio and James Maloney, Legislative Counsel Langdon Chapman, and Deputy County Executive Crannell

- Chair Belfiglio called the meeting to order at 6:04 PM and requested attendees to sign in.

Discussion: RRA Board Composition

Chair Belfiglio distributed draft Resolution 279 of 2012 and a chart of the current RRA composition.

Legislator Bartels confirmed Legislator Parete was informed of the meeting. Deputy Clerk Barringer noted the distribution of an email from Legislator Parete.

Chair Belfiglio summarized draft Resolution 279. He noted this Resolution was pulled on the floor by him as he was concerned that the Legislature was hastily making a last minute amendment to change the Board structure. He noted he would like to bring back the Resolution with specific changes to the Board structure. He noted the Committee suggested at the last meeting nine members to include four original members that are picked by the Legislative Majority, one original member that is picked by the Legislative Minority, two representatives from the Association of Town Supervisors which needed to be determined if it would be Supervisors or other elected officials, and two County Legislators.

Legislator Ronk stated he was asked to contact the Chair of the Association of Town Supervisors. He stated Town of Rochester Supervisor, Carl Chipman, has recently been elected to the position. He noted Supervisor Chipman indicated a preference that their representative be just Town Supervisors.

Legislator Bartels asked if Supervisor was providing his own opinion or speaking on behalf of the group as a whole. Legislator Ronk felt it was not a decision by the whole group.

Chair Belfiglio noted it was the Legislature's decision but that they would like to have the Association on board with their decision. He noted the concern of the Town Supervisors already burdened with a number of meetings and if two Town Supervisors were unable to make, there would be no representation.

Legislator Bartels felt it should be an elected an official. She felt the Legislature could provide for the appointment to be Supervisors or specific elected official. She felt this left it open so that if the Board wanted it to be two Supervisors, they could do that and yet, if they could not get two Supervisors, they would still have the leeway to have representation.

Legislator Bartels felt they should be specific to allow for two elected officials that were not from the same Town as they want diversity. She felt in the first year, they might find people eager to serve but in the future they might find it hard to fill the slots and they might not be able to sustain the two position with just Supervisors.

Legislator Wishnick wondered why it might be a problem if the representative was a public works representative, say from the City of Kingston. Chair Belfiglio stated he mentioned this in the past and agreed they would probably be very informed but noted they are not elected in the City of Kingston. Legislator Wishnick noted the elected official may have considerably less knowledge and the County may be better served to have the one with the most knowledge on the Board.

Legislator Bartels noted this makes sense but did not know if the technical person was the best representative for the whole body. She noted the representative would report to the Supervisor, who would report to the Association and information may be watered down. She felt if they could not have Supervisors, the Legislature should give them the authority to appoint other elected officials and was also agreeable to just two Association of Supervisor members. She felt by removing the steps, it was potentially an agent of one municipality with specialized interest.

Legislator Wishnick asked how they could guard against this with the Supervisors. Legislator Bartels felt this was ensured by the Supervisors attending the Association meetings and interacting with other Supervisors with concerns.

Chair Belfiglio noted the original five, appointed by the Legislature, are not elected officials and come from a diverse background. He further noted that as appointments by the Chair and confirmation by the Legislature, these appointments are tied politically. He wondered why elected officials at an Association would pick someone to represent them. Legislator Wishnick noted the only reason to pick someone is if no members wanted to attend more meetings. Legislator Bartels felt this was a serious consideration and concern that could realistically happen.

Chair Belfiglio wondered the amount of correspondence from the Town Supervisors on the RRA issue. Legislator Bartels noted during the joint committee process, they reached out to the Association with Supervisor John Valk as Chair and he indicated to them that this was the Legislature's purview. She noted their concerns were very specific regarding the Legislature or the RRA's actions. She felt this was different than regular representation at a critical Board that meets often for fairly long meetings in the day time. She felt it should be listed as two members of the Supervisor's Association.

Chair Belfiglio wondered if there was anyone opposed to two Legislators on the Board. Legislator Bartels stated Legislator Parete was opposed to this. Legislator Lopez stated he was uncomfortable with any elected officials serving at all. He stated there would be a number of issues coming before them, such as the landfill and being an elected official will play in their decision.

Chair Belfiglio felt taxpayers only have Legislators watching out for them and the Board and Executive Director do not want Legislators involved. He felt putting elected officials on the Board adds accountability and oversight where there wasn't before.

Legislative Counsel Chapman felt the Legislature should ask the Attorney General for a "Compatibility of Office" opinion and noted this would determine if two positions can be held by the same person. Legislator Wishnick indicated this was not unproven ground as other Counties do have elected officials on their RRA Boards. Legislative Counsel Chapman felt it still made sense to ask for the Compatibility position as it will ultimately get to the Governor and he will ask for the Compatibility position. Legislator Wishnick noted Rockland County has supervisors on the Board. Legislative Counsel Chapman noted what he has learned from the Governor is just because it exists today does not mean it has to be that way tomorrow. He felt it best to find any problems upfront and advised when the Committee reached its conclusion it should send a letter.

Chair Belfiglio noted the ultimate goal was to make the Agency pay for itself and the only item the Legislature cannot get rid of is the debt. He felt there would be no conflict if the Legislature got rid of the net service fee and remained as only the

guarantor of the bond. Legislator Bartels noted the County still had the potential responsibility of paying the net service fee as it was written in the contract.

Legislator Bartels noted the fiduciary responsibility for a Supervisor is to their Town or Village while the fiduciary responsibility of the RRA Board Member is to the Agency. She felt this was different than making a public benefit corporation whole which could be two total different and at odds issues. Legislator Wishnick felt this was not alien to a Legislator whose responsibility is to the taxpayers in their own district and reconciling that with the greater County good.

Chair Belfiglio felt the Association of Supervisors could be described as their seat is as the representative of the Association. Legislative Counsel Chapman noted once appointed to the Board, their fiduciary responsibility is to the Board. He stated this goes to the heart of the conflict of having Legislative officials serve on these Boards. He noted they take an oath to protect the constitution and be a trustee of the tax payer dollars and they have a corporate duty to this corporate Board. He noted this was the same point raised last year of having an Ulster County Legislature appointed to the Golden Hill Local Development Corporation.

Legislator Wishnick asked if Legislative Counsel Chapman was advising the Committee. Legislative Counsel Chapman opined there was an inherent conflict in appointing a Legislator on a Board. He noted Legislators had a duty to the taxpayers which is a different duty to the Corporate body. He did not see how the two positions these two positions could not at some point conflict. He felt the conflict was less when it was a County Legislator as their duty was to the entire County even though they represent a specific district. He felt the duty to a Supervisor or a Mayor was a lot different. Legislator Bartels concurred this point.

Legislative Counsel Chapman stated they could appoint two non-voting members that would be entitled to all the rights and privileges of a Board Member, including attending Executive Sessions, but not actually vote. He felt an effective Board Member could convince their colleagues, whether or not they have a vote.

Legislator Bartels felt a Supervisor would have a hard time voting on a budget that might have a negative impact on the Town as Town budgets are really tight.

Legislators discussed the possibility of appointing two non-voting members as Association of Supervisors representatives.

Chair Belfiglio asked the Committee's position on Legislators being appointed to the RRA Board. Legislators Ronk, Bartels, Wawro and Chair Belfiglio indicated they were in favor. Legislator Lopez indicated he was slightly uncomfortable to have people with political influence on the Board but felt he was not completely opposed to it. He noted

on an Orange County Community Development Board there is a mandate for elected officials and he believed they rotate their voting members. Legislator Wishnick discussed the original intent of creating the RRA entity and felt this does not feel it reflects the current situation unless the RRA Board is considering the siting of a landfill. Legislator Lopez concurred the Town of Wawarsing was identified as one of a potential twenty-one locations for a landfill and if the Supervisor of the Town of Wawarsing sits on the RRA Board, he might to everything he could to push back on this issue.

Legislative Counsel Chapman summarized the concern as the Supervisors are indicating they are not pleased with the RRA, the Legislature is not pleased with the unaccountability with the RRA, the Legislature would like a seat on the Board, the Legislature would like better communication between the Supervisors and the RRA, and the Legislature would like the RRA Board would act in the best interest of the entire County as they are obliged to do. Chair Belfiglio felt this was accurate as the Legislature did not want undue influence for specific areas of the County.

Legislative Counsel Chapman suggested creating an Advisory Board that would have to vote first or at the same time as the RRA Board. He noted if the Advisory Board voted differently than the RRA Board, the RRA Board would need a super majority to go forward. He noted this would give the authority of the Town Supervisors and Mayors. He noted the Advisory Board could be a mix of RRA Board Members and Advisory Board members constituting the Advisory Board. The Advisory Board would recommend and the RRA Board could ignore the advice but would have to do it with a super majority, which gives the authority but without the final decision.

Legislator Wishnick expressed a concern with respect to the functioning of the Agency. He suggesting restricting the areas of which the Advisory Board could advise to items such as planning for the future, policy, and tipping fees but the day to day and contract items would be left to the RRA Board.

Legislator Bartels asked who would be on the Board and who would be on the Advisory. Legislative Counsel Chapman noted the Legislators could be appointed to the RRA Board, unless the Legislature does not desire. He felt the Legislature would structure it unless the State says no due to compatibility issues.

Legislator Bartels asked about the Advisory Board make-up. Legislative Counsel Chapman noted the Supervisors are feeling excluded and this could bring them in.

Chair Belfiglio noted they tested the waters when the Legislature initially created the Special Committee on Future of the RRA and wanted to involve the County Executive, Town Supervisors, Mayor. He noted at the time, they heard from the County Executive and Mayor that they did not want to serve.

Legislator Wishnick suggested having the leader or two appointees from the Advisory Board as non-voting members on the RRA Board.

Chair Belfiglio suggested one voting member from the Association of Solid Waste. Legislator Ronk felt this would be a conflict of interest and Legislator Wishnick noted there would be no responsibility to the public good in that appointment.

Legislative Counsel Chapman clarified if there would be just a couple of Supervisors that are concerned and this would lapse and they would not be able to sustain the RRA Board seats. Legislator Bartels and Ronk felt the Supervisors could sustain two seats. Legislator Bartels was more concerned with the conflict of a Supervisor answering two masters and felt it would be hard to vote on something that hurt their own town but would benefit the County as a whole. Legislator Ronk suggested putting three Legislators and one Supervisor and felt if the Supervisor was one of nine votes, it would not by itself affect the greater vote. Legislator Bartels felt getting three Legislators to sit might be hard.

Chair Belfiglio liked the Advisory Board as the RRA Board would need a super majority and that the Advisory Board would not be voting on any day to day operational issues.

Legislator Bartels felt if there was an Advisory Board then the RRA Board would be a seven member Board to include the five non-elected members and two Legislators.

Legislative Counsel Chapman concurred and suggested the Advisory Board could be a four member Board to include two members of the Legislature, who also serve on the RRA Board, and two members of the Association of Town Supervisors and Mayors. He supported Legislator Wishnick's point that the Legislature would define what the Advisory Board votes on which requires a super majority if the RRA Board would deviate from the Advisory Board decisions. He indicated the Legislature could instruct the State to authorize the RRA to create an Advisory Board and if it so decides, the Legislature would decide by local law what items the Advisory Board would address.

Legislator Wishnick felt they would have to be careful how to structure the Advisory Board. Legislative Counsel Chapman concurred and felt it would be more work but would result in the accountability that the Legislature is seeking. He felt a longer process would ensure that the level of interest is sustained.

Legislator Wishnick asked if the State legislation would have to define the make-up of the Advisory Board. Legislative Counsel Chapman answered no.

Legislator Wishnick asked if the County reached a point where the Supervisors were happy with the RRA operations and no longer found value in attending, could they make-up be changed to allow for the development of future RRA Board members on

the Advisory Board. Legislative Counsel Chapman responded he did not think the State legislation would have to define it but indicated there would be general support from the Senate based on what the local communities want but it would get hung up in the Assembly.

Chair Belfiglio clarified the County could have elected officials that serve on both the RRA Board and the Advisory Board. Legislative Counsel Chapman indicated yes. Chair Belfiglio asked what would happen in a deadlock, which side would they vote on. He noted they should be voting on the best interest of the residents of the County.

Legislator Bartels noted on an even member Advisory Board, they run the risk of a split 2/2 vote. Legislative Counsel Chapman felt this encourages the approval of things and noted they could indicate in the case of a tie vote, a super majority is not needed but noted this defeats the purpose of the Advisory Board.

Legislative Counsel Chapman suggested the Advisory Board could consist of two Supervisors and two Legislators and the four members pick a fifth member.

Legislator Bartels noted the League of Women Voters, as highly involved citizens, brings to mind the need to reinstitute a citizens' advisory board. She noted she was not opposed to having someone from the League on the Advisory Board.

Chair Belfiglio expressed concern that this would bring it back to the political scheme found currently on the RRA Board. Legislator Bartels responded if the Advisory Board had two Legislators, whether from the RRA Board or two separate voters, two Supervisors and a League of Women Voters for a five member Board. Chair Belfiglio clarified the concern of how they are picked. Legislator Bartels felt it was simply two Supervisors picked by the Association, two Legislators picked by the Majority and Minority and a League of Women Voters appointment. Chair Belfiglio asked if there would be concern picking one group over another. Legislative Counsel Chapman suggested having the RRA Board pick the fifth person. He reiterated the fiduciary duty responsibility to the RRA. Legislator Bartels wondered about the RRA Board making the pick, especially with two Legislators on the Board. Legislators discussed having the fifth appointment being made by the County Executive.

Legislator Bartels suggested one County Executive appointment, two Supervisors, and two non-elected officials on the Advisory Board.

Chair Belfiglio clarified the proposal consisted of a seven member regular RRA Board consisting of five Legislative appointees and two County Legislators and a five member Advisory Board. He noted the Advisory Board is not part of the quorum for the RRA Board.

Legislators discussed whether the two County Legislators on the Advisory Board should also be the two County Legislators appointed to the regular RRA Board.

Legislative Counsel Chapman felt the regular RRA Board would always be the Board and with four elected officials on the Advisory Board, the Executive Director of the RRA would attend all meetings of the Advisory Board and would note the power people who are elected have in driving the debate. He compared it to an effective committee. He advised they not put a representative of a not-for-profit as the fifth person but rather allow the tax-payer fiduciary representatives find that fifth person.

Legislator Wishnick felt this made the organization upside down as the five appointments on the RRA Board would not stand up to the strong elected official group.

Legislator Bartels noted the prior model, prior to the Advisory Board discussion, included the five appointees, two County Legislators, and two Board of Supervisors members. She noted in this model, the four person powerhouse would be on the RRA Board.

Legislator Bartels noted the RRA Board was not subservient to the Advisory Board, it just required a super-majority in areas of disagreement.

Legislator Wishnick discussed the two tiers resulting in power-deciding tiers.

Legislators discussed various scenarios and models.

Legislator Bartels suggested having the Advisory Board having the equivalent of a veto model where they could react to an action of the RRA Board, at which time the RRA Board would have to have a super-majority to override the reaction of the Advisory Board.

Legislators discussed calling it a monitoring, oversight, advisory board. Legislator Bartels noted the role of the Recycling Oversight Committee in adding new recycling materials to the regulated materials with the approval of the Legislature. She noted the Agency cannot take regulated recycling materials without getting permission from the Recycling Oversight Committee first.

Legislator Ronk expressed his pleasure with the Advisory Board having veto power as it makes them an after-the-fact Board and not able to push the RRA Board.

Legislative Counsel Chapman and Legislator Bartels noted it ensures the need for communication between the Advisory Board and the RRA Board. Legislator Ronk felt this ensured there would be no trouble in filling the Advisory Board. He felt it as a safeguard from bad decisions instead of a vehicle to influence decisions.

Chair Belfiglio noted the RRA Board would need to base decisions on the potential of Advisory Board reactions and the change of dynamics for the Board's decisions.

Legislator Wishnick highlighted the limits the Advisory Board would have in responding. Legislator Bartels felt this would signal actions that are subject to public referendum. She noted the Advisory Board would not meet regularly but rather have a specific amount of time to meet after the RRA Board makes a decision on a item included in the purview of the Advisory Board.

Legislators discussed the specific action items the Advisory Board should focus on, the Legislature's concern of no accountability at the RRA Board, the need to be specific to pass the full Legislature, and if the Legislators should be the same two on the RRA Board and the Advisory Board.

Legislator Wishnick expressed concern a group with a vested interested who would keep a close watch on certain parameters and decisions made by the RRA Board. He felt they would convene to review, if needed, and possibly reverse a decision. He felt this is what the Environmental, Energy, and Technology Committee should be doing and asked if the Environmental, Energy, and Technology Committee would still have the same role. Legislator Bartels responded the Environmental, Energy, and Technology Committee had no authority to reverse a decision but maintained broad oversight of the full agency which included a landfill and recycling. Legislator Wishnick clarified the Environmental, Energy, and Technology Committee role was strategic planning. Legislator Bartels indicated this was not officially stated but highlighted the Environmental, Energy, and Technology Committee had no veto power and no true oversight.

Chair Belfiglio had no problem with standing Legislators being on the RRA Board as he felt that would be the oversight for the entire Legislature, the County, and the residents. He stated he had no desire to micro manage the RRA Board and felt the Advisory Board would be better than where the County is now.

Legislators discussed having one of the Chair or other Environmental, Energy, and Technology Committee member as one of the appointments to the RRA Board.

Legislators Lopez and Wawro indicated their support of the Advisory Board structure concept as it covers more basses.

Legislators discussed specific versus broad language in the Local Law. Legislator Bartels suggested the State enabling law be left broad and just grant the power to the Legislature. Legislative Counsel Chapman discussed the benefit of keeping the State enabling language flexible and not tie the County's hands.

Legislative Counsel Chapman noted the State Law needs to explain the role of the Advisory Board and the Local Law can require Legislative appointments to the RRA Board come from the Environmental, Energy, and Technology Committee.

Legislator Bartels highlighted other items that would need to be specified in the Local Law, including the provision of how the Advisory Board is notified of RRA Board decisions, terms, how the individuals are appointed to the Advisory Board, etc.

Chair Belfiglio noted this is a two step process and asked if a new Legislature came in and chose not to implement.

In response to Legislative Counsel Chapman query of what the Town Supervisors were unhappy with regarding the RRA, Legislator Wishnick speculated they want to ensure the RRA does not step on the Town's toes in terms of recycling, ensure reasonable tipping and pull charges, and that solid waste is properly disposed of in the long term. Legislator Bartels felt their concerns were largely financial.

Legislators discussed specific items to be included under the purview of the Advisory Board including the annual Solid Waste Management plan. Legislator Bartels and Legislative Counsel Chapman agreed a communication with the Town Supervisors was needed to determine the specifics of the Advisory Board purview.

Legislator Bartels felt the Advisory Board should meet at least bi-annually and then as needed.

Legislator Wishnick felt the Advisory Board should be appointed to one year terms. Legislator Bartels felt the Advisory Board appointment terms should be two years based on the election terms of the Town Supervisors.

Legislators discussed the ability to appoint members following an election year and the appointment process.

Legislative Counsel Chapman was requested to put together an outline.

Legislators and Legislative Counsel Chapman discussed the process to modify the Board without impacting the bond requirements.

Legislators discussed the County Legislator appointments to the Board, agreed to one year terms, and discussed the RRA Board terms for the non-Legislator appointments.

Chair Belfiglio noted at the next meeting on February 7, 2013 at 5:45 PM and requested the Committee discuss the draft document from Legislative Counsel Chapman, new business from Legislator Wishnick which is the ratifications of the RRA contract, and the recycling flow control resolution. Legislator Bartels requested time be allowed for Community Advocate Paul Fowler to discuss a proposed Animal Rights Local Law.

Adjournment

Motion Made By: Legislator Lopez

Motion Seconded By: Legislator Wawro

No. of Votes in Favor: 5

No. of Votes Against: 0

TIME: 8:57 PM.

Dated the 6th day of March, 2013

Krista Barringer, Deputy Clerk

Minutes Approved on:

Health and Personnel Committee

Regular Meeting Minutes

DATE & TIME: January 7, 2013, 5:30 PM
LOCATION: Karen L. Binder Library, 6th Floor, COB, Kingston, NY
PRESIDING OFFICER: Chairman Robert T. Aiello
LEGISLATIVE STAFF: Krista J. Barringer, Deputy Clerk
PRESENT: Legislators Carl Belfiglio, Robert Parete, Jeanette Provenzano and Ken Ronk (arrived at 5:32)
QUORUM PRESENT: Yes

OTHER ATTENDEES: Erica Guerin, Legislative Counsel; Lee Cane, League of Women Voters; Amy Russell, CPMH; Ken Crannell, Deputy County Executive; Brenda Bartholomew, Personnel Department Director; James J. Hanson, Budget Director; and Kathy Nolan, Ulster County Trails Advisory Committee

Chairman Aiello called the meeting to order at 5:30 PM.

MOTION NO. 1 RESOLVED To Approve the Minutes of December 11, 2012

Motion Made By: Legislator Provenzano

Motion Seconded By: Legislator Parete

Discussion:

None

Roll Call Vote: No

Voting In Favor: Legislators Aiello, Provenzano, Belfiglio, and Parete

Voting Against: 0

Abstaining: Legislators Ronk (not in attendance)

No. of Votes in Favor: 4

No. of Votes Against: 0

Disposition: Carried

Motion No. 2 Draft Resolution No. 123 – January 22, 103

Text of Motion: Table Draft Resolution No. 123 To Next Month Pending Personnel Director Brenda Bartholomew's Report To The Committee - Requesting the County Personnel Officer Provide a Monthly Accounting of All New County Employees, Employee Department Transfers, New Contract Employees, New Department and Deputy

Department Head Appointments, Department Head and Deputy Department Head Transfers and Resignations Within All County Departments By Title

Motion Made By: Legislator Ronk

Motion Seconded By: Legislator Provenzano

Resolution Summary: This Resolution requests that the County Executive direct the County Personnel Director furnish on a monthly basis, to Clerk of the County Legislature, an accounting by title all new hires, separations, retirements, department transfers and that the accounting will include County Department, hire date, separation date, appointment effective date (if different from the hire date), transfer date, transfer to and from department. It further requests the Clerk of the Legislature to furnish such report to the Chairperson and Deputy Chairperson of the Health and Personnel Committee within five days of the receipt thereof as well as to publish the report on the Legislature's website as soon as practicable so that the report can be entered as public record for the benefit of transparency and accountability to the Ulster County Legislature and for the benefit of the general public. The Resolution requests that the first accounting report be furnished to the Clerk of the Legislature by the first day of every month starting on February 1, 2013.

Discussion

Chairman Aiello noted the Committee decided at last month's meeting to invite the Ulster County Personnel Director and Deputy County Executive Crannell to the meeting. He noted it was agreed by the Committee that Counsel would send a letter requesting their attendance and that they agreed not to do this in a Resolution format but rather through questions asked of the County Personnel Director.

Legislator Provenzano noted this was clearly stated in the minutes under new business. She stated Legislator Belfiglio discussed his draft Resolution but agreed to request the Personnel Director's attendance. She noted there was discussion regarding how often such reports should be received; monthly, every three months or as Legislator Parete suggested, quarterly. She noted Legislator Belfiglio was quoted in agreement with this and indicated he would not submit the Resolution until next month.

Legislator Belfiglio stated he did agree but that this was the month he intended to submit the Resolution. He stated he had the draft Resolution last month as a document to look at. He stated he was not willing to drop the Resolution. He noted there were only two Resolutions on the Committee's agenda and stated he was following through on his submission of the Resolution.

Chairman Aiello stated Legislator Belfiglio approached him last month and requested a minute or two of the Committee's time and did not specify that he wanted to discuss a Resolution. He noted this month the Resolution was not only submitted but submitted with

a co-sponsor. Chairman Aiello stated he was angered that Legislator Belfiglio was not doing what the Committee decided last month and took offense at Legislator Belfiglio's intent to do whatever is necessary to move this Resolution.

Legislator Belfiglio stated he did not remember saying that but that he brought the Resolution last month for discussion purposes only. He indicated he had left messages for Legislator Aiello prior to the meeting but received no return phone calls.

Legislator Belfiglio stated he did not know there was a time limit for how long things would be discussed in a meeting and felt the rest of the Committee had the floor to discuss his proposed Resolution.

Chairman Aiello felt the majority of the Committee decided a Resolution to have the Director of Personnel do her job should not be mandated by law and that the Committee members could ask her, through Deputy County Executive Crannell, for answers to questions at any time. He stated he had a problem with Legislator Belfiglio going against the wishes of the Committee.

Legislator Provenzano felt the Committee's decision was clear and that a letter would be sent by Legislative Counsel Guerin.

Legislative Counsel Guerin stated she drafted a letter per the Committee's request.

Legislator Provenzano felt the Committee was aware of the Committee's decision to have the Personnel Director in attendance to answer all the questions.

Chairman Aiello stated he would not have numerous questions asked of the Director of Personnel but simply to determine if the actions specified on the Resolution could be done and then she would be able to leave the meeting. He stated if there were any Personnel questions after this meeting they would need to be sent through the proper channels, Deputy County Executive Crannell, and get them answered.

Legislators Belfiglio, Provenzano, and Chair Aiello entered into a dialogue regarding the understanding of the Committee's decision at the prior meeting, the on time submission of the Resolution and whether it should be discussed in Committee.

Chairman Aiello requested the Director of Personnel to look at what was being requested in the Resolution and answer whether or not, without answering any specific questions tonight, in the future, starting tomorrow, if she receives a request with a Personnel question from any member of the Committee, following the proper channels, she would answer the question. He stated he requested her attendance to determine if she can do this and how much of the Resolution she can do. He noted Personnel Director Brenda

Bartholomew now provides information to the County Executive as she previously did to the Legislature. He indicated for the 19 years he has sat in this Committee, the Committee has never asked specific Personnel questions.

Legislator Belfiglio stated the only way the Resolution could be discussed in Committee is with the conditions of the Chairman. Legislator Provenzano concurred Legislator Aiello is the Chairman of the Committee.

Legislator Provenzano clarified her understanding of the question to the Personnel Director Brenda Bartholomew is that the Committee would like reports on the transfers, new hires, etc. Chairman Aiello stated there was no problem with this request as Personnel Director Brenda Bartholomew is familiar with what the proposed Resolution included.

Legislator Bernardo suggested when the Legislature was considering Legislator Bartels' Resolution on posting the Committees audio recordings to the website she directed the Clerk of the Legislature to voluntarily do it for a month or two, to flesh it out, so that if there was a Resolution it would be accurate. She felt this would be a good thing to do with this topic as well; to go a month or two where Personnel Director Brenda Bartholomew provides the information to the Committee and after that, if the Committee feels they need to do a Resolution they would, similar to Legislator Bartels' Resolution.

Legislator Belfiglio stated the reason for his drafting of the Resolution was to ensure Legislators could take a page from a report from Personnel Director Brenda Bartholomew or her department and slip it in to the adopted personnel summary, page for page and be able to see where the vacancies are from month to month. He stated the end of the year is the only time the Legislators see the where the vacancies are, unless they ask for them and diligently keep track of them. He felt Personnel Director Brenda Bartholomew already has a chart of all requested items.

Legislator Bernardo assured Legislator Belfiglio that everyone wants this same information and noted two years ago, Legislator Provenzano wanted to see the same information. She noted the Committee was discussing the process of getting the information and felt just having the information provided to this Committee in the next month or two and then act on the Resolution.

Chair Aiello noted Personnel Director Brenda Bartholomew was in attendance and asked for the Committee to now hear what she can and cannot provide the Committee without them asking her questions.

Personnel Director Brenda Bartholomew stated she reviewed what was requested in the Resolution with respect to new hires, terminations, retirements, and separations from the County. She stated this was something that she can provide to the Committee. She noted

there are some times that the Departmental transfers are done for employee relation issues and noted she would have to respect some privacy issues. She noted this does not happen often but wanted to have it noted. She was assuming that the request was just for County positions and reminded the Legislators that in their office they handle all jurisdictions throughout the County. She suggested that, with respect to the protocol as set by the County Executive's Office, she attend quarterly and provide a report of where they are at. She respected that a personnel listing is printed in January and changes the day after. She noted it was a matter of keeping updated on what is going on with personnel business and she would be happy to accommodate.

Chairman Aiello clarified that what is being requested can be done without a Resolution providing the request is not delving into someone's personal privacy. He noted this was a concern, as noted in the minutes, that he and Legislator Provenzano shared.

Legislator Provenzano noted the Committee is entitled to the information. Chairman Aiello clarified the Committee is not entitled to information that got into privacy issues.

Legislator Bernardo noted Personnel Director Brenda Bartholomew indicated she would attend quarterly and provide an update which she felt was different than monthly with reports. She noted she did not need an updated but would like a report.

Chairman Aiello clarified how often the Committee would want Personnel Director Brenda Bartholomew to attend.

Legislator Provenzano felt a monthly report might produce questions among the Committee. Legislator Ronk felt Personnel Director Brenda Bartholomew would not need to attend every month but to submit a report monthly and attended quarterly for any questions.

Personnel Director Brenda Bartholomew stated she would prefer to be present in the beginning as there are a lot of acronyms and stuff that she thinks everyone knows and would help to understand the reporting process but would rather address any questions early so there is no confusion.

Legislator Provenzano asked if someone was let go for poor performance, could the Committee be informed. Personnel Director Brenda Bartholomew responded the Committee would see the person was termination but without the reason. She noted this could occur when the person does not meet their probationary period or following a Section 75 and there was a settlement that resulted in the termination. She stated termination is one method of separation from the County but that she just couldn't tell the Committee why. Legislator Parete clarified this could be shared in Executive Session.

Legislator Bernardo asked if this would include only employees under the County Executive or if it would include those employees under the Sheriff, District Attorney, Comptroller, Clerk, and College. Legislator Belfiglio asked if this would include all positions that are listed under the County Ulster budget. Personnel Director Brenda Bartholomew replied she would include the Sheriff and such as well. Legislator Belfiglio clarified he understood the Personnel handled other positions as well but that he was only seeking the information in regards to Ulster County government.

Legislatures discussed the submission of the Resolution and the misunderstanding from the last meeting.

Legislator Parete noted there was a lot of confusion following the last meeting. He felt the memo would be written to the County Executive and then learned it was going to the Deputy County Executive Crannell. He understood that was the proper direction for the letter but felt if any legislator wants to bring something forward, it is their right to do so.

Legislator Provenzano agreed but felt what was being discussed was the understanding that Legislator Belfiglio was agreeing that the Committee would reach out to Deputy County Executive Crannell and Personnel Director Brenda Bartholomew and have the discussion. She stated she did not left the meeting understanding that Legislator Belfiglio was going to do the Resolution anyway. Chairman Aiello agreed with this understanding.

Legislator Belfiglio indicated this was a difference of understanding.

Legislator Bernardo asked if the Committee had consensus to move forward without the Resolution and asked Legislator Belfiglio if he would wait a month or two to see how the reporting process goes.

Legislator Belfiglio stated if Personnel Director Brenda Bartholomew could provide a monthly report by the end of the month and based on what it looks like, the Committee could see if it fits in with what they are looking for. He felt the report would be helpful to see the adopted personnel budget and to compare it, apples to apples.

Legislator Bernardo concurred that the information is important and confirmed the Committee could wait a month and then tweak the Resolution or determine that it is no longer necessary.

Chairman Aiello was concerned that the Committee left the last meeting not having or talking about a Resolution and a comment was made that the sponsor was going to do it anyway and now he sees Legislator Wishnick listed as a co-sponsor. He noted Personnel Director Brenda Bartholomew indicated she can provide the information and is willing to attend the meetings. He stated it was Legislator Provenzano and his opinion that the

Resolution was not necessary when the Personnel Director is stating she can provide the information.

Legislator Bernardo noted this goes both ways and stated she told Legislator Bartels that she had directed the Clerk of the Legislature to post the audio recordings and Legislator Bartels went forward with her Resolution. She noted sometimes a Resolution makes people feel better to put it in Resolution format even though they are assured that everything is fine and that people have been directed to provide the information. Legislator Provenzano felt the Committee had agreed to put forward the audio recording Resolution.

Chairman Aiello reiterated his understanding of the consensus of the Committee and indicated this Resolution did not go to Committee. Legislator Belfiglio disagreed and stated the Resolution is in Committee right now. He stated the Committee had the Resolution in the same format last month. Chairman Aiello stated Legislator Belfiglio did not indicate that he wanted to offer a Resolution for Committee consideration but requested a minute or two of the Committee's time to ask a couple of questions.

Legislator Belfiglio stated he offered it as a Resolution and noted the County Executive received it in Resolution format when someone gave it to him. Chairman Aiello indicated he was aware of this and that it was because Legislator Belfiglio gave it to the County Executive. Legislator Belfiglio asked Deputy County Executive Crannell who gave the draft Resolution to the County Executive. Deputy County Executive Crannell stated Legislator Belfiglio gave it to the County Executive when he met with the County Executive the day after the Committee meeting. Legislator Belfiglio disagreed and stated the County Attorney already had a copy of it when he met with her. He noted she had already made her revisions.* Legislator Provenzano stated she did not give it to the County Executive.

Legislator Ronk wondered if Deputy County Executive Crannell was in attendance at the last meeting. Deputy County Executive Crannell indicated he missed the last meeting. Legislator Ronk noted someone from the County Executive's office, who may have been in the building, may have found it.

Legislator Belfiglio stated he was not attempting to pull the wool over anyone's eyes and submit something at the last minute. He stated it was a Resolution that was submitted timely.

Chairman Aiello stated it was up to the Committee as to if they want to vote on the Resolution.

Legislator Ronk confirmed with Personnel Director Brenda Bartholomew that she would submit to the Committee a monthly report with the sort of things that can be legally provided.

Personnel Director Brenda Bartholomew stated this would be done with the okay from the County Executive's office. Deputy County Executive Crannell stated the vast majority of the information provided for in the Resolution is appropriate to discuss in the Committee. He felt there would be instances where changes in personnel would be sensitive. He noted the law department had seen the draft and offered to the Committee a chance to meet the spirit of the request and give a chance for the Executive's office to develop some forms and some framework that would meet the law department's needs. He indicated it would give the chance to identify when there is something of a sensitive nature so that they could go into Executive Committee. He noted it was very important for the County to protect people's personal privacy. He stated there are changes that happen all the time and under civil service law, the County must be very careful. He reiterated the vast majority of the request can be discussed in Committee or having Personnel Director Brenda Bartholomew attend to discuss. He noted the Committee may find the changes come in spurts and that monthly might not be the right timely and that quarterly might be best. He agreed they would try for next month.

Legislator Belfiglio noted the Resolution has a co-sponsor and that it could still go through if he does not want it to stop in Committee. Legislator Provenzano indicated they would discuss this with Legislator Wishnick and inform him of what transpired in Committee.

Legislator Ronk asked Legislator Belfiglio if he would be willing to hold off on his Resolution until Personnel Director Brenda Bartholomew provides her report to see if it meets the Committee's needs.

Legislator Belfiglio stated as this is the Health and Personnel Committee and as such, he brought forth a Resolution that pertains to the Personnel Department. He noted in the audio recording Resolution, he suggested that the general public ask for recordings from the Clerk, as stated by Legislator Bernardo and Legislator Bartels still went forward with her Resolution. He stated his Resolution was not out of the ordinary; he found a co-sponsor and brought it forth exactly as it is required whether or not the Chair agrees with it or not. He felt the Resolution should be brought to the rest of the Legislature for them to decide what they want to do with it.

Chair Aiello excused Personnel Director Brenda Bartholomew from the meeting. Legislator Provenzano indicated she would speak with Legislator Wishnick as the co-sponsor of the Resolution.

Legislator Belfiglio stated Personnel Director Brenda Bartholomew already indicated she could provide the information as stated in the Resolution and that he had met with the County Executive and County Attorney, who already had a copy of the Resolution and had already edited it.

Legislator Provenzano reiterated she would discuss with Legislator Wishnick and noted in order for the Resolution to go through, he would have to approve it as well. She wanted an opportunity to tell him what transpired in the Committee and that Personnel Director Brenda Bartholomew had agreed to provide the Committee everything the Resolution is asking for. She indicated the audio posting Resolution was in a different Committee that she is not on and thought the whole Committee agreed with Legislator Bartels and highlighted she felt this was about the Committee decisions. She asked Legislator Belfiglio if he was requesting a vote of this Committee tonight on this Resolution.

Legislative Counsel Guerin indicated the Committee had to vote on the Resolution as it was included on their agenda. Legislator Belfiglio concurred that the Resolution was posted and unless Legislator Wishnick entered the meeting to withdraw his co-sponsorship, it had to be voted on in Committee.

Chairman Aiello stated Personnel Director Brenda Bartholomew gave her word and this Committee provides oversight to the Department underneath the County Executive's office. He questioned why it had to be a legal document to do something that she agreed to do.

Legislator Belfiglio stated when he drafted the Resolution, the Committee was not discussing the topic and had not asked Personnel Director Brenda Bartholomew if she could do it. He indicated the reason the Committee was discussing it was because he put forth a Resolution.

Chairman Aiello and Legislator Belfiglio discussed the potential for discussing sensitive material. Legislator Belfiglio stated it already been reviewed by the County Executive and the County Attorney offices and had already been sanitized. He stated there was nothing in the Resolution that would divulge any personal information.

Legislator Provenzano noted it was the second time the Deputy County Executive Crannell and Personnel Director Brenda Bartholomew were requested to attend the Committee meeting and unfortunately at the first visit, Legislator Belfiglio and Legislator Parete were unable to attend. She noted at that meeting it was asked if anyone had any questions and no one had any questions for them.

Legislator Ronk clarified Legislator Parete and Legislator Belfiglio had asked the departments to attend and the Health Department and Personnel were in attendance. He

noted this was specific to budgetary questions. Legislator Parete apologized for not being able to attend the last meeting and noted he did not recall requesting their attendance.

Legislator Parete and Legislator Belfiglio called the question. Legislative Counsel Guerin noted the Resolution was on the agenda and that the Committee could postpone it but it did need to be acted on.

Deputy County Executive Crannell noted in the title of the Resolution it discusses new contract employees but that Personnel Director Brenda Bartholomew would not have this type of information. Chair Aiello suggested the Resolution go back to the sponsor for revision. Legislator Belfiglio clarified he was seeking information when the County uses temp agencies, 1099's. Personnel Director Brenda Bartholomew stated they do not have this information in their office; not to say it is not available within the County. Deputy County Executive Crannell indicated temporary agency fills are done when someone is on an extended leave and it is done department by department. Legislator Bernardo noted this item was in the title and what is important is what is in the Resolve.

Legislator Belfiglio felt he did not see how anything bad could come out of this Resolution and that it would help the Legislature.

Legislator Ronk stated if the Resolution is brought forth he would not be in favor of posting the information to the Legislature's website. He felt this was an invasion of employees privacy. He felt requesting a report as policy makers is a good thing but disagreed with putting it on the website.

Legislator Ronk motioned to table the Resolution to next month pending Personnel Director Brenda Bartholomew's report to the Committee. Legislator Provenzano seconded the motion.

Deputy County Executive Crannell noted the Committee may want to see how they present the information, the format, and it would give this a good chance to weed out what information is needed. Chairman Aiello noted the report may need revisions. Deputy County Executive Crannell noted the law department did have some sensitivity to the reason why the change occurs may be a personal matter.

Legislator Belfiglio felt the Committee was spending so much time in not putting the Resolution through and not providing constructive criticism of what should be included in the report. Legislator Provenzano stated she did not think they needed it.

Legislative Counsel Guerin noted there was a motion on the floor that had been seconded.

Legislator Belfiglio stated the Resolution does not name names but lists information by title.

Roll Call Vote:	No
Voting In Favor:	Legislators Aiello, Bernardo, Robert Parete, Provenzano, and Ronk
Voting Against:	Legislator Belfiglio
No. of Votes in Favor:	5
No. of Votes Against:	1
Disposition:	Carried

Chairman Aiello requested Legislator Parete take over as Chair of the Committee and left the room.

Legislator Belfiglio asked when the Committee would be discussing changes to the Resolution. He asked permission to explain his reasons for voting no.

Deputy Chair Provenzano stated there was a motion, it was passed and the Committee was moving on but wanted, as both the Deputy County Executive Crannell and Personnel Director Brenda Bartholomew were in attendance, if there were any questions. For instance, she had heard there were comments that people in the Infirmary were receiving letters that they might be done as of February. Legislator Ronk noted if the Committee was going to discuss specific instances, he would make a motion that they go into Executive Session to discuss them with the Personnel Director Brenda Bartholomew and the Executive's office. Deputy Chair Provenzano noted she was not going to mention any names but that if there was, it was an excellent point.

Deputy County Executive Crannell felt he could answer the question without going into Executive Session.

Legislator Parete noted the Infirmary staff were employees of the LDC and not technically County employees. Deputy County Executive Crannell stated they were County employees. He stated there was no dramatic change at the Infirmary and there has been no letter sent to employees. He noted the only changes were routine in nature. He stated there was a high turnover in CNAs. He stated there were no letters. He said he heard the rumors going around and that the rumors were false. He stated they are trying for a good transition. He stated the new buyers have met with the Department Heads at the Infirmary a couple of weeks ago. Legislator Provenzano noted she was at these meetings. Deputy County Executive Crannell stated the buyers and the union representation met with the family council and the resident council and they are scheduling over the next couple of weeks some get to know you type meetings with the staff. He stated they tend to do those at the Infirmary as they have meetings with the various shifts around the clock. He did not think

there would be any new information then what has been shared but wanted to show the respect and attention to the employees and answer questions.

Legislator Provenzano asked if this could be part of the monthly report being requested; anything that has transpired personnel wise at the Infirmary.

Deputy County Executive Crannell indicated this could be provided but noted there had not been any dramatic change that would be worthy to note to the Committee.

Chairman Aiello resumed in his position as Chair.

Legislator Belfiglio noted it was stated the LDC is in charge of the employees but this is not correct. Deputy County Executive Crannell stated the County operates the facility and the employees are still County employees. He noted basically the LDC owns the real estate.

Legislator Parete asked how this works. Budget Director Hanson stated it was a lease/lease back agreement between the County and the LDC. Legislator Parete asked if the employees are considered contractors with the County. Budget Director Hanson indicated they were regular County employees and exist in the form as any other County employee. Deputy County Executive Crannell stated it was as if the County operates the facility and leases the building and the equipment from the LDC.

Legislator Provenzano noted this lease/lease back information was on the internet in case someone wants more information. Legislator Parete stated he did not understand how they would be technically County employees as the County sold the license. Legislator Ronk clarified the County has not yet sold the license. Budget Director Hanson stated the County has a contract of sale that has the County holding the license and continuing the operations pending the Certificate of Need being approved by the State. He stated once the Certificate of Need is approved, then the transfer will occur and at that point, they will no longer be County employees and will be employees of the new operator. Deputy County Executive Crannell reiterated the employees are currently public employees, have protections under Civil Service law, and protections under the contracts that have been negotiated with the two bargaining units – CSEA and United Teachers at the nursing facility. He stated there was no change in their employment or employment status. He stated upon the closing of the transaction, essentially, all the employees will be laid off from County employment with 30-day notice pursuant to the contracts. He stated the new operator was expected to offer employment to just about all the employees.

Legislator Provenzano concurred that this was her understanding. She also understood some people want to stay under County employment but prefer to leave the Infirmary at this time. She noted there is a preferred list and if there is a job opening they will be transferred over to that position. Deputy County Executive Crannell concurred that an employee that is

laid off is placed on a four-year preferred list. He stated based on their seniority, they would be given the first refusal of jobs that are offered by the County. Personnel Director Brenda Bartholomew clarified this is true for titles that are in the competitive class or if they are serving as a competitive person. She stated most of the positions at Golden Hill, such as food service workers or CNAs, are in the non-competitive class. She stated preferred lists do not necessarily apply however it has been the practice of the County to treat them like and it is called re-employment. She noted they always have these lists, whether it is preferred list as required by law or in the non-competitive class by practice. She noted there have been some people who have called her to request the Personnel Department keep an eye out for other opportunities. She noted she takes the time to talk with them and ask them for their background as there are times that someone is a CNA or a Food Service Helper and they might have other experience that could be transferrable or they might qualify for an exam. She stated she had not had too much of this inquiry from Golden Hill so far but they were working with the people from Mental Health.

Legislator Provenzano confirmed this activity was occurring with Mental Health people as well. Legislator Parete noted the Personnel Department is required by law to provide this assistance. Personnel Director Brenda Bartholomew confirmed this was required by law for those in the competitive class and that Mental Health is a really good example as all those positions were in the competitive class. She noted half of the positions were accounting titles and the other half were clinical. She noted they would go on the preferred list as of January 1st and if there is a vacancy in those titles, these individuals would be referred back in seniority order. Deputy County Executive Crannell stated in the interim period between the release of the budget and the layoff on December 31, 2012, they were able to reduce the list from 28 to 18 people. He noted they did some outreach and were able to match up the staff. He stated as time goes on, to the extent that the County is going to fill a position and the candidate fits the qualifications, they will be filled from the preferred list.

Legislator Belfiglio asked who from the County Executive's office is on the LDC. Deputy County Executive Crannell stated Budget Director Hanson is on the LDC. Legislator Provenzano confirmed she is also on the LDC. Legislator Belfiglio noted it has been learned that the LDC really did not have to bond the \$8 million dollars and asked what happened with the bonding. He stated he heard the LDC did not need to bond and they took \$8 million from the General Fund and replaced it with surplus funding. He asked what happened to the \$1.1 million service fee that the bond lawyers were charging.

Deputy County Executive Crannell confirmed they did not bond and there was no service fee. Budget Director Hanson stated the initial bonding requirement occurred when the County had an \$8 million budget gap. He noted a budget gap does not equal an operational gap. He stated the \$8 million budget gap was plugged in the budget with the future sale of proceeds of the Golden Hill Health Care facility. He noted the total revenue was \$9.3 million dollars with \$1.3 million intended to go to the bonding costs and other operational

costs for the year and the \$8 million was a net that would come back to the County as a General Fund revenue. He noted as they entered the 2013 budget process back in August 2012, they were looking at the Fund Balance calculations for the year and noted the Fund Balance was coming in ahead of what they had originally anticipated for it to come back at. He noted this was from a variety of different reasons, two primary reasons were: 1) sales taxes come in much higher than anticipated and 2) there were savings from the vacancies that were held over the course of the year. He also noted the County made \$2 million from the retirement of the debt service from jail bonds. He stated there were some negatives but at the end of the day, if the County received the \$8 million revenue, the fund balance would have been in surplus for around \$6 to \$7 million. He stated the \$8 million would have been the surplus. He felt they were comfortable enough to say to the LDC that they did not need to bond as the Fund Balance was strong enough to basically not receive the revenue in this fiscal year but to receive it the following year and sustain a temporary loss in the fund balance for that period. He stated it was an option but was not 100% confident on it back in August. He noted the Legislative Consultants came in and Chris Kopf, who was their Team Leader here, came back and confirmed the County was in a position that they did not need to bond. He noted with more data down the road, they were able to make the ultimate . decision. He reiterated the consultants said they did not have to do this if they did not want to and what it would allow the County to do is to save money on the bonding costs as well as the debt service associated with that. He stated they looked at it, agreed with the position and decided to move forward. He stated the County still has the \$8 million problem but that the County noted it was suppose to have a receivable of \$8 million in 2012 but will not be receiving it in 2012 which decreases the total Fund Balance. He stated the initial Fund Balance projections were roughly around 5.2% of the General Fund. He noted this percentage comes down to around 2.5-3%. He stated the money will be received by the County by the end of 2013. He stated this was an easier transaction as the bonding made it a complicated transaction. He stated at the end of the day, the County still gets it's money because when the deal closes the County will receive the full remaining proceeds from the sale. He stated this was budgeted in the 2012 budget not the 2013 budget and there will be a small difference between what was budgeted in 2012 and the sale is what is seen in the 2013 budget. He noted the County will receive the difference but will also receive what was budgeted in 2012. He stated what was missing from the Fund Balance fills back up to the 5% mark.

Legislator Parete asked if the revenues the County receives were unanticipated, how would it affect the Fund Balance. Budget Director Hanson responded it was anticipated as revenue in 2012. Legislator Parete noted the amount received was higher than what was anticipated in sales tax and asked if they took that money, instead of bonding, that it shouldn't have an effect on the Fund Balance. Budget Director Hanson stated it would. Legislator Parete stated he would understand if it was taken from the projected sales tax but the higher amount was unanticipated revenue. Budget Director Hanson noted if at the end of 2012, the projected sales tax is \$100 million and the actual sales tax receipts for the year

are \$102 million for the year, there is a \$2 million surplus. He stated in 2012 there was a certain projection that was created when the budget was developed in 2012 and the actual receipts came in higher than the original budget, he stated this is one of the largest unanticipated revenue items that went into that. He noted it was not the full \$8 million. He noted it was not just revenue, it was also expenses that came in lower. He stated this was the goal of financial management.

Legislator Parete noted they budget for x as a Fund Balance at the end of the year. Budget Director Hanson stated they do not really budget for a Fund Balance but rather they project what the Fund Balance will be at year end. Legislator Parete clarified this projection was 5% . Budget Director Hanson confirmed when they released the budget, they were looking for around 5% of the General Fund as the goal for the total available Fund Balance. He stated, for example, if the County had to appropriate for \$1 million raises for every employee, this would come out of the Fund Balance. He noted from now to the date they close the fiscal year, as the County received more in their Fund Balance than anticipated, they can use this and basically, not give themselves money in the Fund Balance which is what the bonding would have done. He stated the bonding would have put the Fund Balance above the 5%. He stated this will probably come back by the end of 2013. He stated they advised the County to wait a couple of month and save the bonding costs of \$1.1 million of which \$800,000 was for a net service reserve fund which ultimately would have come back to the County. He stated the net savings was around \$500,000 which will come back to the Fund Balance. He stated until the County closes, the amount is unbudgeted as the LDC might need the funding in case there are environmental issues that come up throughout the year and/or other negotiated settlements, etc. He stated this was a 5% contingency that they were dealing with for the total sale price.

Legislator Belfiglio clarified this equation of \$11.25 million included the sale of the facility. Budget Director Hanson confirmed this. Legislator Ronk clarified they were including the \$8 million in the equation that Budget Director Hanson was presenting with the extra \$3.5 million is realized in the 2013 budget. Legislator Belfiglio noted the County is at 2.5-3% of their Fund Balance. Legislator Ronk asked Budget Director Hanson if he would be able to email the Committee the current percentage of the Fund Balance. Budget Director Hanson stated he would do this.

Chairman Aiello asked if this topic was still relating to the Health & Personnel Committee. Legislator Ronk confirmed this was relating to Health from Golden Hill.

Chairman Aiello excused Personnel Director Brenda Bartholomew from the meeting.

Text of Motion: Resolve to Approve Draft Resolution No. 125 - Confirming Appointment Of Members To The Community Services Board

Motion Made By: Legislator Parete

Motion Seconded By: Legislator Ronk

Resolution Summary: This Resolution confirms Vincent McLaughlin of Saugerties, Timothy Wade, PhD of Hurley, and Amy Russell of West Hurley as members of the Ulster County Community Services Board for term to begin January 1, 2013 and expire December 31, 2016.

Roll Call Vote: No

Voting In Favor: Legislators Aiello, Belfiglio, Parete, Provenzano and Ronk

Voting Against: 0

No. of Votes in Favor: 5

No. of Votes Against: 0

Disposition: Carried

Discussion

Deputy County Executive Crannell stated, as Ms. Amy Russell was in attendance, it was an honor for the County Executive to put her name before the Legislature for the Community Services Board. He noted she has been a strong advocate for families throughout the County. He stated he had gotten to know her over the past year and was happy to be working with her in this capacity. Legislator Ronk and Provenzano concurred and the Committee was added as offering these sentiments.

Abstract (L48-2: Wayne St. Hill, DDS)

Legislative Counsel Guerin noted the contract for review was for dental services at Golden Hill. Legislator Ronk noted this was an item for review. Chairman Aiello asked if the Committee had any questions.

Deputy County Executive Crannell noted as the Committee would be seeing contracts for Golden Hill, over the next several months, they would be extending the contract dates to December 31, 2013 while they work with the new buyers. He stated they anticipated they would continue to work with some of the County's vendors and will change others and they were attempting to create the end of next year as the transition point.

New Business:

Kathy Nolan, the Chair of the Ulster County Trails Advisory Committee introduced herself and noted the Health & Personnel Committee is one of the two committees that the Trails Advisory Committee reports to, with the other one being the Economic Development and

Tourism Committee. She stated she sent an email indicating she was happy to come and report to the Committee at any point on trails initiatives in the County and the related health benefits. She noted she also serves on the Local Partners in Public Health Committee over at the Department of Health and the Trails Committee is doing it's work with the belief that it benefits the residents of the County in terms of their quality of life, their recreational opportunities, but particularly the health. She noted a lot of studies are showing that the trails near houses and in more places result in the use of the trails, decreased morbidity and better cardio-vascular health as well as other forms of health. She stated it was her first visit to the Committee in the past year and she just wanted to stop in, ensure the Committee knew her and the work of the Advisory Committee, and offer to come by if they have any questions. Legislator Ronk noted the Town of Shawangunk has a beautiful paved trail. Chairman Aiello suggested to Ms. Nolan, she was invited to come, although they did not have a discussion period for people attending the meeting, if she would inform the Committee Clerk when she was planning on attending, she would be put on the agenda to present a report. He noted she would be put on in the beginning of a meeting rather than at the end.

Discussion

Legislator Bernardo noted there was no action that could be taken but that she wanted to bring to the Committee's attention a constituent matter. She provided a summary of a timeline that was distributed to the Committee members. She noted in about June of 2012 there were two households on Berme Road that suspected there was septic discharge coming from their neighbor's septic system. She stated the neighbor reported it was just grey water from the washing machine. She stated the Health Department was contacted and inspected on June 11th and gave the neighbor until August 1st to make the repair. She noted on August 2nd, the neighbors reported back that the situation had not been repaired and they still felt they had septic material on their yard. She stated the Health Department went out to reinspect and at that point the Department indicated they would bring the homeowner in for a hearing on or about August 20th where he could be asked to comply. She stated on September 21st there was a dye test that indicated the septic waste was ending up on the neighbor's yards. She stated on October 1st the reinspection confirmed sewage flowing and continued to be exposed on both properties. She stated on November 20th, six months after the initial complaint, there was a preliminary and formal hearing scheduled. She stated on December 14th there was a letter to the resident's stating that his septic system had to be repaired no later than January 25, 2013 and that the resident was directed to leave the repair open so that the Department can go out and inspect. She stated the residents just want the issue fixed, regardless of snow or other weather. She noted if anyone had sewage coming into your yard for nine months, they would not want to hear nine months later that they are still trying to figure the issue out. She asked that at the February meeting of the Health & Personnel Committee, this matter be put on the agenda and that the Committee is informed that it is resolved.

Chairman Aiello asked as it is a septic and not a public sewer system, if the landowner where the leak is coming from is responsible. This was confirmed. Chairman Aiello asked if he was given a day to have it rectified. Legislators Provenzano and Ronk confirmed this was given as January 25, 2013. Chairman Aiello asked what action can the Health Department take. Legislator Ronk stated the Department can bring the homeowner in for a formal hearing and level issue fines and penalties. Legislator Provenzano asked if the Department had done that. Legislators Ronk, Parete, Bernardo and Legislative Counsel Guerin responded not yet.

Legislator Parete asked who is the hearing officer for the County Health Department and noted under the old form of government, the Board of Health was the hearing officer. Deputy County Executive Crannell stated it depended on the situation. He stated it was coordinated through the Law Department. Legislator Provenzano noted there was an Environmental Health Manager, Jim Rogman. Legislator Parete stated he was an employee and could not be the hearing officer. Legislators Provenzano and Ronk clarified they were seeking the administrative hearing officer. Legislator Provenzano asked how long they could make someone go that long and not fix septic. Chairman Aiello noted if the homeowner is given a date to repair and you are responsible and then they do not do it, then it is wrong. Legislator Bernardo noted the Department has been telling him since June to fix the problem. Chairman Aiello clarified then the time is up. Legislator Bernardo stated the County Health Inspector gave him until August 1st to make the repair and when the residents called back on August 2nd to say it is not fixed, the Department returned for another inspection.

Chairman Aiello agreed to place the item on the agenda for the next meeting of the Health & Personnel Committee. He stated if the time is exhausted for this homeowner to rectify this then he would recommend that the Committee has that power. Legislator Parete stated the Committee does not have that power. He stated under the old form of government, it would be the Board of Health. He stated the Board would meet to review different actions as they come up. He noted there was a process that had to be followed including the property owner being served, the issues identified, and then the hearing. He stated he did not know the time for the process, it could be two months, three months, or one month or at some point they would have to have a hearing and actions would take place. He stated he was curious who does the hearing, how these things are managed these days, and why if they haven't met, if they do meet, if they plan on it.

Deputy County Executive Crannell stated first of all, it was the first he had heard of this instance. He stated if there is a Legislator who has a concern about a constituent, they would reach out as he does with all Legislators and work through the process. He reiterated it was the first he was hearing of this issue.

Legislator Bernardo stated she was surprised to hear that as the Legislative office had been repeatedly calling and asking about this issue. She stated Clerk Barringer and Clerk

Tantillo can confirm that this is not the first time that anybody from this office has brought this up to the Health Department or the County Executive's office.

Deputy County Executive Crannell stated he could put on the record that neither one of her Deputies had called him about this particular case and if they had, he would have had a file started on it nor he would have been able to speak to it specifically. He reiterated it was the first he was hearing of this issue. He stated from time to time members of the Health & Personnel Committee and other Legislators would call him about a constituent issue and he will open up a file and work with them on a routine basis. He stated again it was the first he heard of this issue at tonight's meeting and he could not speak to the specifics of it.

Legislator Parete stated he had two parts, number one being this individual issue and felt the Chairman is right, the Committee should have a better understanding of it by next month and he would also like to know the compliance/enforcement side; specifically who does it.

Deputy County Executive Crannell stated again, they still have the Board of Health that establishes the sanitary code and they are appointed and they could provide that list to the Committee. He stated their actions are coordinated with the Law Department.

Legislator Ronk asked if Deputy County Executive Crannell could provide a list of people used by the County as administrative hearing officers or if the Board of Health does the administrative hearings.

Chairman Aiello confirmed Deputy County Executive Crannell could initiate something on this. Deputy County Executive Crannell stated he would be happy to do this.

Legislator Ronk noted the Board of Health is responsible for the sanitary code but that might be their only function. Legislator Parete clarified they might be policy making. Legislator Parete stated when he was on the Board, very few people wanted to get involved in the nuts and bolts of giving violations as they were volunteers for the most part. He stated they did not want to attend every month and have to give violations and fine businesses and homeowners.

Chairman Aiello confirmed his request to Deputy County Executive Crannell to initiate a file and noted he just heard about it today himself. Legislator Bernardo noted it was clearly noted it has been happening for quite some time. Chairman Aiello stated he could understand the frustration involved.

Deputy County Executive Crannell stated it could be the County Attorney's office is following the process but as far as the complaint, generally when a Legislator has a constituent concern, he will do some outreach and take a personal interest in it. Legislator Bernardo stated she would have Ms. Tantillo follow-up with him as she had been the one pursuing the issue for the office and she found it unusual that Ms. Tantillo would not contact him. Deputy County Executive Crannell stated she tends to avoid their office when it comes to these questions and in fact, routinely her staff would go to the agencies, whether it be Social Services when Deputy Clerk Barringer had an incident last week or others, and

again, he is happy to help any Legislator with a constituent issue. He stated he has been doing this all along and in the past year, he has enjoyed it immensely.

Legislator Bernardo noted if Deputy County Executive Crannell was stating her staff was by-passing him and going directly to the people, she would have that conversation with her staff but as Clerk Fabella clearly has a good handle on the employees in the office. She stated they would work it out then.

Legislator Parete and Chairman Aiello indicated they had to leave the meeting.

Legislator Bernardo reiterated she has residents that have had sewage on their lawn for going on eight months now and she thought the Health Department and Deputy County Executive Crannell as the Deputy County Executive that oversees the Health Department would have a way to track when a resident complains about sewage on their lawn eight months later. She stated if he oversees the Health Department, then he oversees the fact the residents are calling a Legislator to get involved because the Health Department has not fixed the problem and this can not be blamed on her staff for that.

Deputy County Executive Crannell stated he was not blaming her staff but was saying when a Legislator has a constituent issue they tend to call the office and they help advocate on their behalf because County government is a large bureaucracy with many twists and turns and they try to help navigate that process the best that they can.

Legislator Bernardo stated she had not said anything up until this point but that she felt at eight months, maybe she should. She stated she was telling the County Executive's office now.

Deputy County Executive Crannell stated he would have liked to have the information sooner and been working on it.

Legislator Bernardo asked when, at three months or four. She stated a three months, she expects she would have been told it was too soon and it would need more time. She stated the bottom line is that the County Executive's office is being told it has been a problem for eight months and she hoped the County can fix it for the residents.

Deputy County Executive Crannell stated there is due process. Legislator Bernardo stated that is what she would have been told if she brought it up at three months or two months. She stated they waited for the due process.

Deputy County Executive Crannell stated he had not seen the materials but that Legislator Bernardo rattled off a date for later in January, when there would be regulatory action and it appeared the Department had been following the process. He stated the process and procedures were typically in State Law and Regulations and not something that the Department creates.

Chairman Aiello indicated he had to leave the meeting and requested Legislator Provenzano Chair the rest of the Committee meeting. Legislator Ronk indicated the Committee still had it's quorum.

Deputy Chair Provenzano clarified with all the dates the Chairwoman provided; the final result is for the Department to bring the homeowner up on charges. She asked how the neighbors ensured it was fixed then should the homeowner decide not to fix it. Legislative Counsel Guerin stated ultimately, the Department had the ability to fix it themselves and charge it back to the homeowner. She stated the Town could also get involved and there was a lot that would have to be done to get to that point.

Deputy Chair Provenzano noted the homeowner ignored everything he was required to do. Legislative Counsel Guerin noted the homeowner entered into an agreement in stipulation on December 14, 2012 and was given notice to appear at formal hearing on October 31, 2012. She suggested to Deputy County Executive Crannell that the Chairman is expressing is that there is due process but that she was hoping for more aggressive pursuit in all this based on her review of the timeline.

Legislator Belfiglio clarified that the Health Department and Dr. Smith does meet with the County Executive's office.

Legislator Bernardo clarified that the Committee would like to have Deputy County Executive Crannell return next month with the result as January 25th will have come and gone by the time the Health & Personnel Committee meets in February. She stated she wanted to have the Committee on top of this to ensure the residents do not have to call her on January 26th and indicate it is not resolved which was her only reason to bring this to the Committee's attention.

Legislator Ronk indicated that this might be a nice learning experience for the Legislature if an Environmental Sanitation Officer was able to attend and explain the process so the Committee better understands the different levels of due process that has to be exhausted before they can do point A or B, as it is very in-depth.

Deputy County Executive Crannell noted the next meeting is dedicated to the Personnel Department and asked if the Committee wanted to schedule a five-hour session. Legislators Provenzano and Ronk felt Chairman Aiello would not desire this and maybe it could be scheduled for the month after.

Legislator Belfiglio noted his mistake, early on, in just asking the Department and it never went further from the Department. He stated it was in regards to the water tests from the Esopus water plant but that now he knows to contact people if he wants action for a constituent or a municipality.

Legislator Provenzano stated if Deputy County Executive Crannell had information before the next meeting, she encouraged him to provide it to the Committee.

Deputy County Executive Crannell reiterated this was the first he had heard of this specific case.

Legislator Belfiglio shared a story of the use of a dye test in exploring a home purchase.

Legislator Bernardo stated that is sad that it is the first his is hearing of this and that he is not on top of a sewage in people's yards. Deputy County Executive Crannell expected Legislator Bernardo was on top of the sewage in people's yards.

Adjournment

Motion Made By: Legislator Belfiglio

Motion Seconded By: Legislator Ronk

No. of Votes in Favor: 4

No. of Votes Against: 0

TIME: 6:53 pm

Dated the 28th day of January, 2013

Krista J. Barringer, Deputy Clerk

Minutes Approved on: February 4, 2013

Law Enforcement & Public Safety Committee

Regular Meeting Minutes

DATE & TIME: January 8, 2013 / 5:30 PM
LOCATION: Ulster County Law Enforcement Center, The Rotunda
PRESIDING OFFICER: Richard Parete, Chairman
LEGISLATIVE STAFF: Lisa K. Mance
PRESENT: Legislators Ronk (5:55PM), Maio, Briggs, Maio and Bernardo
ABSENT: None
EXCUSED: None
QUORUM PRESENT: Yes
OTHER ATTENDEES: Sheriff Paul VanBlarcum, Legislator Donald Gregorius, Legislative Deputy Fawn Tantillo, Captain Mike Freer, Sheriff Deputy Jim Tiano, Deputy Executive Robert Sudlow, Assist. Deputy Executive Mark Longtoe

- Chairman Parete called the meeting to order at 5:30 PM.

MOTIONS:

MOTION NO. 1

TEXT OF MOTION: RESOLVED to approve the November 27, 2012 Meeting Minutes
MOTION MADE BY: Legislator Belfiglio
MOTION SECONDED BY: Legislator Briggs
ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Belfiglio, Briggs, Maio, Richard Parete and Bernardo
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 5
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passes

MOTION NO. 2

TEXT OF MOTION: RESOLUTION No. 0108 – January 22, 2013
RESOLVED to Approve Draft Resolution No. 0108 - Requesting the United States Congress Implement Federal laws That Will Protect The Health, Safety and Welfare Of The Public From Death And Injury, Due To The Intentional Or Unintentional Misuse Of Firearms

Resolution Summary:

The Second Amendment of the United States Constitution preserves "the right of the people to keep and bear arms." There are certain restrictions and limitations to the Second Amendment with individual States and other municipalities requiring procedures such as mandatory background checks, waiting periods and permitting, that could be effective in deterring the ability of person to illegally purchase firearms. The primary responsibility of Government is to protect the Health, Safety, and Welfare of the Public and there have been numerous shootings in colleges, grade schools, shopping malls and other public places. Firefighters, police officers, teachers, students, school personnel, political officials, postal workers and other public and private persons have been targeted and murdered by people that are felons, mentally deficient, of ill will, and/or are prohibited from owning firearms. Firearms commonly known as assault rifles and other firearms with large capacity ammunition clips have been used in incidents resulting in mass casualties. It is in the public interest to enact laws that are consistent to avoid loopholes that exist between States with varying laws .

Discussion:

Committee Chairman Richard Parete recognized Legislator Gregorius who addressed the Committee with regard to his position regarding the gun control issue. Legislator Gregorius presented various Articles – "Broader Background Checks and

Denial Criteria Could Help Prevent Mass Shooting Catastrophes, Experts Say," (web address: <http://www.sciencedaily.com/releases/2012/12/121227154701.htm>) *Science Daily*. December 27, 2012; "Gun Show Loophole Frequently Asked Questions," Coalition to Stop Gun Violence, *USA Today*; "Gun laws in the United States by state," *Wikipedia*; (on file with the Clerk of the Legislature.) Legislator Gregorius stated that "doing nothing" was not an option for him. He also subscribed to the concept that it was the people using the guns, not necessarily the guns themselves, that were the problem – that it wasn't a "black and white" issue.

Questions and/or Comments

Legislator Belfiglio commented that, although he didn't deny the spirit of the Resolution, he took issue with specific wording within the Resolution. **Legislators Belfiglio, Gregorius and Rich Parete** agreed that the "resolved" paragraph was what stated the true intent of the document. **Leg. Chairman Bernardo** distributed a copy of a report reflecting mental health issues and the deficiency of psychiatry within the United States. **Leg. Chairman Bernardo** didn't believe that the Resolution was accomplishing anything significant without the inclusion of addressing mental health issues. Reference was made to the cuts made locally in the Ulster County Mental Health department. **Leg. Chairman Bernardo** continued in stating that a clear message

had been sent in that in making the personnel cuts, mental health wasn't valued. **Legislator Gregorius** indicated that the intent of the Resolution was to admit and recognize a problem. **Committee Chairman Rich Parete** suggested redrafting the Resolution, seconded by **Leg. Chairman Bernardo**.

DISPOSITION: Resolution Tabled

MOTION NO. 3

TEXT OF MOTION:

RESOLUTION No. 0109 – January 22, 2013

RESOLVED to approve Resolution No. 0109 – Authorizing the County Executive To Execute An Agreement With The Dutchess County For The Provision Of Reciprocal Conflict Defense – Creating One Full Time Position And Amending The 2013 Ulster County Budget – Public Defender's Office

Resolution Summary:

The Public Defender has requested that the County Executive be authorized to execute an agreement and any amendments with Dutchess County for the purposes of providing reciprocal conflict defense for indigent defendants in Ulster and Dutchess Counties. The agreement will provide for legal representation to indigent defendants in County Court, Kingston City Court and Ulster Town Court in Ulster County by a Dutchess County Assistant Public Defender, and County Court and Poughkeepsie City Court in Dutchess County by an Ulster County Assistant Public Defender. The reciprocal representation will only be assumed when the host County's Public Defender's Office is disqualified from representing an individual due to a legal conflict. currently, this type of representation is being done through the use of an assigned counsel program consisting of private attorneys at a substantial cost to the County. The agreement with Dutchess County will greatly reduce the cost of providing mandated legal representation to indigent defendants. Due to an anticipated increased caseload, the Public Defender has requested that an additional full-time Public Defender position be created and funded by a transfer of funds from the Assigned Counsel Services Budget to the Public Defender's budget. The Ulster County Personnel Officer has reviewed the request and has by order and determination deemed the classification of Assistant Public Defender (management) and allocates as such to the non-competitive class of the classified civil service.

Questions and/or Comments

Committee Chairman Parete indicated that he was not willing to support the Resolution at the time without knowing what the program was going to be or without the presence of Public Defender Andrew Kossover. Leg. Employee Mance provided copies of the Inter-Municipal Agreement Between the County of Dutchess and the County of Ulster (on file with the Clerk of the Legislature). **Committee Chairman Parete** asked Deputy Sudlow if Public Defender Andrew Kossover could be present at the next meeting. Deputy Executive Sudlow provided his explanation of the intent of the proposed legislation indicating that there would be significant savings. Discussion ensued with regard to "operations" and personnel with **Legislators Ronk and Belfiglio and Leg. Chairman Bernardo**. **Legislator Belfiglio** stated the proposed Budget was deficient. **Legislator Ronk and Committee Chairman Parete** provided situations in which conflict could exist.

MOTION MADE BY:	Legislator Briggs
MOTION SECONDED BY:	Legislator Ronk
ROLL CALL VOTE:	No
VOTING IN FAVOR:	Legislators Ronk, Maio and Briggs
VOTING AGAINST:	Legislators Richard Parete, Belfiglio and Bernardo
NO. OF VOTES IN FAVOR:	3
NO. OF VOTES AGAINST:	3
DISPOSITION:	Motion Failed to Pass

Discussion:

Leg. Belfiglio questioned as to where the savings were going. He added that he wished to investigate that further.

MOTION NO. 4	RESOLUTION No. 0114- January 22, 2013
TEXT OF MOTION:	<u>RESOLVED to approve Resolution No. 0114-</u> Authorizing The County Executive To Execute An Agreement With The New York State Office of Emergency Management To Develop A Multi-Jurisdictional Multi-Hazard Mitigation Plan That Complies With the Federal Emergency Management Agency Requirements, And Amending The 2013 Ulster County Budget – Emergency Communications /Emergency Management.

<u>Resolution Summary:</u>	<p>Ulster County and its municipalities have experienced multiple federally declared disasters over the past several years that have created a hardship on the residents as well as local governments in the past several years. An effective multi-hazard mitigation plan allows municipalities to conduct risk assessments to identify and prioritize appropriate mitigation actions to reduce losses from identified hazards. Local governments must have a mitigation plan approved by FEMA in order to receive funds from the Hazard Mitigation Grant program and it is a complex, costly and time consuming endeavor for each municipality to draft a multi-hazard mitigation plan. In 2007-2009, the Ulster County Emergency Management Office coordinated the first Ulster County Multi-Jurisdictional Hazard Mitigation Plan with the participation of twelve municipalities. The Plan is due for renewal in the five-year planning cycle established by FEMA and affords a new opportunity for all municipalities within the County to participate in this planning effort. The Ulster County Emergency Management Office has applied for and has been awarded federal pass-through funds in the amount of \$150,000.00 which is 75% of the estimated total cost of development of a new plan. The total cost of plan development is not to exceed \$200,000.00 which includes a 25% County contribution which shall be met with in kind services such as labor costs.</p>
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Additional Questions and/or Comments:

Deputy Executive Sudlow informed the Committee that certain Towns had participated last time and hoped to get them this time. The Towns that had participated last time were Gardiner, Lloyd, Saugerties, Hurley, Shawangunk, Shandaken, Rosendale, Ulster, Marbletown, Marlboro, Kingston, and City of Kingston, one-half of the Towns didn't participate in the Countywide emergency plan. Also involved were the Red Cross, Kingston Hospital, State Thruway Authority and the Grant Plan Developer. Goal in next 5 years was to get all Towns involved for emergency planning.

MOTION MADE BY:	Legislator Briggs
MOTION SECONDED BY:	Legislator Ronk
ROLL CALL VOTE:	No
VOTING IN FAVOR:	Legislators Briggs, Maio, Bernardo, Belfiglio, Richard Parete and Ronk
VOTING AGAINST:	None
NO. OF VOTES IN FAVOR:	6
NO. OF VOTES AGAINST:	0

DISPOSITION:**Motion Passed to Adopt Resolution**

MOTION NO. 5**RESOLUTION No. 0115 – January 22, 2013****TEXT OF MOTION:**

RESOLVED to approve Resolution No. 0115 - Establishing Capital Project No. 376 For The Purchase Of Vehicles For The County Sheriff's Office – Amending The 2013 Ulster County Capital Project Fund Budget – Ulster County Sheriff's Office

Resolution Summary:

The Ulster Legislature adopted the 2013-2018 Capital Program which included the purchase of five police vehicles at a cost of \$233,835.00 to supplement the aging fleet of existing vehicles. The Ulster County Sheriff requested that Capital Project No. 376 be established and funded in order to purchase three unmarked cars with police equipment at a cost of \$156,441.00, one SUV with Police equipment at a cost of \$50,900.00 and one unmarked sedan at a cost of \$26,494.00 for a total cost of \$233,835.00

Additional Questions and/or Comments:

Leg. Ronk inquired as to whether the vehicles were Fords or Chevies to which Sheriff responded he was not sure. **Leg. Belfiglio** asked if budget amendments in the Capital Projects. had been withdrawn by Sheriff.

MOTION MADE BY: Legislator Ronk
MOTION SECONDED BY: Legislator Maio
ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Rich Parete, Belfiglio, Briggs, Maio, Ronk and Bernardo
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 6
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passed to Adopt Resolution .

MOTION NO. 6**RESOLUTION No. 0117- January 22, 2013****TEXT OF MOTION:**

RESOLVED to approve Resolution No. 0117- Authorizing The Chairman Of The Ulster County Legislature To Execute An Agreement With The New York State Division of Homeland Security And Emergency Services For Overtime Reimbursement And Amending The 2013 Ulster County Budget – Ulster County Sheriff's Office.

Resolution Summary:

The Ulster County Sheriff's Office participated in the "Hudson River Spider Operation" which had as an objective, the prevention of terrorist attacks by enhancing law enforcement's capability to support international border and waterway security. The Sheriff's Office participation in this operation was important to promote homeland security by collecting data on the movement of foreign-flagged vessels and communicating the data to the United States Coast Guard. The Sheriff is requesting that the Chairman of the Legislature be authorized to execute an agreement with the New York State Division of Homeland Security and Emergency Services for period from September 1, 2012 through September 30, 2012 in the amount of \$4,820.00 to reimburse the Sheriff's Office the cost of overtime associated with the "Hudson River Spider Operation."

Additional Questions and/or Comments:

Sheriff VanBlarcum provided brief explanation as to the need for the Resolution and why it had originated.

MOTION MADE BY: Legislator Briggs
MOTION SECONDED BY: Legislator Ronk
ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Briggs, Maio, Bernardo, Belfiglio, Richard Parete and Ronk
VOTING AGAINST: None

NO. OF VOTES IN FAVOR: 6
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passed to Adopt Resolution

MOTION NO. 7
TEXT OF MOTION: **RESOLUTION No. 0118- January 22, 2013**
RESOLVED to approve Resolution No. 0118- Authorizing The Chairman Of The Ulster County Legislature To Execute An Agreement With The Town Of Ulster For Use Of Its Police Firearms Range And Training Facility – Ulster County Sheriff's Office

Resolution Summary: The Ulster County Sheriff's Office is required by law to provide firearms training and Practice for its sworn officers. The facility maintained by the Town of Ulster is appropriate for this purpose. The Sheriff requested that the Chairman of the Legislature be authorized to execute an agreement and any amendments, with the Town of Ulster for the term January 1, 2013 through December 31, 2013, providing for the use by the Ulster County Sheriff's Office, of the Ulster Police Firearms Range and Training Facility, located on the Ulster Landing Road in the Town of Ulster

Additional Questions and/or Comments:

Legislator Belfiglio asked for confirmation that there was no financial impact to which the Sheriff responded that there was none.

MOTION MADE BY: Legislator Briggs
MOTION SECONDED BY: Legislator Ronk
ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Briggs, Maio, Bernardo, Belfiglio, Richard Parete and Ronk
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 6
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passed to Adopt Resolution

MOTION NO. 8
TEXT OF MOTION: **RESOLUTION No. 0120- January 22, 2013**
RESOLVED to approve Resolution No. 0120-Confirming Appointment Of Member To The Ulster County Traffic Safety Board

Resolution Summary: Pursuant to Article XL Traffic Safety Section C-120A of the Ulster County Charter and Section A40-30 of the Administrative Code, the County Executive appointed Brendan Masterson, 563 Old Indian Road, Milton, NY 12547 for a term January 1, 2013 through December 31, 2015.

Additional Questions and/or Comments:

Leg. Maio inquired if there was a resume available. Leg. Ronk indicated that the resume was on file with the Clerk of the Legislature and made Motion to move the Resolution pending receipt of the resume in e-mail to the Committee. Committee Chairman Richard Parete requested that Legislative Employee Mance provide same to the Committee. It was confirmed that Mr. Masterson had been at the Traffic Safety Board meeting the night prior. Committee Chairman Richard Parete called upon Craig Frazier who had attended the meeting to provide information to the Committee regarding the Traffic Safety Board and request was made as a result of the passing of Charlie Schaller. Mr. Frazier indicated concern that the Board had no direction due to the failure of an appointment to replace Mr. Schaller. Mr. Frazier was discouraged that there was no communication at all from the County Executive's Office. Leg. Chairman Bernardo apologized on behalf of the Legislature and stated that she concurred that there were important liability and safety issues concerning roadways throughout the County that needed to be addressed. Mr. Grazier submitted to Committee a list of recommendations (on file with the Clerk of the Legislature). Mr. Grazier indicated that the Board had appointed him as Chairman without recognition from the County Executive or anyone at the County level. Committee Chairman Richard Parete made comment with regard to the Lucas Avenue/Cottekill Road intersection that was converted from a two-way stop to a four-way stop intersection. Lighting issue at the Traffic Circle at the New York State Thruway was raised by Mr. Frazier and the management responsible for the

maintenance of the property was addressed by Deputy Sudlow. **Leg. Belfiglio** asked for the date of the next Traffic Safety Board meeting which was determined to be February 4, 2013.

MOTION MADE BY: Legislator Briggs
MOTION SECONDED BY: Legislator Ronk
ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Briggs, Maio, Bernardo, Belfiglio, Richard Parete and Ronk
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 6
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passed to Adopt Resolution

MOTION NO. 9 **RESOLUTION No. 0122- January 22, 2013**
TEXT OF MOTION: **RESOLVED to approve Resolution No. 0122-**Confirming Appointment Of Diane Beiti
As Coordinator Of Traffic Safety

Resolution Summary: Pursuant to Article C-25 (A) of the Ulster County Charter and Section A3-4(A) of the Administrative Code, the County Executive has power to appoint department heads and other officers and employees as provided by the Charter. Pursuant to Sections C-26 (A) and (G) of the Ulster County Charter and Sections A3-5 (A) and (G) of the of the Administrative Code, the County Executive shall appoint the head of a department or other administrative unit to serve at his pleasure and may appoint one person as head of two or more departments or administrative units. Pursuant to Section C-119 of the Charter and Section A0-1 (A) of the Administrative Code, the County Executive had appointment Diane Beiti to the position of Coordinator of Traffic Safety for the County of Ulster. This appointment is subject to confirmation by the Ulster County Legislature.

Additional Questions and/or Comments:

Leg. Chairman Bernardo noted that resume of Diane Beiti was not included. **Committee Chairman Richard Parete** explained that he was opposed to the Resolution, in part due to the neglect of traffic safety, adding that it involved a great deal of work and questioned Ms. Beiti's ability to complete the required work in addition to existing responsibilities.

MOTION MADE BY: Legislator Ronk
MOTION SECONDED BY: Legislator Briggs
ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Briggs, Maio, and Ronk
VOTING AGAINST: Legislators Belfiglio, Richard Parete and Bernardo
NO. OF VOTES IN FAVOR: 3
NO. OF VOTES AGAINST: 3
DISPOSITION: Motion Failed to Pass

Discussion: It was noted that money originally dedicated to this position had been removed in the budget process, this appointment had no financial impact and the Ms. Beiti would to assuming additional responsibilities in addition to present duties without additional compensation.

MOTION NO. 10 **RESOLUTION No. 0124- January 22, 2013**
TEXT OF MOTION: **RESOLVED to approve Resolution No. 0124-**Appropriating Funds From The District Attorney Forfeiture Reserve Account – Amending The 2013 Ulster County Budget – Ulster County District Attorney's Office

Resolution Summary: Ulster County DA was requesting \$9,000.00 be appropriated from the District Attorney's Forfeiture Reserve Account for the purpose of purchasing law enforcement equipment as defined in Article 13A of the NYCPLR, United States Department of

justice Guidelines for Equitable Sharing, Title 18 U.S.C. Section 881, and Title 19 U.S.C. Section 1646. These funds were proceeds from the New York State Police and District Attorney cases only.

Additional Questions and/or Comments:

Leg. Ronk explained that it was equipment purchase using forfeiture money received by the District Attorney's office; that this was a mechanism which enabled the purchase of equipment without using taxpayers' money.

MOTION MADE BY:	Legislator Ronk
MOTION SECONDED BY:	Legislator Briggs
ROLL CALL VOTE:	No
VOTING IN FAVOR:	Legislators Briggs, Maio, Ronk, Belfiglio, Richard Parete and Bernardo
VOTING AGAINST:	None
NO. OF VOTES IN FAVOR:	6
NO. OF VOTES AGAINST:	0
DISPOSITION:	Motion Passed to Adopt Resolution

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- **MONTHLY REPORTS:** The following Sheriff's reports were distributed to the Committee and remain on file in the Office of the Clerk of the Legislature:
 - **2012 Ulster County Corrections Monthly Average Population**
 - **Phone Commissions for 2012**

- **NEW BUSINESS:**

Leg. Chairman Bernardo recounted experiences resulting from ride-along and shift at the jail. The Chairman encouraged colleagues to participate.

Discussion among Committee members and Sheriff took place with regard to security in the school systems. Panel discussion had taken place at the Rondout Valley School, at which both Chairman Bernardo and the Sheriff had been present. Leg. Belfiglio voiced his view that, being personally associated with the education field, although prior steps had been taken to provide security, breaches were still present, especially in school cafeterias.

Sheriff VanBlarcum explained benefits of the NIXLE Service and that legislation to require all County issued cell phones to include this free service should be drafted. Chairman Bernardo noted that by requiring County employees to use this service, it provided additional eyes and ears to help keep law enforcement informed.

Issue of lights being out at the park and ride by the traffic circle rotary and the safety was raised. Deputy Sudlow stated that maintenance of the property was a legal issue, going on to state that there was a defect with the light. Presently, it wasn't County owned property, and that the Town of Ulster wouldn't make repairs since it didn't own the property. Deputy Sudlow indicated that there was a Resolution from 10 years prior that had never been signed by the Chair.

- **There being no further business before the Committee, a motion was made by Legislator Ronk, seconded by Legislator Maio, and carried to adjourn the meeting at 6:44 PM.**

Dated the 28th Day of January, 2013

Lisa K. Mance, Legislative Employee

Minutes Approved February 5, 2013

Laws and Rules, Governmental Services Committee

Committee Meeting Minutes

DATE & TIME: January 15, 2013 / 7:00 PM
LOCATION: Karen L. Binder Library, 6th Floor, County Office Building, 244 Fair Street, Kingston, NY
PRESIDING OFFICER: Kevin A. Roberts, Chairman
LEGISLATIVE STAFF: Franklin R. Reggero
PRESENT: Legislators Roberts, Donaldson, Fabiano, Loughran, Maio, and Ronk
ABSENT: Legislators R. Parete
QUORUM PRESENT: Yes
OTHER ATTENDEES: Langdon Chapman, Counsel to the Legislature; Patricia Doxsey, Daily Freeman

- Chairman Kevin A. Roberts called the meeting to order at 7:15 PM.

I. RESOLUTIONS:

MOTION NO. 1 Draft Resolution No. 119 – January 15, 2013
TEXT OF MOTION: RESOLVED to approve Draft Resolution 275 - Designating Chairman Terry L. Bernardo As The Ulster County Legislature's Member To Serve On The County Jury Board

Resolution Summary: The Ulster County Legislature hereby designates Chairman Terry L. Bernardo to serve on the Ulster County Jury Board, for a term to expire on December 31, 2013.

MOTION MADE BY: Legislator Donaldson
MOTION SECONDED BY: Legislator Ronk

DISCUSSION: Chairman Roberts called for further discussion, hearing none.

ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Roberts, Donaldson, Fabiano, Loughran, Maio, and Ronk
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 6
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passed

MOTION NO. 2 LATE Draft Resolution No. 127 –January 15, 2013
TEXT OF MOTION: RESOLVED to approve Late Draft Resolution 127 - Confirming Appointments To The Ulster County Resource Recovery Agency

Resolution Summary: The Chairman of the Ulster County Legislature has appointed the following individuals to the Ulster County Resource Recovery Agency: Leon Smith and Dominic A. Tagliafierro.

MOTION MADE BY: Legislator Ronk
MOTION SECONDED BY: Legislator Donaldson

DISCUSSION: Chairman Roberts recognized Legislator Donaldson who motioned to separate the two appointments on different resolutions. Legislator Ronk stated that past practices of the Legislature is to include the appointees on the same resolution.

Chairman Roberts recognized **Legislator Loughran** who also stated that the appointments should be separate to facilitate a vote on each individual.

Chairman Roberts recognized **Legislative Counsel**, Langdon Chapman, who stated that the resolution in its current form is indivisible according to the current Rules of the Legislature and concurred with **Legislator Ronk**. **Legislator Donaldson** stated that his does not agree with the legal opinion.

Chairman Roberts calls for further discussion, hearing none.

ROLL CALL VOTE:	No
VOTING IN FAVOR:	Legislators Roberts, Donaldson, Fabiano, Loughran, Maio, and Ronk
VOTING AGAINST:	None
NO. OF VOTES IN FAVOR:	6
NO. OF VOTES AGAINST:	0
DISPOSITION:	Motion Passed

II. DISCUSSION

Chairman Roberts motioned that the Laws and Rules Committee as a whole move forward with the review of the Rules of the Ulster County Legislature. **Legislators Ronk and Maio** support the motion to have the entire Laws, Rules and Governmental Services Committee to revise the Rules of the Legislature. **Legislator Donaldson** stated he also supports the motion and will meet with his members to get their input as well. **Legislator Donaldson** stated that his conference has concerns with the Committee process and bringing resolutions to the floor of the full Legislature. **Legislator Fabiano** stated that he supports the current Committee process and believes proposed resolutions should be approved by the appropriate committee prior to going before the full Legislature.

Chairman Roberts asked if there is any other business before the Committee; hearing none, he recognized **Legislator Maio** for a motion to adjourn, seconded by **Legislator Ronk** at 7:40PM.

Dated the 15th day of January, 2013
Franklin R. Reggero, Sr. Legislative Employee
Minutes Approved on: February 12, 2013 / frr

**Legislative Programs, Education & Community Services Committee
Regular Meeting Minutes**

DATE & TIME: Wednesday, January 9, 2013 – 5 p.m.
LOCATION: Ulster County Community College, St. John Business Seminar Room,
George Clinton Hall, Stone Ridge, N.Y.
PRESIDING OFFICER: Chairman Wayne Harris
RECORDER: Jennifer Zell, Adm. Assistant – President's Office, SUNY Ulster County
Community College
PRESENT: Chairman Wayne Harris, Deputy Chair Donaldson, Legs. Lopez and
Wawro (note: Leg. Gregorius arrived at approximately 5:56p.m.)
ABSENT: None
OTHERS PRESENT: Mark Komdat, Dean of Administration, SUNY Ulster County Community
College; Lydia (Lee) Reidy and Mary Marsters, both appearing for
Cornell Cooperative Extension of Ulster County; Victor Melville, as an
Observer for the League of Women Voters.
QUORUM: Yes
Chairman Harris called the meeting to order at 5:05p.m. and reminded
everyone that the Legislature is now recording Committee meetings
which will be archived.

Chairman Harris announced that Jennifer Zell, Administrative Assistant
in the President's Office at SUNY Ulster, is taking the minutes for Janet
Salanitri, as she is attending a closing on her house. Chairman Harris
noted that Ken Crannell is unable to attend this evening's meeting due to
a minor health emergency; he indicated that Mr. Crannell will give an
update on the Veterans Home at the next Committee meeting.

MINUTES: Chairman Harris noted the minutes of the November 27, 2012,
Committee meeting are being passed around for signature.

CORNELL COOPERATIVE EXTENSION OF ULSTER COUNTY:

**Draft Resolution #0121 – January 22, 2013 – Appointing a Legislative Representative to the
UC Cornell Cooperative Extension Board:**

MOTION #1:

Text of Motion: Resolved, that the Ulster County Legislature confirms the appointment of
Wayne Harris to the Cornell Cooperative Extension Association of Ulster
County Board of Directors for a term to run from January 1, 2013, thru
December 31, 2013 pursuant to Draft Resolution #0121.
Motion Made by: Deputy Chair Donaldson
Seconded by: Leg. Lopez
Roll Call Vote: No.
Voting in Favor: Deputy Chair Donaldson, Legs. Lopez & Wawro
Voting Against: None
No. of Votes in Favor: 3
No. of Votes Against: 0
Disposition: The resolution to approve the appointment of Wayne Harris to the
Cornell Cooperative Extension Association of Ulster County Board of
Directors was unanimously approved as presented.

ULSTER COUNTY COMMUNITY COLLEGE:

Report by: Mark Komdat, Dean of Administration

Report:

Dean Komdat distributed the special events brochure for the spring 2013 semester and announced a Continuing Education Open House will be held on Jan 15 from 5-7 pm at the Business Resource Center in Kingston. Dean Komdat also noted the spring 2013 semester begins on January 17 and stated we are hosting the science olympiad regional high school competition on January 26. Dean Komdat gave an enrollment report and announced that we met our goal for Winternet enrollment; he stated that we exceeded our goal for Fall 2012 enrollment. Dean Komdat noted we are currently at 85% of our goal for spring 2013 enrollment and that we still have time until classes start. He also indicated that Summer registration is underway.

Dean Komdat gave an update on the President's Residence. He indicated the College's maintenance staff has addressed 30 items identified on a recent home inspection report and that a few other items, including the replacement of garage doors, the addition of a radon mitigation system and the possible removal of an oil tank are also being addressed. He stated that we have no record of the removal of an oil tank from the 90's, and the company that did the work is no longer in business. Deputy Chair Donaldson commented that this is something the buyer would handle. Dean Komdat noted yes it is, however, the discovery of an item like this would make it harder to close the deal. He indicated that we are trying to maximize what we can get out of the house, as it is priced at \$498,000, due to the appraisals. He also noted that we have a Trustee who is experienced in real estate who also recommended the home inspection items be taken care of. Chairman Harris asked what the breakdown is once the sale of the residence is complete. Dean Komdat stated it will be distributed to the Foundation, the State and the County based on a percentage of what went in. He noted the Foundation will receive the contribution from MacDonald DeWitt's donation to the College and that the County participated with the State on a major renovation and repair in 1998-99. Deputy Chair Donaldson asked if he knew the percentages. Dean Komdat indicated that he didn't and used an example of 1/3, 1/3 and 1/3. Chairman Harris indicated that was one of the reasons he was hoping Dep. Ken Crannell would be at this evening's meeting, as the idea was to use the proceeds towards a veterans' home.

Dean Komdat stated we have selected an architectural firm, CS Arch, for the S.T.R.I.V.E. project (Sophie Finn) and hopefully they will sign the agreement by the end of this week. He stated that they have 45 days to complete the design phase, including a rough estimate for the total cost of the project and noted that a kick-off meeting is scheduled for next week.

Dean Komdat reported in reviewing the three proposals for a solar farma lot of questions have occurred with each vendor. He indicated that it may come down to none of these options making sense, as wood clearing is involved with the property and we have to be sure we have time to recuperate the costs associated with it. Dean Komdat also noted it may behoove us to look at land that is already cleared, e.g. behind the baseball field. Discussion ensued.

Dean Komdat referenced our water project and that the SEQRA notice went out in October 2012. He noted that we don't have an exact route map and easements are still being negotiated. Dean Komdat indicated that Mike Moriello

created a timeline and that he and Dennis Doyle are still within the suggested timeframe thus far. Dean Komdat stated we hope to begin construction in September 2013 pending other things falling into place.

Dean Komdat referenced a new item as of November 2012 is the Senate Gymnasium Floor is experiencing some buckling due to high moisture content. He stated that the wood swells, dries out and the nails don't go back in; some of these areas are near baskets and the inner parts of the court. Dean Komdat indicated that we brought in dehumidifiers, pressure relief for cuts around door thresholds, checked interior plumbing and confirmed that roof drains are functioning. He indicated that this has happened in the past and that it is not going away. Dean Komdat stated that we will be exploring exterior french drains if they don't already exist in the spring. Chairman Harris asked when the floors were redone? Dean Komdat noted they were redone in 2007 and that nothing was done to mitigate the moisture between the slab and the barrier. Chairman Harris asked about a warranty with the recent contractor. Dean Komdat indicated that the company has been out of business for three years and indicated he wanted the Committee to be aware of this issue, as it may become a potential capital project as we move through the year.

Dean Komdat stated Ulster County Comptroller Elliot Auerbach's report on chargebacks came out in the middle of November, and he referenced the article in the *Daily Freeman*. He stated a meeting was requested by one of Elliott's staff members, and we responded that we need to obtain further information from Dutchess Community College first. Dean Komdat stated that we got an answer from Dutchess yesterday, and they are not going to provide us the information we requested; fall 2012 Ulster County matriculated students and their courses of study. Deputy Chair Donaldson asked how many chargebacks they had. Dean Komdat noted they had one of the highest dollar values, around 700,000. Deputy Chair Donaldson asked if a letter was sent directly to all of those students to ask why they went to Dutchess and indicated that it certainly could be done. Chairman Harris referenced the Fashion Institute of Technology (\$45,000 per student); he indicated that it is ridiculous what they charge in comparison to everyone else (chargeback rate \$10,720 dollars - 4 x anyone else.) Deputy Chair Donaldson asked if we can do something in reference to that and petition the state. Dean Komdat noted a lot of conversations have occurred over time and referenced he believes there are statutes that control amounts. Chairman Harris noted going through budget work on chargebacks and suggested looking at a resolution of some kind; he suggested thinking about it in the Spring. Deputy Chair Donaldson agreed that FIT is ridiculous. Deputy Chair Donaldson stated that Dutchess' chargeback rate is lower because of the volume and noted it's quicker to get to for some students. Dean Komdat stated geographic location is one of the largest reasons students go to Dutchess, as well as for specialized programs and student housing. He noted the report concluded with the suggestion of finding out why our students are going out of county and which academic programs are the enticements. Dean Komdat noted then we need to plan student housing. He also noted exploring the possibility of maintaining a minimum GPA for county subsidy and referenced he is not sure statute wise what we can do put any limitations on that, as we have open enrollment.

Chairman Harris asked how our chargeback rate is determined. Dean Komdat stated it is done automatically with our annual report filed with SUNY and is based on the cost per FTE of our instruction; it is the outcome of our submission, reporting audited figures. Chair Harris reiterated that the Committee would like to be involved with a resolution and encouraged any action the Committee would like to take.

Recorder's note: At 5:33 p.m. Jennifer Zell realized that the recorder was still on pause, and the recording of the meeting officially began.

Leg. Lopez asked Dean Komdat if a minimum GPA is not already established? Dean Komdat confirmed that currently there is no minimum GPA required as we have open enrolment. He noted that he is not sure if putting some kind of restriction on is a violation and indicated that most states have restrictions with scholarship programs, as TAP and PELL is applied that way. Dean Komdat noted it would need to be addressed through the State and SUNY. Deputy Chair Donaldson suggested to please let him know of any suggestions of a resolution being brought through the legislative body. Dean Komdat stated he will also let the Committee know of any outcomes from the meeting with Comptroller Auerbach.

Resolutions: None

CORNELL COOPERATIVE EXTENSION OF ULSTER COUNTY:

Report by: Lee Reidy, Executive Director

Report: Ms. Reidy wished everyone a Happy New Year and shared her excitement for the appointment of Chairman Harris to the Cornell Cooperative Extension Association of Ulster County Board of Directors.

Ms. Reidy noted their first annual meeting was held on December 18 in their new conference room. She stated that 70 guests were in attendance and that the new chairs and tables worked well in the space. Ms. Reidy noted Robert Titus, Ph.D., a local geologist, gave a presentation at the annual meeting on "*Flooding Disasters from Ice Age to Hurricane Irene*," and spoke about the geology of the Catskills. She noted that they received a second grant from the Ulster Savings Bank Charitable Foundation to purchase a smart board for the conference room and shared the plan of holding a lectures series in the conference room once a month throughout the year. Ms. Reidy also noted that they have received inquiries from outside groups looking to utilize the conference room and that first preference will be given to educational organizations.

Ms. Reidy announced two new staff members. One previously worked in livestock education in California and Oklahoma, and the other attended Cornell University and was involved with the 4H in Orange County as well as the Peace Corps in Uganda.

Ms. Reidy referenced the 4H camp property in the Town of Esopus was cleaned by the DEC and a certified forester eight years ago and noted it has not been done again. She indicated the expense was put toward maintaining the property.

Ms. Reidy announced that a team of educators began work on January 1 for the Eastern New York Horticulture Fruit Grower Program and will share experiences from Clinton to Westchester Counties. Ten folks are working for Cornell University as part of the team and four of Ulster's employees, including Teresa Rusinek and Mike Fargione are working full-time to coordinate the program and purchasing services. Carrie Anne Doyle will be handling the newsletters for the group, and Jim O'Connel will be working half time on small fruit and viticulture. Ms. Reidy noted the great news is that this team doesn't move staff members and that we won't see a lack in programming. She stated that we will have recognition across the state and that Cornell University will reimburse their salaries and some travel. Ms. Reidy noted that a formula was created and that Ulster County won more than half of the agriculture due to the amount of farms and crops that our County has.

Ms. Reidy announced the need to hire a new office manager and finance manager, as we are participating in a shared business network (finance, human resources and IT services) for seven counties in the Hudson Valley. She stated the need is to hire folks to provide leadership in those areas, and we are the financial host for this also supervising two of three leads. Chair Harris asked if the two would be located at your office? Ms. Reidy noted that Roxanne Churchill will be handling the finances for all seven counties out of the Ulster office. She stated that Cornell University has given them until March 8 to submit a proposal to be the lead agency in this initiative. Ms. Reidy noted she has encouraged the board to do so and also noted that Ulster has the largest budget and staff as compared to the other counties (Westchester, Rockland, Orange, Dutchess, Putnam and Sullivan). She indicated as Ulster is already hosting the money and that she would be providing leadership as an Executive Director for all seven counties. Ms. Reidy indicated her Board is behind this and a decision will be made by July. She noted that Columbia Greene is currently part of our region, but is moving to the Capital District as they have worked with that region in the past.

Ms. Reidy announced that she is working on obtaining reimbursement of rent (\$46,000) for the new facility from the 2012 budget. She noted when she went to get reimbursed that she was told that there wasn't a resolution. Deputy Chair Donaldson indicated that it still has to be passed by the Legislature even if it is in the budget. Ms. Reidy noted a resolution was passed for additional moving costs. She indicated that she will put together another resolution, as this hold up is causing some cash flow issues. Chairman Harris noted that he will call the Legislative Office tomorrow. Discussion ensued.

Ms. Reidy stated that they are utilizing social media for the announcement and promotion of meetings and programs. She also noted that the Agriculture Department is putting together a new agriculture based website; it will be linked to their regular webpage.

Chair Harris asked how many staff members Ms. Reidy currently has. Ms. Reidy noted close to 40, including the coalition and referenced our County benefitting as we are the home base. Deputy Chair Donaldson congratulated Ms. Reidy for her constant work.

Ms. Reidy noted it was a tough year with not knowing where the office would be located. She also noted it has been an incredibly productive year in programming and referenced her assisting the Sullivan County Cooperative Extension with leadership. She reminded everyone of the two Fresh Connect Grants that were received, along with the Robert Wood Johnson(Healthy Kids, Healthy Communities)grant. Ms. Reidy stated the two new hires in agriculture are innovative and excited. She also referenced the 4H Youth Development program and looking at positioning programs for other folks to take advantage of it. Ms. Reidy indicated she is pleased with where they are currently positioned and stated their continued work in following the mission of education. She referenced the Creating Healthy Places grant (community gardens) and also referenced that they are in the process of expanding the Ashokan Basin Grant (in place for the past six years) to tie into other environmental programs as well. Ms. Reidy noted a youth development program was held due to a \$5,000 contribution from the Catskill Watershed Corporation where teenagers from NYC and Onteora High School met to do some work after Hurricane Sandy in Queens. She noted the NYC teenagers are now up in the watershed and that we hope to build on this relationship and provide more educational opportunities in the future, e.g. forestry education, as 80% of our County is forestry.

Chairman Harris complimented Ms. Reidy on the energy she brings to Cornell Cooperative Extension.

Resolutions: Draft Resolution #0121 as set forth above.

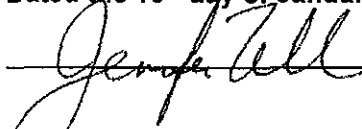
OLD BUSINESS: None

ADJOURNMENT:

There being no further business before this Committee, a motion to adjourn was made by Deputy Chair Donaldson and seconded by Leg. Wawro.

Chairman Harris reminded the Committee that a veterans housing the agenda for the February meeting and asked for a call on the chargeback issue if it needs to be pursued. Chairman Harris declared the meeting duly adjourned at 5:56pm.

Dated the 16th day of January, 2013



Jennifer Zell, Recorder

Minutes approved on the 13th day of March, 2013

Ways & Means Committee

Regular Meeting Minutes

DATE & TIME: January 15, 2012 5:00 PM
LOCATION: Karen L. Binder Library, Sixth Floor, County Office Building
PRESIDING OFFICER: Richard Gerentine, Chairman
LEGISLATIVE STAFF: Franklin R. Reggero
PRESENT: Legislators Gerentine, Gregorius, Harris, Maio, Maloney, Provenzano and Rodriguez.
ABSENT: None
QUORUM PRESENT: Yes
OTHER ATTENDEES: Legislators Bartels and Belfiglio; Langdon Chapman and Erica Guerin, Legislative Counsel; Joe Eriole, Deputy Comptroller; Sheriff Van Blarcum; Ken Crannell and Mark Longtoe, County Executives Office; Burt Gulnick, Finance; James Hanson and Lisa Cutten Budget Director; Bea Havranek, Sue Plonski, Roland Bloomer, County Attorney Office; Margaret Seller, League of Women Voters.

- Chairman Gerentine called the meeting to order at 5:00 PM.
-

I. MOTIONS:

MOTION NO. 1 Draft Resolution No. 0107

TEXT OF MOTION: **RESOLVED**, 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

MOTION MADE BY: Legislator Harris
MOTION SECONDED BY: Legislator Gregorius

DISCUSSION: Chairman Gerentine recognized Legislator Belfiglio who questioned L48-3 contract with Family of Woodstock for Domestic Violence Prevention and are the procedures in place to track the effectiveness of the program. Legislator Gregorius stated that the program is designed to address recidivism and has demonstrated great progress thus far.

Chairman Gerentine recognized Legislator Harris stated that at one time this program was cut from the budget and subsequently several groups and constituents came forward to testify the value of the program.

Chairman Gerentine calls for further discussion, hearing none.

ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Gerentine, Gregorius, Harris, Maio, Maloney, Provenzano and Rodriguez
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 7
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passed

MOTION NO. 2 Draft Resolution No. 0109

TEXT OF MOTION: **RESOLVED**, Authorizing The County Executive To Execute An Agreement With Dutchess County For The Provision Of Reciprocal Conflict Defense - Creating One Full Time Position And Amending The 2013 Ulster County Budget – Public Defender's Office

MOTION MADE BY:
MOTION SECONDED BY:

Legislator Harris
Legislator Maio

DISCUSSION:

Chairman Gerentine recognized the Ulster County Public Defender Andy Kossover to clarify the resolution, intent, impact and anticipated benefits to the County.

Chairman Gerentine recognized **Legislator Rodriguez** who stated that this resolution will save the County money and asked how much money. Mr. Hanson stated that it will save the County approximately \$175,000 annually. **Legislator Gregorius** stated that the Ulster County Comptroller had conducted a study of the Public Defenders Office and indicated a few areas that would save money and further asked Mr. Kossover if he was familiar with the Comptrollers report. Mr. Kossover stated that he has read the report but cannot answer specifics at this time. **Legislator Rodriguez** further asked Mr. Kossover how much Dutchess County was going to pay their Attorney to which Mr. Kossover stated approximately \$73,000 annually.

Chairman Gerentine recognized **Legislator Provenzano** who stated that she is uncertain of the Committee process based on this resolution being addressed by two separate committees. **Chairman Gerentine** stated that based on the fiscal impact of this resolution it must be addressed by the Ways and Means Committee.

Chairman Gerentine recognized **Legislator Harris** who asked Mr. Kossover if this person would be working in Dutchess County and vice versa for the other Public Defender. Mr. Kossover is uncertain at this point in time but hopes that he will have frequent contact with the person identified.

Chairman Gerentine recognized **Legislator Gregorius** who asked Mr. Kossover how the Public Defenders Office currently deals with these conflict of interest cases. Mr. Kossover stated that through the use of outside assigned counsel at the cost of the tax payer.

Chairman Gerentine recognized **Legislator Belfiglio** who stated that the actual cost for the Assigned Counsel is in excess of \$100,000. **Legislator Belfiglio** asked Mr. Kossover how many cases do each of the Public Defenders see in the course of a year. Mr. Kossover stated that it depends on which court but anywhere from a couple hundred to a thousand cases annually.

Chairman Gerentine stated that he has spoken to several people from Dutchess and Ulster County that are in support of this resolution; however, **Chairman Gerentine** motioned for an amendment to reduce the salary amount to \$70,000 and include the Chairman of the Legislature as the authorizing official. Counsel Chapman stated that historically the Chairman of the Legislature is the authorizing official for inter-municipal agreements.

On The Amendment: seconded by Legislator Maio, **Ayes 5 Nays 2. Amendment Passed**

Chairman Gerentine calls for further discussion, hearing none. On the Resolution:

ROLL CALL VOTE:
VOTING IN FAVOR:

No
Legislators Gerentine, Gregorius, Harris, Maio, Maloney, Provenzano and Rodriguez

VOTING AGAINST:
NO. OF VOTES IN FAVOR:
NO. OF VOTES AGAINST:
DISPOSITION:

None
7
0
Motion Passed

MOTION NO. 3

Draft Resolution No. 0110

TEXT OF MOTION:

RESOLVED, Authorizing The Commissioner Of Finance To Sell Real Property Acquired By Court Order Pursuant To Article 11 Of The Real Property Tax Law – Department Of Finance

MOTION MADE BY: Legislator Harris
MOTION SECONDED BY: Legislator Maio
DISCUSSION: Chairman Gerentine calls for further discussion, hearing none.
ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Gerentine, Gregorius, Harris, Maio, Maloney, Provenzano and Rodriguez
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 7
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passed

MOTION NO. 4 Draft Resolution No. 0111
TEXT OF MOTION: **RESOLVED**, Authorizing The Chairman Of The Ulster County Legislature To Enter Into Agreements With The Villages Of Ellenville, New Paltz, And Saugerties Relating To The Enforcement Of Real Property Tax Liens Under Article 11, Sections 1102, 1110 and 1150 Of The New York State Real Property Tax Law – Department Of Finance
MOTION MADE BY: Legislator Harris
MOTION SECONDED BY: Legislator Gregorius
DISCUSSION: Chairman Gerentine calls for further discussion, hearing none.
ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Gerentine, Gregorius, Harris, Maio, Maloney, Provenzano and Rodriguez
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 7
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passed

MOTION NO. 5 Draft Resolution No. 0112
TEXT OF MOTION: **RESOLVED**, Authorizing The Reacquisition Of Residential Property By Original Owner – Department Of Finance
MOTION MADE BY: Legislator Maloney
MOTION SECONDED BY: Legislator Harris
DISCUSSION: Chairman Gerentine calls for further discussion, hearing none.
ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Gerentine, Gregorius, Harris, Maio, Maloney, Provenzano and Rodriguez
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 7
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passed

MOTION NO. 6 Draft Resolution No. 0113
TEXT OF MOTION: **RESOLVED**, Authorizing The County Commissioner Of Finance To Accept Bids For Private Sale On Various Parcels Of County-Owned Property And Authorizing The

Chairman Of The Ulster County Legislature To Convey Such Parcels – Department Of Finance.

MOTION MADE BY: **Legislator Gregorius**
MOTION SECONDED BY: **Legislator Maloney**

DISCUSSION: **Chairman Gerentine** calls for further discussion, hearing none.

ROLL CALL VOTE: **No**
VOTING IN FAVOR: **Legislators Gerentine, Gregorius, Harris, Maio, Maloney, Provenzano and Rodriguez**
VOTING AGAINST: **None**
NO. OF VOTES IN FAVOR: **7**
NO. OF VOTES AGAINST: **0**
DISPOSITION: **Motion Passed**

MOTION NO. 7 **Draft Resolution No. 0114**

TEXT OF MOTION: **RESOLVED**, Authorizing The Chairman Of The Ulster County Legislature To Execute An Agreement With The New York State Office Of Emergency Management To Develop A Multi-Jurisdictional Multi-Hazard Mitigation Plan That Complies With Federal Emergency Management Agency Requirements, And Amending The 2013 Ulster County Budget – Emergency Communications / Emergency Management.

MOTION MADE BY: **Legislator Rodriguez**
MOTION SECONDED BY: **Legislator Provenzano**

DISCUSSION: **Chairman Gerentine** calls for further discussion, hearing none.

ROLL CALL VOTE: **No**
VOTING IN FAVOR: **Legislators Gerentine, Gregorius, Harris, Maio, Maloney, Provenzano and Rodriguez**
VOTING AGAINST: **None**
NO. OF VOTES IN FAVOR: **7**
NO. OF VOTES AGAINST: **0**
DISPOSITION: **Motion Passed**

MOTION NO. 8 **Draft Resolution No. 0115**

TEXT OF MOTION: **RESOLVED**, Establishing Capital Project No. 376 For The Purpose Of Vehicles For The County Of Ulster Sheriff's Office – Amending The 2013 Ulster County Capital Projects Fund Budget – Ulster County Sheriff's Office. **BOND Resolution No. 0116 Required.**

MOTION MADE BY: **Legislator Harris**
MOTION SECONDED BY: **Legislator Maio**

DISCUSSION: **Chairman Gerentine** recognized **Legislator Provenzano** asked if the Sheriffs Office vehicles are managed through the Fleet Management Office. **Sheriff Van Blarcum** stated that he is billed by Fleet Management for any work that is conducted on his vehicles.

Legislator Provenzano asked the Sheriff how many accidents has his department had this year. **Sheriff Van Blarcum** stated that he does not know off hand but has provided that information to the Legislature.

Chairman Gerentine recognized **Legislator Bartels** who requested that the Sheriff provide information on vehicle management to the Committee. **Sheriff Van Blarcum** stated he would provide the information before the next committee meeting.

Chairman Gerentine requested that the Fleet manager be asked for her opinion regarding the Sheriffs vehicle management program.

Chairman Gerentine recognized **Legislator Gregorius** who asked Mr. Hanson to provide a list of current insurance claims against the County including Sheriffs Office accidents. Mr. Hanson stated that all departmental requests must go through the County Executives Office for approval. **Legislator Gregorius** stated that he is requesting a current list of outstanding insurance claims against the County.

Chairman Gerentine recognized **Legislator Rodriguez** who stated that if he must vote on this resolution now before reviewing the requested information from the Sheriff he will not be able to support it. **Legislator Rodriguez** further stated that he would rather postpone the vote until information is reviewed.

Chairman Gerentine recognized **Sheriff Van Blarcum** who stated that he has said that he will only request five cars a year as per the plan. This is in accordance with his plan.

Chairman Gerentine calls for further discussion, hearing none calls for vote on the Resolution.

ROLL CALL VOTE:	No
VOTING IN FAVOR:	Legislators Gerentine, Gregorius, Harris, Maio, Maloney, Provenzano and Rodriguez
VOTING AGAINST:	2, Legislators Gregorius and Rodriguez
NO. OF VOTES IN FAVOR:	5
NO. OF VOTES AGAINST:	0
DISPOSITION:	Motion Passed

MOTION NO. 9

Draft Resolution No. 0117

TEXT OF MOTION: **RESOLVED**, Authorizing The Chairman Of The Ulster County Legislature To Execute An Agreement With The New York State Division Of Homeland Security And Emergency Services For Overtime Reimbursement And Amending The 2013 Ulster County Budget – Ulster County Sheriff's Office

MOTION MADE BY: **Legislator Harris**
MOTION SECONDED BY: **Legislator Gregorius**

DISCUSSION: **Chairman Gerentine** calls for further discussion, hearing none.

ROLL CALL VOTE:	No
VOTING IN FAVOR:	Legislators Gerentine, Gregorius, Harris, Maio, Maloney, Provenzano and Rodriguez
VOTING AGAINST:	None
NO. OF VOTES IN FAVOR:	7
NO. OF VOTES AGAINST:	0
DISPOSITION:	Motion Passed

MOTION NO. 10

Draft Resolution No. 0124

TEXT OF MOTION: **RESOLVED**, Appropriating Funds From The District Attorney Forfeiture Reserve Account - Amending The 2013 Ulster County Budget – Ulster County District Attorney's Office.

MOTION MADE BY: **Legislator Harris**
MOTION SECONDED BY: **Legislator Gregorius**

DISCUSSION: **Chairman Gerentine** calls for further discussion, hearing none.

ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Gerentine, Gregorius, Harris, Maio, Maloney, Provenzano and Rodriguez
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 7
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passed

MOTION NO. 11 Draft Resolution No. 0126

TEXT OF MOTION: **RESOLVED**, Authorizing The Chairman Of The Ulster County Legislature To Enter Into An Agreement With New York State To Accept Funds For A Local Government Records Management Improvement Fund Grant (Historical Records Category).

MOTION MADE BY: Legislator Harris
MOTION SECONDED BY: Legislator Gregorius

DISCUSSION: Chairman Gerentine calls for further discussion, hearing none.

ROLL CALL VOTE: No
VOTING IN FAVOR: Legislators Gerentine, Gregorius, Harris, Maio, Maloney, Provenzano and Rodriguez
VOTING AGAINST: None
NO. OF VOTES IN FAVOR: 7
NO. OF VOTES AGAINST: 0
DISPOSITION: Motion Passed

II. MISCELLANEOUS DISCUSSION:

Chairman Gerentine directed the Committee clerk to distribute sample investment policies for the committee to review and debate at the next meeting.

Chairman Gerentine calls for further discussion, hearing none.

- There being no further business before the Committee, a motion was made by Legislator Rodriguez seconded by Legislator Maio and carried to adjourn the meeting at 6:02 PM.
-

Dated the 15th day of January, 2013
Franklin R. Reggero, Legislative Staff
Minutes Approved On: 5th day of February 2013 / frr

Ways & Means Committee

Regular Meeting Minutes

DATE & TIME: January 22, 2013 5:30 PM
LOCATION: Karen L. Binder Library, Sixth Floor, County Office Building
PRESIDING OFFICER: Richard Gerentine, Chairman
LEGISLATIVE STAFF: Franklin R. Reggero
PRESENT: Legislators Gerentine, Gregorius, Harris, Maio, Maloney, Provenzano and Rodriguez.
ABSENT: Legislator Harris
QUORUM PRESENT: Yes
OTHER ATTENDEES: Legislators Bartels and Ronk; Langdon Chapman and Erica Guerin, Legislative Counsel; Sheriff Van Blarcum, CPT Mike Freer, CPT Jon Becker; Sue Plonski and Roland Bloomer, County Attorney Office; Vic Melville, League of Women Voters.

- Chairman Gerentine called the meeting to order at 5:38 PM.
-

I. MOTIONS:

MOTION NO. 1

BOND Resolution No. 15

TEXT OF MOTION:

RESOLVED, Authorizing The Purchase Of Police Vehicles In And For The County Of Ulster, New York, At A Maximum Estimated Cost Of \$233,835, And Authorizing The Issuance Of \$233,835 Bonds Of Said County To Pay The Cost Thereof.

MOTION MADE BY:

Legislator Maio

MOTION SECONDED BY:

Legislator Maloney

DISCUSSION:

Chairman Gerentine recognized **Sheriff Van Blarcum** to explain and address the reports provided to the Committee. **Legislator Provenzano** expressed her appreciation to the Sheriff for providing the information.

Chairman Gerentine stated that the Safety Office should be included in the accident investigation process and further that reports should be made available to the committee upon request. **Sheriff Van Blarcum** concurred.

Chairman Gerentine recognized **Legislator Bartels** who asked the Sheriff to clarify how many cars will be replaced and further stated that she will submit more questions in writing directly to the Sheriff so that she may have a more clear understanding of the issues, particularly take home vehicles.

Chairman Gerentine recognized **Legislator Provenzano** who asked the Sheriff the impact of losing ten vehicles and only requesting funding for five cars. **Sheriff Van Blarcum** stated that he has adjusted the patrols accordingly and currently has no impact provided the funding for the five cars is approved.

Chairman Gerentine recognized **Legislator Gregorius** who asked the Sheriff to explain the corrective action plan for officers that are found negligent. The Sheriff explained that he has a comprehensive corrective action plan.

Chairman Gerentine calls for further discussion, hearing none.

ROLL CALL VOTE:

No

VOTING IN FAVOR:

Legislators Gerentine, Gregorius, Maio, Maloney, Provenzano and Rodriguez

VOTING AGAINST:

None

NO. OF VOTES IN FAVOR:

6

NO. OF VOTES AGAINST:

0

DISPOSITION:

Motion Passed

II. MISCELLANEOUS DISCUSSION:

Chairman Gerentine recognized **Legislator Ronk** who clarified the Blue Wing contract abstract.

Chairman Gerentine calls for further discussion, hearing none.

- There being no further business before the Committee, a motion was made by Legislator Provenzano seconded by Legislator Maio and carried to adjourn the meeting at 5:50 PM.
-

Dated the 22nd day of January, 2013
Franklin R. Reggero, Legislative Staff
Minutes Approved On: 5th day of February 2013 / frr