ULSTER COUNTY LEGISLATURE

TERRY L. BERNARDO, Chairman KENNETH J. RONK, JR., Majority Leader DAVID B. DONALDSON, Minority Leader KAREN L. BINDER, Clerk



P.O. Box 1800 KINGSTON, NEW YORK 12402 Telephone: 845 340-3900 FAX: 845 340-3651

MINUTES

MARCH 20, 2012

REGULAR MEETING

7:00 PM

MEETING CALLED TO ORDER BY CHAIRMAN: 7:10 PM

PLEDGE OF ALLEGIANCE TO THE FLAG: Led by Chairman Terry Bernardo

MOMENT OF SILENT MEDITATION:

ANNOUNCEMENTS

FIRE EVACUATION PLAN

PLEASE NOTE THAT IN THE EVENT OF AN EMERGENCY THE FIRE DEPARTMENT HAS REQUESTED THAT LEGISLATORS AND ALL OTHERS MOVE AT LEAST ONE BLOCK AWAY FROM THE COUNTY OFFICE BUILDING IN ORDER NOT TO IMPEDE THE FIREFIGHTERS IN THEIR DUTIES

CELL PHONES

Please silence cell phones for the duration of Session.

MICROPHONES

Please be reminded to use your microphones when speaking so that you are recorded for the official record.

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ROLL CALL: Present: 21 Absent: 2

(Legislator Roberts)

(Legislator Richard Parete arrived 7:13 PM)

MOTION TO DISPENSE WITH THE READING OF THE MINUTES OF THE PREVIOUS MEETING

COMMUNICATIONS FROM:

City Sourced, Inc.

NaCo

NYS Office of Children & Family Services

Town of Rochester Community Center

Terry Bernardo, Chair Order of Succession for Deputy Clerks

Richard Gerentine, Chairman, Ways & Means Letter re: LDC Appointment

Recommendations

David B. Donaldson, Minority Leader

Appointment to LDC Board
Independent Board Member

Recommendation

Ulster County Transportation Council Public Notice - UCTC TIP

Amendments and Draft Final 2012

UPWP

Ulster County Department of Planning Environmental Review Record – UC

Housing Rehabilitation Program Phase III – Community Development Block

Grant (Fiscal Year 2011)

Spring Planning Seminar Series

Custom Civic Reporting Application

Transition to New Statewide Financial

System

County News, Vol. 44, No. 3,

February 13, 2012

County News, Vol. 44, No. 4,

February 27, 2012

County News, Vol. 44, No. 5,

March 12, 2012

Epilepsy Foundation, Northeastern New York Epilepsy Awareness, Vol. 7, Issue 1,

Winter 2012

UC Community Services Board Meeting Minutes, January 9, 2012

Calendar of Events, Feb., March &

April 2012

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COMMUNICATIONS (continued):

Town of Shandaken Resolution #65: Supporting

Reopening of Phoenicia Bridge Street

Bridge

Emergency Action Plans for Merriman

Dam and Olive Bridge Dam and the

Ashokan Dikes

Newsletter, Volume XIV, Issue 1,

Winter/Spring 2012

Heart of the Hudson's 2012 Gold Award Ceremony, March 31, 2012 Joint Petition of Aqua Utilities, Inc., Agua New York, Inc. and American

Waterworks Company, Inc For Approval of a Stock Purchase

Agreement

UCRRA Reports, February 2012

Letter on Behalf of Taxpayers

Thank You Letter

Newsletter, Winter 2012 Uniquely Ulster, March 2012

Proposed Stavo Industries, Inc..

Project

Proposed Wolftec, Inc., Project March 13, 2012 Letter re: Proposed

Stavo Industries, Inc. Project –

March 13, 2012 Letter re: Proposed

Wolftec, Inc. Project

Executive Committee Meeting Minutes November 21, 2011 &

December 19, 2011

Submission of Invoice & Supporting

Documentation for Incentive Compensation for Economic

Development Services for 1st thru 4th

Ouarters 2011

Thank You Note

NYC Environmental Protection

UC Soil & Water Conservation

Girl Scouts of the Hudson

State of New York Public Service Commission

Ulster County Resource Recovery Agency

Anonymous

Miriam Villchur Berg

Saugerties Historical Society

Ulster County Tourism Department

Ulster County Industrial Development Agency

Coalition of Watershed Towns

Ulster County Development Corporation

Family Robert A. Gillen

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Central Hudson

ProAct. Inc.

COMMUNICATIONS (continued):

Hudson Valley Pattern for Progress Recognition of 2012 Membership

Renewal Robert DiBella, Director UC Transportation Federal Drawdown- UCAT

Grant #NY-90-X654-00 New Horizons Resources, Inc. Winter 2012 Newsletter

Town of Wawarsing Resolution in Support of NYS Program Bill #26 Authorizing Casino

Gambling Within the State

Resolution #10 in Support Allocating Portions of the NYC Land Acquisition Program Funds for Flood

Mitigation Watershed Affairs

Notice of Preliminary Decisions, Catskill Watershed Corporation

March 7, 2012

Ancient Order of Hibernians 2012 St. Patrick's Day Parade

Brochure

County of Ulster Public Auction 2012 Ulster County Department of Finance

Energy Bulletin, March 2012 Monthly Usage/Savings Report,

February 2012

Ulster County Workforce Investment Board Meeting Minutes, December 12, 2011 Michael Berg, Executive Director, FAMILY of Woodstock

Appointment to the UC Legislative

Housing Consortium

Essex County Board of Supervisors Resolution No. 73, Calling on All Counties to Unite to Bring Real and Meaningful Mandate Relief in NYS

Various Taxpayers and Residents of Ulster County 12 Letters of Opposition Regarding

Recent Hires

Letter in Support of Recent New Hire Mr. and Mrs. Gerry and Cindy Fornino Beatrice Havranek, County Attorney County Action Report, Month of

February, 2012

Legislative Update Spring 2012 Cornell Cooperative Extension, Ulster County Invitation to Grand Re-Opening

Celebration

Ulster County Fire Advisory Board February 22, 2012 Meeting Minutes

Concerned Citizens Supporters of Resolution No. 71 MINUTES PAGE 5 MARCH 20, 2012

COUNTY EXECUTIVE COMMUNICATIONS:

Minutes of the January 25, 2012 and February 1, 2012 Meetings of the UC Corporate Compliance Committee State Approval of M. Iapoce as Commissioner of UC Social Services Recommendations for Independent Member of LDC Board of Directors Board of Ethics Meeting Minutes, November 3, 2011 Appointment to the UC Community Services Board: A. Flanagan Appointment of Evelyn Clarke as Commissioner of Human Rights/ Director of Youth Bureau Annual Statement of Financial Disclosure Form For Year 2011 **Budgetary Transfers Month of** February 2012 Statement of Expenditures, Encumbrances & Unencumbered Balance as of February 29, 2012 Ulster County Board of Ethics Meeting Minutes, February 14, 2012

COMMITTEE REPORTS:

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

DATE:

February 9, 2012 February 6, 2012 February 7, 2012 February 21, 2012 February 7, 2012 February 8, 2012 February 6, 2012 February 21, 2012 March 13, 2012

February 8, 2012

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ANNUAL REPORTS: DATE:

Ulster County Board of Ethics	2011 Annual Report
Ulster County Purchasing Department	2011 Annual Report
Ulster County Board of Elections	2011 Annual Report
Ulster County Planning Board	2011 Annual Report
Ulster County Sheriff	2011 Annual Report
Ulster County Executive's Office; Executive Departments	2011 Annual Reports

PRIVILEGE OF THE FLOOR:

Chairman Terry L. Bernardo granted privilege of the floor to Legislator Wayne Harris, Chairman of the Legislative Programs, Education and Community Services Committee to introduce Eve Madalengoitia, Director of Programs and Art Services, Dutchess County Arts Council. Eve spoke about the Ulster County Cultural Services and Promotion Fund, and updated the Legislature about the other programs that the Dutchess County Arts Council administers for Ulster County organizations and artists.

Chairman Terry L. Bernardo granted privilege of the floor to Paul O'Neill, Ulster County Commissioner of Jurors, to discuss the 200th Anniversary of Governor George Clinton. Mr. O'Neill announced a tribute to celebrate the Governor's life and achievements would be held on April 20, 2012.

Chairman Terry L. Bernardo called upon Majority Whip and District 10 Legislator Mary Beth Maio to read and present to Mr. O'Neill the Ulster County Legislature's Proclamation declaring April 20, 2012 George Clinton Recognition Day.

PRESENTATIONS:

Chairman Terry L. Bernardo called upon District No. 15 Legislator T.J. Briggs and District No. 16 Legislator Craig Lopez to present a Pride of Ulster County Award to Steven Kelley, President and CEO of Ellenville Regional Hospital, in recognition of Physicians' Reciprocal Insurers naming the Hospital winner of the Risk Management and Patient Safety Best Practices Award. This statewide win marked Ellenville Regional Hospital's 4th major award in little over 3 years.

SPEAKERS

Hon. Kenneth J. Ronk, Jr. – Majority Address

Hon. David B. Donaldson – Minority Address

PUBLIC COMMENT:

1. Doreen Peone

Ms. Peone addressed the issue of Lyme Disease. She was a 30 year resident of Barclay Heights, Saugerties and a neighbor of Legislator Bob Aiello. Mr. Aiello had seen Ms. Peone battle Lyme's Disease since 2007 and had seen first hand the effects of the disease. Mr. Aiello believed Ms. Peone had something to contribute due to his position as Chairman of the Ulster County Health Department. Ms. Peone had researched information available extensively and was passionate about the subject as she still suffered residual effects from the disease. Her health problems surfaced in 2007 as a result of being bitten by the nymph form of a tick while planting flowers in her yard. She changed primary care physicians three times in one year and was hospitalized six times in twelve months. She was examined by teams of neurologists and referred to fourteen different specialists. Ms. Peone was told, by these specialists, she could have a variety of diseases and possibly, was simply going through menopause. She displayed fifty-six of over one hundred Lyme related symptoms. Eventually, she was told the symptoms were all in her head. In 2009, she received positive result on the Western Blot Test. She went through the appropriate antibiotic treatments. Her daughters tested positive to the disease over time. Ms. Peone asked that the Legislature considered forming a Lyme Disease Committee and thanked Bob Aiello for asking her to speak.

2. Steven Gentile

Mr. Gentile appeared on the issue of fracking brine. He reminded those in attendance that there was one month left to research the issue of fracking brine. Mr. Gentile noted he Google searched information regarding the hydrofracking issue from both sides and the middle. He indicated that he wasn't able to use the contents of a speech he had prepared but asked that Legislature take care in wording a resolution to ensure the proper terms were used in the preparation of the resolution. Mr. Gentile closed by indicating that he was a resident of Woodstock's 23rd Ward, reiterated the correct pronunciation of his name and noted the temperature of Chambers as being so hot.

3. Carl Chipman:

Mr. Chipman greeted the Legislature and indicated his dual responsibilities included being the Supervisor of the Town of Rochester and the Executive Vice President of the Ulster County Association of Town Supervisors. He stated he was authorized by the Association to address the Legislative Body with regard to Resolution No. 75. Mr. Chipman informed the Legislature that the Association had voted overwhelmingly to support Resolution 75. Mr. Chipman stated there was a good turnout at their meeting that morning which included County Executive Michael Hein, Chairman Terry Bernardo and Vice-Chairman James Maloney. He reviewed the required mandated costs to local governments which include Safety Net, election and pension cost. He noted mandated costs to local governments had gotten worse especially with Safety Net expenses which have had a huge increase as evidenced by Mr. Chapman's town budget which increased from \$45 to \$150 thousand. As costs continue to rise rise, Mr. Chipman noted Town Supervisors are forced to take action to make cuts. Mr. Chipman stated he took Safety Net out of his budget. He reflected that there's some type of movement to move back to the Ways and Means Committee and work on it. He felt the question was in regard to the language and noted Fulton County's language is different because there the Towns and City pay for it. He noted the County Attorney had been working on it for 7 months. Mr. Chipman said they cannot take any more mandated costs on expenses that the Town had no control. He understood the argument of it being a state-mandated costs being pushed down to the Town. He stated the Town Supervisors were handling burden. Mr. Chipman's Town taxes were lower than they were 4 years ago but when his budget goes up, he wanted his tax payers to know what they're paying for. He made reference to the definition of brine and suggested it be defined in a particular way so that it does not hurt local businesses such as Jim Reed Systems in Ellenville, who makes saltwater. Mr. Chipman closed by stating all should be on same page and be consistent.

4. Joyce Minard, Kathy Nolan, Bill Farrell and Deb Harris

The four individuals were members of the Ulster County Tourism Advisory Board and Chairwoman Joyce Minard spoke. She said it came to their attention that the Ulster County Tourism Advisory Board has not addressed in the current resolution to designate the Ulster County Tourism Department as the official New York Tourism Promotion Agency for Ulster County for 2013. She stated Ulster County tourism was better than ever, given the hard times. She felt it was a direct result of the Tourism Department's efforts and the members of the tourism industry recognized the dramatic improvements in it since the change to an Executive form of government in Ulster County. She did not want to see a change in the management in the Executive department and asked the Legislature to renew commitment by passing the 2013 I Love New York Tourism Promotion Agency Resolution. She did not want to risk the loss of dual designation to participate in Catskill and Hudson Valley "I Love New York" regional programs as these must be determined early so that the Department could continue with the success of the past year. She noted the Ulster County Tourism Advisory Board has been in existence for past five years and all Board members were

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volunteers who worked for the benefit of all Ulster County. She noted members did not serve as politicians but as individuals who wanted Ulster County to be the best for its quality of life. Ms. Minard was looking forward to the Department of Tourism's upcoming meeting and asked that Kathy Nolan speak for a moment. Kathy Nolan asked the Chairman and the five Members of the Committee to move the Resolution out of the Economic Development and Tourism Committee. She explained that it allowed money to be obtained and wanted the Resolution brought out and resolved. Bill Farrell concurred with Kathy Nolan's statements. He indicated the grassroots part of Committee weren't seen and wanted them acknowledged. He felt the resolution was simple and should be passed.

5. Michael Baden

Mr. Baden asked the Legislators to adopt a memorializing resolution, to be sent to the Governor, State Legislature and the Senate, expressing dissatisfaction with the redistricting process and the way process took place. He stated although tradeoffs would be worth the losses created by the redistricting, he disagreed. He asked that the Resolution be adopted expressing dissatisfaction with process and send along to the Governor.

6. Joan Walker

Ms. Walker indicated that a resolution opposing hydraulic fracturing was not acceptable and that a law was needed. She noted because of the Freeman article, she wanted to speak about the New York State Department of Environmental Conservation (DEC). She stated the DEC was allowing gas waste fluids to be used on roads and sending it out. She noted this isn't her husband's DEC and that Texas doesn't even have the same agency, in both developing and conserving the environment. She indicated that the "it was safe" quote was a contradiction that we should be aware of. She stated she was grateful for the ability to foil for public records. She said she was not accusing Ulster County of using brine but wanted to know who gets to make the decision.

**List of supporters of Resolution No. 71 was added to the list of communications.

RESOLUTION NOS: 31, 40, 45, 47 – 74, and 76 - 80

Resolution No. 71 - Setting A Public Hearing On Proposed Local Law No. 1 Of 2012 (A Local Law Of The County Of Ulster, New York Known As The "Hydraulic Fracturing Brine Prohibition Act"), To Be Held On Tuesday, April 17, 2012 At 7:05 PM

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Legislator Donaldson motioned, seconded by Legislator Aiello to suspend the Rules of Order to take Resolution No. 71 out of order.

MOTION ADOPTED BY THE FOLLOWING VOTE: AYES: 22 NOES: 0

(Absent: Legislator Roberts)

Legislator Ronk motioned, seconded by Legislator Donaldson to reconsider the Resolution No. 71.

MOTION ADOPTED BY THE FOLLOWING VOTE: AYES: 22 NOES: 0

(Absent: Legislator Roberts)

Legislator Ronk motioned, seconded by Legislator Donaldson to amend Resolution No. 71 striking in the Legislative Chambers, Ulster County Office Building, 244 Fair Street, Kingston, New York and replacing the location with the Ulster County Community College or a location to be determined.

MOTION ADOPTED BY THE FOLLOWING VOTE: AYES: 22 NOES: 0

(Absent: Legislator Roberts)

ADOPTED AS AMENDED BY THE FOLLOWING VOTE:

AYES: 22 NOES: 0 (Absent: Legislator Roberts)

Resolution No. 31 - Supporting Submission Of Grant Application To The New York State Department Of State For A 2011-2012 Local Government Efficiency (LGE) Project Grant For Implementation Of Tourism Shared Services With The City Of Kingston And Authorizing The Chairman Of The Ulster County Legislature Or The County Executive To Execute The Grant Application – Department Of Tourism

ADOPTED BY THE FOLLOWING VOTE: AYES: 22 NOES: 0

(Absent: Legislator Roberts)

(Approved by the County Executive)

Resolution No. 40 - Establishing A Salary Range For The Position Of Deputy Comptroller – Amending The 2012 Ulster County Budget - Ulster County Comptroller

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DEFEATED BY THE FOLLOWING VOTE: AYES: 9 NOES: 13

(AYES: Legislators Aiello, Bernardo, Briggs, Loughran, John Parete, Richard Parete, Robert Parete, Rodriguez, and

Wishnick)

(Absent: Legislator Roberts)

Resolution No. 45 - A Resolution Authorizing The Issuance Pursuant To Section 90.10 Of The Local Finance Law Of Refunding Bonds Of The County Of Ulster, New York, To Be Designated Substantially "Public Improvement Refunding (Serial) Bonds", And Providing For Other Matters In Relation Thereto And The Payment Of The Bonds To Be Refunded Thereby

ADOPTED BY THE FOLLOWING VOTE: AYES: 22 NOES: 0

(Absent: Legislator Roberts)

(Approved by the County Executive)

Resolution No. 47 - Confirmation Of Appointment Of Alvin Goren - Member Of The Ulster County Youth Board

ADOPTED BY THE FOLLOWING VOTE: AYES: 22 NOES: 0

(Absent: Legislator Roberts)

(Approved by the County Executive)

Resolution No. 48 - Confirming Reappointment Of Cindy Lanzetta - Member Of The Environmental Management Council

ADOPTED BY THE FOLLOWING VOTE: AYES: 22 NOES: 0

(Absent: Legislator Roberts)

(Approved by the County Executive)

Resolution No. 49 - 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

Legislator Bartels motioned, seconded by Legislator Harris to amend the resolution to refer Abstract L38-3 back to committee.

AMENDMENT ADOPTED BY THE FOLLOWING VOTE: AYES: 22 NOES: 0

(Absent: Legislator Roberts)

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Legislator Bartels motioned on demand divide the Resolution and take each Abstract separately.

Res. No. 49/Abstract L38-1:

ADOPTED BY THE FOLLOWING VOTE: AYES: 22 NOES: 0

(Absent: Legislator Roberts)

(Approved by the County Executive)

Res. No. 49/Abstract L38-2:

ADOPTED BY THE FOLLOWING VOTE: AYES: 22 NOES: 0

(Absent: Legislator Roberts)

(Approved by the County Executive)

Res. No. 49/Abstract L38-3:

REFERRED BACK TO COMMITTEE

Res. No. 49/Abstract L38-4:

ADOPTED BY THE FOLLOWING VOTE: AYES: 22 NOES: 0

(Absent: Legislator Roberts)

(Approved by the County Executive)

Res. No. 49/Abstract L38-5:

ADOPTED BY THE FOLLOWING VOTE: AYES: 21 NOES: 1

(NOES: Legislator Rodriguez) (Absent: Legislator Roberts)

(Approved by the County Executive)

Res. No. 49/Abstract L38-6:

ADOPTED BY THE FOLLOWING ROLL CALL VOTE: AYES: 17 NOES: 5

(NOES: Legislators Bartels,

Donaldson, Robert Parete, Provenzano

and Rodriguez)

(Absent: Legislator Roberts)

(Approved by the County Executive)

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Legislator Ronk motioned, seconded by Legislator Donaldson to take Resolution Nos. 50, 51, 54, 55, 57 - 62, 64 - 70, 72 - 74, 77 - 80 as a block. All in favor.

Resolution Nos. 50, 51, 54, 55, 57 -62, 64 -70, 72 -74 and 77 -80

ADOPTED BY THE FOLLOWING VOTE: AYES: 22 NOES: 0

(Absent: Legislator Roberts)

(Approved by the County Executive)

Resolution No. 52 - Authorizing The Purchase Of Highway Equipment Of And For The County Of Ulster, New York, At A Maximum Estimated Cost Of \$620,000.00, And Authorizing The Issuance Of \$620,000.00 Bonds Of Said County To Pay The Cost Thereof

ADOPTED BY THE FOLLOWING VOTE: AYES: 22 NOES: 0

(Absent: Legislator Roberts)

(Approved by the County Executive)

Resolution No. 53 - Amending The 2012 Ulster County Budget For National Emergency Grant Funding – Department Of Employment And Training

WITHDRAWN BY THE COUNTY EXECUTIVE'S OFFICE

Resolution No. 56 - Appointing Member To The Ulster County Planning Board For The Town Of Marlborough – Department Of Planning

ADOPTED BY THE FOLLOWING VOTE: AYES: 22 NOES: 0

(Absent: Legislator Roberts)

Resolution No. 63 - Authorizing The Acquisition Of Land For Flood Remediation, Open Space, Wetlands Or Recreational Purposes, In And For The County Of Ulster, New York, At A Maximum Estimated Cost Of \$3,800,000.00, And Authorizing The Issuance Of \$3,800,000.00 Bonds Of Said County To Pay The Cost Thereof

ADOPTED BY THE FOLLOWING VOTE: AYES: 22 NOES: 0

(Absent: Legislator Roberts)

(Approved by the County Executive)

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Resolution No. 76 – Appointing And Reappointing Members To the Ulster County Community Action Committee, Inc., Board Of Directors

Legislator Donaldson motioned, seconded by Legislator Gregorius, to amend the resolution removing his name and replacing it with Legislator Hector Rodriguez.

MOTION ADOPTED BY THE FOLLOWING VOTE: AYES: 22 NOES: 0

(Absent: Legislator Roberts)

ADOPTED AS AMENDED BY THE FOLLOWING VOTE: AYES: 22 NOES: 0

(Absent: Legislator Roberts)

MEETING ADJOURNED IN MEMORY OF:

Meta Martin, Saugerties, NY
Robert Michko, Mt. Tremper, NY
Cary B. Cook, Saugerties, NY
Jack K. Campbell, New Paltz, NY
Rose M. Lawrence, Kerhonkson, NY
James A. Hall, Malden-on-Hudson, NY
Michael E. Smedes, Kingston, NY
Camilla J. DeWitt, Hurley, NY
Gerard J. Sauer Jr., Kingston, NY
Hilda C. Krum, Port Ewen, NY
Richard Graf, Saugerties, NY
Richard L. Vargerte Richard NN
New L. Walff, Barred L. NN

Richard J. Varnum, Kingston, NY

Richard J. Varnum, Kingston, NY

Nora J. Wolff, Rosendale, NY

Bananas, Woodstock, NY

George Svirsky, Ulster Park, NY Cassia Berman, Woodstock, NY

Carmella Esposito, Kingston, NY Joan VanWagner, Lake Katrine, NY

Michael Battaglino, Binghamton, NY Joyce Nace, Clintondale, NY

NEXT MEETING:

The next Regular Meeting of the Ulster County Legislature will be held on **Tuesday, April 17, 2012** at **7:00 PM** in the Legislative Chambers, Sixth Floor, Ulster County Office Building, 244 Fair Street, Kingston, New York.

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Resolution deadline is Wednesday, March 28, 2012 at 12 Noon.

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

MEETING ADJOURNED: 9:51 PM