

ULSTER COUNTY LEGISLATURE

TERRY L. BERNARDO, Chairman
JAMES F. MALONEY, Vice Chairman
KENNETH J. RONK, JR., Majority Leader
DAVID B. DONALDSON, Minority Leader
VICTORIA A. FABELLA, Clerk



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MINUTES

NOVEMBER 13, 2012

REGULAR MEETING

7:00 PM

MEETING CALLED TO ORDER BY CHAIRMAN: 7:08 PM

PLEDGE OF ALLEGIANCE TO THE FLAG:

Led by Eagle Scout Ryan Jason Wood of Troop 70, Highland, N.Y.

MOMENT OF SILENT MEDITATION:

Chairman Bernardo extended invitation to Eagle Scout Wood to provide an overview of the project which he had completed to earn his Eagle Scout status. The Chairman also recognized Scout Wood's parents and thanked them for attending.

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.

ROLL CALL: Present: 22 Absent: 1 (Leg. Carl Belfiglio)

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

COMMUNICATIONS FROM:

Mohonk Mountain House	Company Holiday Special Invitation, December 6, 2012
Ulster County Planning Board	Minutes – January 4, 2012; February 1, 2012; March 7, 2012
NYS Office of Children & Family Criminal Justice Council	Report #96-10-023
Ulster County Comptroller	10/17/12 Agenda, 9/19/12 Minutes
Palisades Interstate Park Commission	Memorandum Re: Proposed Budget
Ulster County Workforce Investment Board	Notice of Meeting Cancellation
Olympic Regional Development Authority	June 15, 2012 Minutes
Senator John Bonacic	October 18, 2012 Letter to Staff
	Letter Acknowledging Resolution Nos. 216 & 222
Dave Suarez	Thank You Card
St. John's Episcopal Church	October 30, 2012 72 nd Annual Harvest Ham Dinner
Ulster County Dept. Social Services	Adopt A Star Program, December 3, 2012 thru December 14, 2012
Epilepsy Foundation	Annual Awards Dinner, November 29, 2012 @ 5:30 p.m. Wolferts Roost Country Club, Albany
New York State Assemblyman, Pete Lopez	Hurricane Sandy Memorandum

COMMUNICATIONS (continued):

Ulster County Fire Advisory Board	October 24, 2012 Minutes, List of Members
Ulster County Department of Public Works	Wynkoop Lane, Co Rd #8, Large Culvert Replacement
Ulster County Attorney	County Actions Report - Month of September, 2012
Town of New Paltz Planning Board	Notice of Rescheduled Public Hearing re: Park Point New Paltz Housing, November 2, 2012 @ 7:00 p.m.
Ulster County Tourism	<i>Trending</i> , November 2012 Events
NYSAC	<i>NYSAC News</i> , Volume 33, Issue 3, Fall 2012
Koenig Family	Receipt of Resolution No. 248
Ulster County Clerk	Thank You
Ulster County Comptroller	Semi-Annual Mortgage Report
Feathered Friends 4H Club of UC	Fiscal Stress Monitoring, November 2, 2012 Report
Sen. John J. Bonacic	March 2012 Petitions
NYS Assemblyman Peter Lopez	Acknowledgment of Receipt of Res. No. 225
NYS Department of Taxation & Finance	Office Communication/Notifications Memorandum
Ulster County Human Rights Commission	Hurricane Sandy Damage Reports & Recovery Memorandum
Town of New Paltz Planning Board	Acknowledgment of Receipt of Res. No. 244
Toski & Co., P.C.	September 6, 2012 Minutes
Ulster County Board of Health	Notice of Special Meeting – Park Point New Paltz Housing
	September 28, 2012 Letter to Legislature; Report to the Legislature; Letter to Burt Gulnick, Jr.
	Local Government Financial Test Worksheet
	September 10, 2012 Agenda

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COMMUNICATIONS (continued):

Riseley & Moriello, P.C.

The Catskill Center

Dutchess Arts Council

SEQRA Notice of Intent to Serve as
Lead Agency – Matter of SUNY
Ulster Extension Public Water Supply
Presentations Wednesday, November
14, 5:30 pm – 7:30 pm Windham
Mountain Ski Resort; Tuesday,
December 4, 5:30 pm – 7:30 pm at
Woodstock Community Center
Monday, November 12 Mixer – R&F
Handmade Paints

COUNTY EXECUTIVE COMMUNICATIONS:

2013 Mandate & Taxation Information
Act Memorandum
September 19, 2012 Minutes,
Corporate Compliance
October 2012 Budgetary Transfers
Notice of Appointment – Rokki Knee
Carr, Ulster County Office of the
Aging Advisory Board

COMMITTEE REPORTS:

DATE:

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

October 3, 2012
September 6, 2012
October 15, 2012
October 2, 2012
October 3, 2012
October 15, 2012
October 9, 2012
October 16, 2012

PRESENTATIONS:

Chairman Terry L. Bernardo called upon District No. 9 Legislator, and Chairman of the Legislative Programs, Education and Community Services Committee, Wayne Harris, to present a Proclamation in recognition of November being National Family Caregivers Month to Evelyn Flynn.

Evelyn Flynn, from the Ulster County Office for the Aging and the Ulster Family Caregiver Support Group accepted the Proclamation presented by Leg. Harris and acknowledged Suzanne Van Wagenen as a dedicated contributor to family caregiving. Ms. Flynn distributed a brochure "*Caring Connections of Ulster County*" on file with the Clerk of the Legislature. The brochure also included an invitation to the Annual Family Caregivers Conference at the Kingston Holiday Inn on Friday, April 26, 2013, 8:30 a.m. – 3:30 p.m.

Ms. Flynn noted that the program was non-for-profit and consisted of all volunteers. She stated that there was a very limited budget and support was appreciated. She stated that any help from the media would be useful. Chairman Bernardo noted that the Daily Freeman was present and could be instrumental in that end.

Leg. Gerentine recounted his experiences in working with Evelyn Flynn over the years attested to the hard work and care that Ms. Flynn put into her caregiving services. Leg. Gerentine extended his congratulations to Ms. Flynn.

PUBLIC COMMENT: There were 5 public commentators

- 1) Paul Fowler - Addressed the Legislature with regard to the staffing of Ulster County Sheriff's Deputies to oversee the internet sexual predator issue.
- 2) Steve Changaris – Environmental Industry Association, Manager – Introduced himself and explained his position with the waste management industry. Mr. Changaris has been working with a coalition to identify perils and pitfalls of flow control. He believed, in his community, that the County can sustain the RRA's debt and can manage trash in the County and promote recycling without use of flow control. The basis of his argument was that, with sound waste policies, all things could be accomplished. He stated problem was that it was "debt centric." Mr. Changaris believed that choice in competition would better serve the citizens than a monopoly in flow control. Ended by stating that continuation of net service fee helps "level the playing field."
- 3) Howard Baul – CSEA – Remarked on allowance in Sheriff's budget for bunks in jail and stated that need was created by increase in population. Reflected that the community

Corrections Program was cut and since that cut, the populations appears to coincidentally grown. Pinpointed the Children's Unit and questioned the lack of services, how much more will the jail population be affected. Mr. Baul asked that this be carefully scrutinized during the budget process.

- 4) Dare Thompson – LWV President - Voiced support of the audio recording of Committee meetings. Ms. Thompson stated how advantageous it would be to individuals unable to attend for various reasons. Ms. Thompson spoke in favor of the efforts made by all in the solid waste debate. She stated that the solution the Legislature was leaning toward pleased the LWV; in the emphasis being placed on individuals generating the waste paying for the disposal and the increased competition without the taxpayers subsidizing.
- 5) Cindy Lanzetta – LWV Chairperson, Solid Waste Committee – Ms. Lanzetta concurred with statements made by Ms. Thompson. Ms. Lanzetta made reference to proposed Resolutions 278 and 279 involved issues that were still important to the LWV. Acknowledged immediate needs of the RRA and urged recognition of larger issues.

Chairman Bernardo thanked speakers and wish to note that there was a plan to amend the date of the Public Hearing to November 27 from December 4.

Chairman Bernardo continued that the following Resolutions were postponed for various reasons – Resolution Nos. 275, 278, 279, 284, 285, 289 & 291.

Legislator Provenzano questions the postponement of the Resolutions. **Chairman Bernardo** responded that the Committees had been questioned. **Legislator Provenzano** asked if the sponsors of the Resolutions had been consulted. **Legislator Gerentine** spoke on behalf of the Ways and Means Committee affirming that Resolutions before that Committee were postponed with the consent of the sponsors (the two Resolutions submitted by Sheriff's Department). **Chairman Bernardo** requested comment by Legislative Counsel. Council Chapman cited 7(i) "All committees appointed by the Chairman shall act promptly on all matters referred to them. All resolutions and local laws referred to a committee must be acted upon within ninety (90) days or shall automatically be discharged on the 91st day and placed upon the written agenda of the next meeting of the Legislature so that the resolution or local law can be considered by the full Legislature...." **Legislator Provenzano** inquired as to whether the Minority Council agreed with the interpretation to which Council Ruggeri responded that he agreed to the extent that the rule sets forth exactly what the Majority Council had stated but noted it had been the practice and custom, to not allow a Resolution to be withdrawn or postponed unless each of the sponsors wanted to take that action. Council Ruggeri indicated that they were bound by the Rules and he had to concur with Council Chapman. **Legislator Ronk** stated that it was his understanding was the Committee Chair and Deputy Chair were the sponsors of a Resolution until it passed a Committee, therefore the entire Committee didn't consent until it was passed. Council Chapman responded that the Committee doesn't have to concur. **Legislator Bartels** stated that on Resolutions 278 and 279, she was Deputy

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Chairman on that Committee (to which she was Chair) and it was agreed to postpone those Resolutions with the assent of the sponsors. Chairman asked if any sponsors had objections to the postponement to which there was no response. The Chairman again read the list of Resolutions being postponed. **Legislator Donaldson** recognized who spoke to the face of the submission of the Resolutions, their submissions by the Executive and the exception of the Resolutions generated in Committee and tabled in Committee. **Legislator Donaldson** found no objection to the postponement of the pending Resolutions which were mainly related to amendments to the budget.

Resolution No. 250 - Requiring The Posting Of Audio Recordings Of Legislative Committee Meetings On The County's Official Website Within 24 Hours Of Adjournment Of The Committee Meeting.

Discussion:

Legislator Bartels thanked her fellow Legislators for their support and the Department of Information Services who worked closely with the Clerk of the Legislature.

Legislator Richard Parete noted correction to Heading of the Resolution should reflect "Within 72 Hours...." Not "Within 24 Hours..."

ADOPTED BY THE FOLLOWING VOTE: AYES: 19

NOES: 3

(Legs. Harris, Gerentine and Roberts)

(Absent Legislator Belfiglio)

Resolution Nos. 272 - 274 were voted on in a block

Resolution Nos. 272 – 274 were adopted by the following vote:

AYES: 22

NOES: 0

(Absent Leg. Belfiglio)

Resolution No. 276 - Setting A Public Hearing On Proposed Local Law No. 12 of 2012 (A Local Law Amending Local Law No. 9 of 1991, Ulster County Solid Waste Management Law

Chairman Bernardo recognized Legislator Ronk for the purposes of an amendment.

Legislator Ronk motion to amend date of Public Hearing from December 4, 2012 at 7:00 p.m. to November 27, 2012 at 6:30 p.m. Seconded by Legislator Donaldson.

AMENDMENT ADOPTED BY THE FOLLOWING VOTE:

AYES: 22

NOES: 0

(Absent Leg. Belfiglio)

RESOLUTION ADOPTED BY THE FOLLOWING VOTE:

AYES: 21

NOES: 1 (Leg. Richard Parete)
(Absent Leg. Belfiglio)

Resolution No. 277 - Imposing A Motor Vehicle Use Fee In Ulster County And Authorizing The Collection Of Said Fee By The New York State Commissioner Of Motor Vehicles

Discussion:

Legislator Rodriguez asked to be added as a co-sponsor to the proposed Resolution.

Legislator Donaldson requested a long roll vote.

ADOPTED BY THE FOLLOWING VOTE:

Roll Call Vote - AYES: 14

NOES: 8 (Legs. Aiello, Bernardo, Fabiano, Lopez,
Richard Parete, Robert Parete, Roerts and Wawro)
(Absent Leg. Belfiglio)

Legislators Fabiano, Gregorius, Harris, Donaldson and John Parete explained their vote as it was cast.

Legislator Ronk recognized to make motion to take Resolutions 280 – 290 as a block, excluding those Resolutions previously postponed.

RESOLUTION ADOPTED BY THE FOLLOWING VOTE:

AYES: 22

NOES: 0
(Absent Leg. Belfiglio)

Resolution No. 292 - Authorizing The Chairman Of The Ulster County Legislature To Execute Documents Related To The New York State And New York City Flood Buyout Program Property Acquisitions – Emergency Communications – Emergency Management

Legislator Donaldson was recognized for the purposes of Motion to make an amendment. Legislator Donaldson requested Clerk to read amendment as written. Strike the “Resolved” clause and insert language as follows:

~~RESOLVED, that the Chairman of the Ulster County Legislature is hereby authorized to execute all contracts, modifications and amendments thereto, and/or related documents~~

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~~required for the County to perform pursuant to the flood buy out programs as set forth in Capital Projects number 355 and 356,~~

RESOLVED, that the Chairman of the Ulster County Legislature, (or if the Chairman is unavailable after the County Attorney shall have given 24 hours written notice of the scheduled closing to the Clerk of the County Legislature, then the County Executive), is hereby authorized to execute all contracts, modifications and amendments thereto, and/or related documents required for the County to perform pursuant to the flood buy-out programs as set forth in Capital Project Nos. 355 and 356.

Seconded by Legislator Robert Parete.

AMENDMENT ADOPTED BY THE FOLLOWING VOTE:

AYES: 22

NOES: 0

(Absent Legislator Belfiglio)

RESOLUTION ADOPTED BY THE FOLLOWING VOTE:

AYES: 22

NOES: 0

(Absent Legislator Belfiglio)

Legislator Ronk clarified vote for Resolution No. 280 –

AYES 21

NOES: 0

(Abstention Leg. Wawro,
Absent Leg. Belfiglio)

Legislator John Parete adjourned meeting in memory of:

**Jon Alan Carr, West Camp
Richard Halstead, Port Ewen
William Osterhoudt, Olivebridge
Jacqueline Ferris, Lake Katrine
Gale Browlee, Woodstock
Henry Rank, Boiceville
Virginia Bishop, Ulster Park
Fred Harries, Jr., Bloomington
John “Jackie” Paterno, Staten Island
Lillian Manney, New Paltz**

**Bernard C. Ellsworth, Malden-on-Hudson
Edward Drucker, Rosendale
Barry Ross, Kingston
Thomas Maldarelli, Sr., Accord
Frances Barnhart Ryder, Stone Ridge
William Lewis, Hurley
Drayton Grant, Rhinebeck
Shirley Keefe, Shady
Lucille “Ceal” Bales, Gardiner**

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NEXT MEETING:

A **Special Session** of the Ulster County Legislature for the **2013 Budget Vote** is scheduled for **Tuesday, December 4, 2012, at 7:00 PM** in the Legislative Chambers, Sixth Floor, Ulster County Office Building, 244 Fair Street, Kingston, New York.

The Meeting in Annual Session of the Ulster County Legislature will be held on **Tuesday, December 18, 2012 at 6:30 PM**, in the Legislative Chambers, Sixth Floor, Ulster County Office Building, 244 Fair Street, Kingston, New York.

Public Hearing on Flow Control is scheduled for Tuesday, November 27, 2012 at 6:30 p.m. in the Legislative Chambers, Sixth Floor, Ulster County Office Building, 244 Fair Street, Kingston, New York.

Resolution deadline is **Wednesday, November 21, 2012 at 12 Noon**.

MEETING ADJOURNED: 8:01 PM.