

**ULSTER COUNTY LEGISLATURE
COMMITTEE MEETING MINUTES**

NAME OF COMMITTEE: Public Works & Capital Projects Committee
DATE & TIME: November 7, 2011 @ 7:00 PM
PLACE: Library Conference Room, 6th Floor, County Office Building

LEGISLATORS PRESENT: Chairman Dean Fabiano, Deputy Chairman Peter Loughran, Legislators Roy Hochberg, James Maloney, Jeanette Provenzano

LEGISLATORS EXCUSED: Legislator Kevin Roberts, Legislator Frank Felicello

OTHERS ATTENDING: Deputy County Executive Robert Sudlow, Dennis Doyle (Director, UC Planning Department), Suzanne Cahill (City of Kingston Planning Board Director), John R. Crispell (UC DPW), Larry Paggi (Engineer, Kingston Meadows), Dan Shuster (Consultant, City of Kingston Planning Board), Joan Eck (Ulster Savings), Betsy Riess, Margaret O'Leary (Hudson Valley Housing Development Fund Company), Wayne Platte Jr., (City of Kingston Planning Board)

MEETING CALLED TO ORDER @ 7:00 PM

APPROVAL OF THE OCTOBER 3, 2011 & OCTOBER 11, 2011 MINUTES:

Motion offered by Legislator Provenzano, Seconded by Legislator Loughran, All in Favor, Carried.

RESOLUTIONS:

- 1) **Resolution No. 240, November 15, 2011** - Authorizing Acceptance/Rejection Of Bids On Parcels Of County-Owned Surplus Properties Acquired Through The 2008-2009 Greater Catskill Flood Remediation Program, And Authorizing Conveyance In Cases Of Bid Acceptance - Department Of Public Works

Motion offered by Chairman Fabiano, Seconded by Legislator Provenzano, All in Favor, Carried.

Discussion: Legislator Maloney explained the Resolution. Nothing can be built on these parcels. Kingston Land Trust purchased most of the properties and will most likely turn the properties into roadside gardens. The Town of Ulster is requesting to purchase the lot on 12 Mulvin Drive in Lake Katrine. He passed out photos showing the lot. The lot will be used for overflow parking for employees.

- 2) **Resolution No. 241, November 15, 2011** - Conveying Parcel Of County-Owned Real Property Acquired Through The Greater Catskills Flood Remediation Program To The Town Of Ulster For Municipal Purposes - Department Of Public Works

Motion offered by Chairman Fabiano, Seconded by Legislator Provenzano, All in Favor, Carried.

Discussion: None

- 3) **Resolution No. (Not Numbered), November 15, 2011** - Authorizing The Chairman Of The Ulster County Legislature To Execute A License Agreement With Hudson Valley Housing Development Fund Company, Inc., To Cross County-Owned Railroad Property

Chairman Fabiano made the motion to Table this Resolution until next month, Seconded by Legislator Provenzano, Legislator Loughran was a "no", motion carried.

Discussion: Chairman Fabiano welcomed the members of the City of Kingston Planning Board, Ulster Savings Bank, and the Hudson Valley Housing Development Fund Company.

Cahill: Stated that she was not at last month's meeting and understands that the Committee had a number of questions for their Board and what their position is with regard to Kingston Meadows Project. She has had recent discussions with the UC Planning Board in terms of their activities. It is her understanding that the Committee has major concerns with a SEQRA decision from the City of Kingston being made before the County Legislature makes a final decision on the License Agreement. They have a draft document that has been written for next week and she stated that it is fairly comprehensive in terms of covering all the aspects of the development and considerations. One of the things that is holding up the Planning Board's final decision is that they want to make sure that access is secured. What they are looking at doing is adopting a draft "Negative Declaration" to allow the process to move forward. She stated that the Board is satisfied with all of the information that has been presented to them, in terms of noise, wet lands, visual, and other environmental aspects. There is a secondary means of ingress and egress that the Developer is prepared to establish from Washington Avenue, along the Rail Trail, that will be paved, which will allow for emergency ingress and egress.

Shuster: Stated that Ms. Cahill covered it all and reiterated that there is a very extensive proposed "Negative Declaration" prepared that is being circulated to the City Planning Board.

Loughran: Does not have questions, has comments. He stated that he has been opposed to this development from the beginning. He has had conversations with some Aldermen and he understands that they are not in favor of the development either. He also spoke with Corporation Counsel, and to the best of his knowledge, he is not in favor of the project. He still does not believe that this is an appropriate place to put a Development. He does not think a person should be living in that area. He will not be supporting the Resolution.

Provenzano: Asked for a revocable license agreement to be explained.

Cahill: It is a 90 day license agreement to cross County owned land and that it could be potentially revoked under unique circumstances which she does not foresee happening.

Provenzano: Asked for an explanation of the "Negative Declaration" and who determines that.

Shuster: There has been a very extensive analysis of the various factors that affect the site and based on that analysis a "Negative Declaration" is made. This is determined by a variety of experts that the Developer has hired for the reason stated above (noise, wet land, wild life, archeological, visual).

Provenzano: Is not personally against the project, but has concerns. Her objection is voting on something before she knows if it is going to pass on the City level.

Shuster: Stated that it is a "catch 22". Do you approve the project without certainty of access or do you get the access and then approve the project.

Provenzano: Does not understand why the City, if they have all that information and are near making a decision, can't just make the decision and then the Committee will vote to give the access.

Cahill: What the Planning Board is saying is that they are prepared to go to the Planning Board Meeting next Monday with the draft "Negative Declaration" document.

Provenzano: Would prefer that it went to the City Planning Board, and if it passes, then the Committee would proceed.

Cahill: If it could go through Committee tonight, that condition could be made.

Provenzano: Would prefer to wait.

Loughran: Does not agree with the wet land.

Paggi: Does not agree and reiterated what was explained at a previous meeting with regard to the flood plains. He stated that he would not be putting his license on the line if he thought there were going to be flooding issues or water damage, and he certainly would not be putting people's lives at risk. Asked Legislator Loughran what authority and/or knowledge does he possess to make that decision?

Provenzano/Loughran: The Ulster County Planning Board and the Director of the Planning Department's expertise.

Doyle: Stated that flood plain mapping is as much art as it is science and how flood plain mapping is done over time has changed. The State of New York has multiple policies to encourage people to move out of flood plains rather than to move into them. The site is within a flood plain, it is out of a flood plain due to extensive filling. What they tried to do was to essentially establish a process for this County to make a decision that is coordinated with the City's process. He explained that the Legislature, because of the nature of the approval, is required to make a SEQRA finding and stated that it would be appropriate for the Legislature to rely on a finding by the City. The City does not necessarily have to have all the approvals in place prior to making its environmental finding. It needs all the approvals in place prior to essentially approving the site plan or special permit for the project. So there are ways that the City could essentially approve the environmental findings without finding the actual permit for this project. He said that's the first thing, having that record in front of the Legislature makes a lot of sense in making their determination. Secondly, he suggested that all the materials that are part and parcel of the City's record, the site plans, the fillings, any testimonies, traffic studies, flood plain work, should all be provided to the Legislature. He said that he has some of those files, but not necessarily all of them. He also said that he is not conversant with all the changes to the project since it was originally filed with the County Planning Board. Having the Legislature conversant with those changes, particularly the Emergency access changes, and others, would be helpful. Then it comes down to the decision to either grant or deny the License Agreement. He explained that one of the reasons that it is a revocable license is due to the fact that under County Law, it refers to the ability to grant access by easement. He stated that the County Attorney has looked at this, and he believes that a revocable license has been advised to the applicant and to the City with respect to what you can expect from the County given the current access. This is an access by private road, across the railroad tracks. The railroad has weighed in; the railroad has indicated that they believe the access, with some considerations, would be safe for the railroad. He stated that it was discussed very early on in the project, because it was not clear whether there would be financing for the project with a revocable license, whether the financing authorities would essentially look at the revocable license and consider that acceptable or would the City look at a revocable license and consider it acceptable. There was also some discussion about making this a City street, because you can grant easements to Municipalities for City streets. He said that there are advantages and disadvantages to having a revocable license.

O'Leary: Explained the expertise of professionals that she works with and the extensive studies that have been completed on the site. She recognizes that this is a community project and in the City of Kingston there has not been any senior housing built for more than a decade and that the need in the City is great. She stated that there have been conversations with the City about donating the Rail Trail to them. They are working with Ulster Savings Bank and have for a number of years. Stated that the roadway in, is owned by Central Hudson. Beyond that is Trailways and the Church of St. Clara's, both of which have a license across that roadway. If you look in the County Handbook on the Rail Trail, the County has thirty existing licenses. She stated that they have incurred 600,000 dollars of predevelopment. They are talking about connecting two Rail Trails working with the Kingston Land Trust. They are focusing on the best interest of the City, of the residents, and of the property. She stated that they would not put residents in harm's way or inconvenience. They are using a design that three years ago was awarded "Best Housing" in upstate New York. They are using the same design, the same builders, and the same people. They have documented the market, have documented the title, they did the land survey, they have dug up the soil, have connected to the water and sewer, they have done everything and are lastly, requesting a license for a driveway.

Loughran: Indicated to the Bank months ago that he was not in favor of the project.

Provenzano: Stated that the Committee has voiced their concerns, and she reiterated her concern that she is not comfortable granting an easement before the project has been approved by the City.

O'Leary: The Planning Board's dilemma is how they can approve a project that does not have access.

Provenzano: Stated that you already have documentation that shows that the County has granted thirty licenses already and our Planning Director is advising the Committee that this is not the proper way to go.

Doyle: The City could approve the Environmental work without approving the project. They could make a finding with respect to all the Environmental work.

O'Leary: The dilemma with that is if they approve it like the Zoning Board approved it already, then they are forfeiting their right to a Coordinated Review and the City is entitled to retain that Review.

Cahill: Stated that the City did not do a Coordinated Review and moving forward will not require one.

Shuster: The City Planning Board could approve a "Negative Declaration"; the approval of the site will be conditioned on the approval of the license to provide access.

Maloney: Asked about the letters that they received dated from January with a bunch of recommendations or conditions. Ms. Cahill replied that there were two letters, one from the Planning Board and one from the Zoning Board of Appeals, and there were two responses back. Legislator Maloney stated that he does not think that they received copies of the responses. Q/So as of now, all of the questions have been answered to the Kingston City Planning Board to declare a "Negative Declaration"? A/Cahill/Does not see why they couldn't; the one thing that they were waiting on was for all the right-of-ways to be secured. Q/All the other conditions in those two letters have been met? A/Yes.

Conclusion: Kingston City Planning Board will, at their next meeting, declare a draft "Negative Declaration". They will forward that information to the Committee before the next PW&CP Meeting on December 8, 2011.

Doyle: Suggested that all the necessary reports that are in the hands of the City, be filed with the Legislature. It seems likely that the Legislature would look at the "Negative Declaration" and use pieces of

it in its determination with request to granting of the License. He believes a License cannot be determined without the County making a declaration with regard to SEQRA. The SEQRA declaration needs to be made because the County is not just granting a simple access, it is granting a permit to allow the project to move forward, which is an action under SEQRA.

PUBLIC WORKS UPDATE: Deputy County Executive Robert Sudlow explained that on June 21, 2011 (Resolution No. 157) a Capital Project was established for \$622,376.00 to purchase Highway Equipment. At the time, the bids for the sanders (2) were \$26,378.00. DPW got the same kind of spreader, a different brand called Monroe for \$15,000.00 at a cost savings of over \$11,000.00 per the two sanders that were requested. So that left an additional amount of \$22 thousand and change. What DPW would like to do is to purchase two additional sanders, to add to trucks that were purchased last year. No Resolution is necessary because you are not amending the existing Capital Project. The Committee was in agreement.

PUBLIC WORKS BUDGET REVIEW: Questions/Answers (Given by DCE Robert Sudlow)

Loughran: Q/Asked for an explanation of the new position titled Fiscal Manager for an annual salary of \$53,038.00. A/Stated that this was an employee's position who passed away in 2010, they had another employee who requested the Early Retirement Package and was not included in the 2011 Budget and at the last minute decided not to retire. Said Employee was paid out of that line and the Fiscal Manager position was not filled. Q/So you did not have the money? A/The money was there, it was a vacant position. The employee was paid out of the vacant position line. Now that line has been established, and they now want to fill the vacant position at a lesser salary. Q/How much less, he feels that it is still relatively high. A/The line was \$63,000.00; it is now being requested at \$53,000.00. Q/Asked for the requirements of that position. A/Does not have that information in front of him. Q/You have a Department in DPW that handles Finance. A/Correct. This is an existing position that has been voted on in previous Budgets. His hope is that this position will be filled as an in-house promotion.

Provenzano: Q/What positions were eliminated in the DPW Budget. A/Three (Machinist, Right-of-Way Technician, Engineering Aide), and five vacant positions.

Maloney: Q/Is there another Machinist that works for the County? A/No Q/You are eliminating the one Machinist? A/Correct. Q/There is no need for that person? A/Not the same need as before, they have new equipment and new technology.

Provenzano: Feels that there is always a need in that Department for a Machinist. What if something breaks? A/There are a handful of Mechanics that work on the trucks.

Fabiano: A Machinist is a different operation.

Sudlow: Is not saying that it's not different, but is saying that it is a singular title that hamstrings what this title can essentially do.

Provenzano: Q/What is the Salary of the Machinist position? A/\$40,000.00.

Fabiano: Q/Are the salt & sand prices the same as last year? A/Yes

Sudlow: Reimbursement from the State has dropped, particularly on the B&G side. Changes were made to the way the Court House square footage was recorded to the way paper products was delivered and where it was stored. The State was very detailed and this directly affected reimbursements. There is a revenue short fall vs. last year of \$19,000.00. Expenditures have been reduced from last year by a savings of \$167,000.00. He explained that in 2012 there is an additional work day, so throughout the entire County

there will be an additional day of pay. He stated that even with their other expenses, the worst winter on record and the hurricanes were still able to come in with \$167,000.00 to the plus side. There have been increases in utility costs at certain locations, and decrease in other buildings. The Safety Building has been closed, so there was a net savings there. Efficiencies have been created with Central Hudson by replacing fixtures throughout the County. A substantial reduction in expenditures has occurred on Westbrook Lane, only 6 months of rent has been Budgeted for Cornell Cooperative Extension. It is his understanding that Legislator Harris, through his Committee, has made the Amendment to put those funds back into the Budget for Cornell to continue with their lease. He explained that Cornell is the only Agency that the County pays rent for. The overall rent for Cornell, including Tourism in that building is \$125,000.00.

Loughran: Q/Asked about the Rent at Family Court and questioned when the lease is up. A/Believes they are in year three of a five year lease. Legislator Loughran suggested that discussion should begin with regard to that building soon or the five years is going to be up and it is going to have to be renewed if an alternative site is not found.

Sudlow: Explained the water damage that was done to records over at Family Court because of Hurricane Irene. FEMA will be reimbursing those costs.

Hochberg: Q/Asked about equipment purchases in the 2012 Budget. A/Explained that equipment purchases are included in the Capital Project Programs. There is a section in the Budget that is called Road Machinery and explained that it is a rolling Bond request every year.

Loughran: Q/Asked about the MEO vacant position and the fact that it is being appropriated for \$31,000.00 in the Budget. A/Would get back to Legislator Loughran with that information because he did not think that vacancy was being filled.

Maloney: Not Budget Related. Stated that in the Town of Kingston, on the Old Kenly Land, a lot of big rock is coming out of there, probably due to the restoration work being done on the banks; his concern is the truck traffic that it is causing on the local roads. He understands that it has to be done but asked if there was an estimate as to how long it might be going on. He said that it is seven days a week, all day long and that it is a lot of traffic for a residential area. The Committee discussed the situation. Chairman Fabiano suggested that road weight limits and/or alternative routes may have to take place.

Sudlow: Not Budget Related: Stated that there are three significant DPW issues that are being looked at by Engineers, Ulster Heights, River Road in Port Ewen, and the Phoenicia Bridge. He will continue to update the Committee on those projects/issues. None of these projects will have an easy solution.

Fabiano: Q/By next month's meeting; do you think you will have the final numbers with regard to the Lloyd Bridges? A/He hopes to. They were waiting on Central Hudson to move a pole and that was delayed because of the Hurricanes and the most recent snow storm.

Hochberg: Commented on the Glenford/Wittenburg Drainage Project, he said that it looks like there was finally a solution (Oversized Culverts and lots of rock).

OLD BUSINESS: Kingston Meadows Project (See Discussion Above)

NEW BUSINESS: DPW Employee John Crispell / Handed out a list with regard to his work related duties and expressed his opinion to the Committee the reason why his job should not be eliminated. Chairman Fabiano stated that the position should not be eliminated and that the position is very necessary.

Motion to adjourn @ 8:25 PM

Motion offered by Legislator Maloney, Seconded by Legislator Loughran, All in Favor, Carried.

Respectfully submitted,

Tammy Wilson, Senior Legislative Employee