

ULSTER COUNTY LEGISLATURE

COMMITTEE REPORT

NAME OF COMMITTEE: Ways and Means Committee

DATE: November 5, 2008

TIME: 4:45 PM

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

LEGISLATORS PRESENT: Chairman A. Lomita and Legislators B. Cahill,
F. Dart, D. Gregorius, J. Provenzano, S. Zimet,
S. Cummings, R. Gerentine and G. Noonan

LEGISLATORS ABSENT:

OTHERS ATTENDING: Deputy County Administrator A. Smith; Deputy
County Administrator S. Ronga; Deputy County
Administrator M. Dellay; Deputy County
Administrator S. Quimby; Sr. Management
Analyst F. Fawcett; Legislators Phil Terpening;
Commissioner DSS Roberto Rodriguez;
Deputy Commissioner DSS Pat Jelacic; Dean
of Admissions UCCC Claire Burlingham; Asst.
County Attorney Bea Havranek

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I) **RESOLUTIONS**

Resolution No. 333 Establishing County Equalization Rates For The Year 2009 Levy

Motion offered by Legislator Cahill, seconded by Legislator Dart.

Adopted unanimously.

Resolution No. 334 Authorizing The County Treasurer To Accept Bids For Private Sale On Parcels Of County Owned Property

Motion offered by Legislator Dart, seconded by Legislator Provenzano.

Adopted unanimously.

Resolution No. 335 Requesting Transfer Of Funds To Provide For Pre-School Physically Handicapped Children Services Program – Amending The 2008 Ulster County Budget – Social Services

Motion offered by Legislator Gregorius, seconded by Legislator Dart.

Adopted unanimously.

Resolution No. 336 Requesting Transfer Of Funds To Provide Funding For The Child Care Program - Amending The 2008 Ulster County Budget – Social Services

Motion offered by Legislator Cahill, seconded by Legislator Provenzano.

Legislator Cummings – Questioned if either #335 or #336 had any state clawback potential.

Commissioner Rodriguez – We won't know until it happens but so far no word on it. We will know more after the November emergency session of the Legislature.

Legislator Gregorius – We have little say in the matter, both programs are mandated. We are just transferring funds to cover costs.

Adopted unanimously.

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Resolution No. 337 Authorizing The Chairman Of The Ulster County Legislature To Execute A Memorandum Of Agreement With The Ulster County Community College Faculty Association

Motion offered by Legislator Cummings, seconded by Legislator Zimet.

Legislator Lomita – Had concerns about what the effect of a failure of Ways and Means to approve would have on The Contract.

Atty Havranek – It would have the same impact as on any other Bargaining Unit. They would have to go back to the drawing board. The agreement we are approving has been revised from the original.

Claire Burlingham – She and members of UCCC Administration as well as Atty Bill Wallens crafted the agreement. It follows in essence the approved County Labor contracts.

Legislator Provenzano – It seems we are always in the position of approving things that we know very little about even though we have no objection to it. Perhaps an informational meeting with The College on such matters would be helpful.

Adopted unanimously.

Resolution No. 339 Authorizing The Chairman Of The Ulster County Legislature To Execute An Agreement And Any Amendments To The Agreement With The New York State Office Of Homeland Security For FY08 State Homeland Security Program (SHSP) – Anti Terrorism Funds – Emergency Communications/Emergency Management

Motion offered by Legislator Dart, seconded by Legislator Zimet.

Adopted unanimously.

Resolution No. 342 Authorizing The Chairman Of The Ulster County Legislature To Execute A Contract And Any Amendments To The Contract With The New York State Department Of Health For The Public Health Emergency Preparedness Program – Public Health

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Motion offered by Legislator Provenzano, seconded by Legislator Cummings.

Adopted unanimously.

Resolution No. 343 Authorizing The Chairman Of The Ulster County Legislature To Execute A Renewal Agreement And Any Amendments To The Agreement With The New York State Unified Court System – Public Works (Buildings And Grounds)

Motion offered by Legislator Dart, seconded by Legislator Gregorius.

Legislator Cahill – In long-term agreements such as this, especially those that require the approval of The Chairman of The Legislature, how will they be affected by the Terms of The Charter?

Atty Havranek – Those agreements in effect will continue but after January, The Executive will give approval.

Motion adopted unanimously.

Resolution No. 344 Repealing, Retroactively To January 1, 2008, Resolution 410 Dated December 6, 2006, Authorizing The County Of Ulster To Charge Back The Towns And The City Of Kingston For The Cost Of Elections Support

Atty Havranek – I am ruling this Resolution out of order. We need a Budget Amendment to amend the 2008 Budget. This Resolution negated Resolution #410 that the Legislature passed last year. We are covering two different issues with two different Budget years. This Resolution does not amend 2008. It has no financial impacts.

Legislator Provenzano – Aren't we mandated to follow a Resolution that we passed and as such the only way to proceed to an amendment is to rescind #410?

Legislator Lomita – Is proposing a Legislative Appeal to resolve the issue. It already cleared the Attorneys.

Legislator Zimet to Legislator Lomita – Is the reason your appeal is appropriate because it does not encompass two Budget years?

Legislator Provenzano – Understands the intent of Legislator Lomita's appeal, but don't we still have to address the Local Law on the books?

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Legislator Lomita – The original (#410) Resolution did not separate HAVA expenses from Non-HAVA. We are trying to clean it up to make it more fair for towns, City and County.

Legislator Cummings – The Resolution is on the books and is being presented to towns by Board of Elections - how can we amend it?

Legislator Lomita – Towns and City are up in arms over unexpected HAVA charges that are not covered in their Budgets. The Supervisors all understand what we are attempting to do.

Legislator Provenzano – The County froze its share in 2005; don't we have to repeal it?

Atty Havranek – We are still in 2008 and Resolution does not cover it. It attempts to do 2008 retroactively without financial information.

Legislator Cahill – We only have ten days to get the correct figure and process to the Towns. The Resolution is flawed.

Legislator Noonan – Not all Supervisors were on board. Resolution #410 should be repealed. It is in effect perpetuity.

Atty Havranek – The way #344 is drafted, it is flawed. If your desire is to repeal #410 and then amend the 2008 Budget you have to be specific about costs and then amend 2008.

Legislator Gerentine – Legislator Lomita's amendment will do this. As it is, #410 may not be supportable.

Atty Havranek – Any Resolution binds future Legislatures unless rescinded or modified. The 2008 Budget has to be modified.

Legislator Lomita – Last year HAVA was not in full compliance so towns were given a figure based on our situation then. They put money in Budgets to accommodate, but since HAVA was not in there, they were not charged fully.

Legislator Gerentine – Let's put this in place to modify or rescind next week.

Atty Havranek – We still need to know what the intent of the Legislature is. Not comfortable with the dearth of information. What do you intend to do
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as a body?

Legislator Lomita – Assigned Legislator Noonan, Art Smith and Attorney Havranek to make modification to the Resolution for consideration next week.

Legislator Cummings – The Town Supervisors and Clerks complained that all powers were taken from them and given to Board of Elections.

Legislator Gregorius - We just met with Supervisors and gave them promises. Whatever we work out cannot renege on those promises. Perhaps we can invite Supervisors to meet again to approve.

*The Resolution will be reconsidered next week after modifications have been made.

Resolution No. 346 Creating A Volunteer Incentive Program (VIP) For Ulster County Emergency Service Volunteers

Attorney Havranek has a concern here with the Resolution as written. There is no Program criteria or details listed. She needs facts to develop and assess before we can put it in Resolution form.

Legislator Dart – Legislator Petit is working on it with Chamber of Commerce in the form of a percentage discount offered to volunteers.

Legislator Zimet – The Program will be implemented through the Chamber, but \$1500 is necessary to pay for the cards involved.

Legislator Dart – The \$1500 will be in the Fire Coordinator's Budget – we can do this as a Resolution in January as a Budget Amendment.

Atty Havranek – If she gets a precise plan, she will work to clean up the Resolution.

*The Resolution will be reconsidered next week after modifications have been made.

Resolution No. 347 Urging The Governor And The New York State Legislature To Reduce State Spending Without Shifting Costs For State Programs To County Government

Motion offered by Legislator Provenzano, seconded by
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Legislator Gregorius.

Adopted unanimously.

Motion to adjourn offered by Legislator Gregorius, seconded by Legislator Cahill.

Meeting adjourned 5:30 PM.

Respectfully submitted,

Alan Lomita, Chairman
Ways and Means Committee