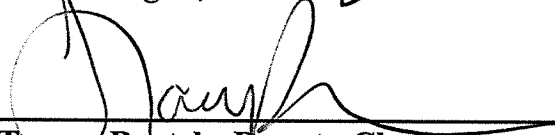


Date: August 8, 2013

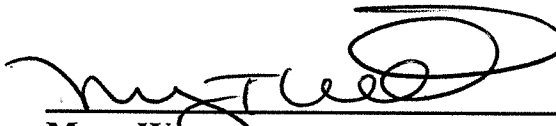
COMMITTEE MINTUES APPROVAL

ENVIRONMENTAL, ENERGY, AND TECHNOLOGY:

  
\_\_\_\_\_  
Carl Belfiglio, Chairman

  
\_\_\_\_\_  
Tracey Bartels, Deputy Chairman

  
\_\_\_\_\_  
Craig Lopez

  
\_\_\_\_\_  
Mary Wawro

\_\_\_\_\_  
Kenneth Wishnick

Today's Date: September 12, 2013

**Environmental, Energy, & Technology Committee**

**Regular Meeting Minutes**

**DATE & TIME:** August 8, 2013, 5:45 PM  
**LOCATION:** Karen L. Binder Library, 6<sup>th</sup> Floor, COB, Kingston, NY  
**PRESIDING OFFICER:** Chair Carl Belfiglio  
**LEGISLATIVE STAFF:** Krista J. Barringer, Deputy Clerk  
**PRESENT:** Legislators Tracey Bartels, Mary Wawro (arrived at 5:54 PM), Kenneth Wishnick and Craig Lopez  
**EXCUSED:** None  
**QUORUM PRESENT:** Yes  
**OTHER ATTENDEES:** Legislative Counsel Langdon Chapman, RRA Board Member Charles Landi and RRA Executive Director Tim Rose

Chair Belfiglio called the meeting to order at 5:47 PM.

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**MOTION NO. 1                      Approval of Minutes from July 11, 2013**

**Motion Made By:**                      Legislator Lopez  
**Motion Seconded By:**                  Legislator Wishnick

**Discussion:**

Legislator Bartels requested a change to the minutes on page four to clarify the term “term limits” and on page eight did not recall offering to call the Solar Energy Consortium, did not recognize the name Sara Thompson and if she was to call this person, requested a phone number.

**Roll Call Vote:**                                  No  
**Voting In Favor As Amended:**              Legislators Bartels, Belfiglio, Lopez, Wawro, and Wishnick  
**Voting Against As Amended:**                  None  
**No. of Votes in Favor As Amended:**          5  
**No. of Votes Against As Amended:**          0  
**Disposition:**                                      Carried, As Amended

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**Motion No. 2                      Resolution No. 182 – August 20, 2013**

**Text of Motion:** Resolved to approve Resolution No. 182 - Authorizing Counsel To The Legislature To Prepare A Potential Amendment To The Ulster County Resource Recovery Agency Operating Agreement With The County Of Ulster

**Motion Made By:** Legislator Bartels for discussion

**Motion Seconded By:** Legislator Lopez

**Resolution Summary:** This Resolution authorizes and directs Counsel to the Legislature to prepare an amendment to the current RRA Operating agreement with the County of Ulster, in cooperation with the County Attorney and the Counsel to the RRA, that embodies legislative intent in regards to the RRA's bonding rights and that said amendment shall be presented to the Legislature no later than fifteen (15) days after the adoption of this resolution to allow for review and possible modification by any/all members of the Legislative Body.

**Discussion:**

Chair Belfiglio noted this Resolution had been postponed last month as the Committee had already had discussions with the RRA Executive Director and Board Chair to move forward with the activity. He noted the Committee was interested in just drafting an amendment.

Legislative Counsel Chapman stated Legislative Counsel Guerin had prepared a proposed amendment to which he modified a bit and suggested, if the Legislators agreed with it conceptually, he would take it to the County Attorney for review followed by a submission of review by the RRA Attorney Gilligan.

Deputy Clerk Barringer noted Legislator Parete was consulted regarding his Resolution and he indicated he would prefer the Resolution be moved to the floor.

Legislator Bartels asked if the Resolution had changed from last month. Chair Belfiglio indicated it had not and noted the Resolution was drafted and submitted on the same day that he submitted his letter detailing their meeting with the RRA. He indicated this Resolution was based on RRA Resolution 2298 and highlighted everything included in the Amendment was what was discussed by the Committee publicly as well as the public meetings of the RRA Board. Legislator Bartels felt there was no point to the Resolution. Chair Belfiglio discussed the rules for Resolutions moving to the floor. Legislative Counsel Chapman noted the Resolution directs the Legislative Counsel to prepare a document for the Legislature with the potential amendment as prepared for this meeting. Legislator Bartels felt this type of Resolution could impact other Committee's work if similar Resolutions were submitted and viewed this Resolution as a glorified memorializing Resolution of the Committee's work and.

Chair Belfiglio expressed concern if the Resolution failed on the floor; the Legislature would be unable to discuss possible negotiation of the contract with the RRA and could not be brought back to the Legislature for a full year. He noted the Resolution to add two Legislators to the RRA Board failed. Legislator Bartels stated she did not think the Resolution would fail or affect the amendment discussions but did feel there was enough real work for the Committee to do. She suggested postponing the Resolution as the Committee was doing the work. She felt the reason to postpone the Resolution was because the Committee was in the process of doing the work and indicated if the Committee voted the Resolution down; it would come to the floor.

Legislator Wishnick asked if the Legislator has asked staff to do something and staff was doing it, why a Resolution needed to tell staff to do it.

**Legislator Wishnick motioned to postpone the Resolution to the next meeting of the Environmental, Energy, and Technology Committee.**

Chair Belfiglio preferred to vote the Resolution up or down and highlighted bringing the Resolution to the floor would show the redundancy and wasted effort the Committee has spent on this Resolution for the past two months.

**Legislator Wawro seconded the motion.**

<b>Roll Call Vote:</b>	No
<b>Voting In Favor of Postponement:</b>	Legislators Bartels, Wawro, Wishnick
<b>Voting Against Postponement:</b>	Legislators Belfiglio and Lopez
<b>No. of Votes in Favor of Postponement:</b>	3
<b>No. of Votes Against Postponement:</b>	2
<b>Disposition:</b>	Resolution Postponed

### **Further Discussion**

Legislative Counsel Chapman distributed the draft amendment and suggested Legislators share any concerns with the Chair Belfiglio. He indicated he would be available after the meeting to discuss the draft amendment with individual Legislators. Chair Belfiglio noted the draft amendment was not intended to be discussed during the meeting. Legislator Bartels noted ideally the Committee would like to see something for the September session. Legislative Counsel Chapman indicated he would bring any input from the Committee and the draft amendment to his August 20<sup>th</sup> meeting with the County Attorney. He stated he would return to the Environmental, Energy, and Technology Committee with any concerns expressed by the County Attorney and based on their decision; advance it with changes or in the present form. Legislator Bartels confirmed the draft Amendment would then move to RRA Attorney Gilligan. She clarified the next RRA Board meeting would be August 19<sup>th</sup> and noted the Amendment would need to push out by one month.

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**New Business:**

- **Proposed Local Law X of 2013: To Update The Term Of Membership To The Environmental Management Council (For Discussion Purposes Only)**

**Discussion:**

Chair Belfiglio noted this proposed amendment to the charter would waive the six year term limit to the Environmental Management Council and strike out that provision in the Charter. Legislative Counsel Chapman clarified the County has been operating under three year terms but the New York State Law states two for the additional members that are appointed by the County Executive. He indicated the County has broad powers but concurred it was better to be consistent with State law. He noted it was not discussed last month and was noted in the research in preparing the draft Local Law by Deputy Clerk Barringer.

Legislator Bartels felt the Committee should reach out to the County Executive as the appointments come from them. She noted the issue of getting people to serve and being outside the term issue.

Chair Belfiglio confirmed this would cancel any term limit. Legislative Counsel Chapman stated this was correct.

Chair Belfiglio and Deputy Chairman Bartels concurred a Resolution be prepared for September with the entire Committee listed as the sponsors.

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**Old Business:**

- **Draft Letter to Environmental Management Council Appointees**

**Discussion:**

Chair Belfiglio asked and Legislative Counsel Chapman confirmed a change to the term would be in effect for new appointees. Legislative Counsel Chapman indicated the change as suggested the proposed Local Law would not affect anyone with a current term.

Legislator Bartels asked if all the letters were addressed to sitting members. Deputy Clerk Barringer indicated Mr. Littlefoot was a new appointment and read his letter. Legislators Bartels and Wishnick suggested edits and it was agreed Committee members could sign the letter on Tuesday, August 13, 2013.

Legislative Counsel Chapman indicated he would tweak the proposed Local Law to address the effective date.

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## **New Business:**

### **▪ Ulster County Resource Recovery Agency (UCRRA) 2014 Budget**

#### **Discussion:**

Chair Belfiglio noted he invited RRA Board Chair Smith to attend and received a regrets email from him today.

RRA Executive Director Rose stated he was advised by RRA Council to not answer any of the Committee's questions as the budget document submitted was not approved by the Board, does not really exist and was an internal document. He stated the budget was done in August and this document was a starting point.

RRA Board Member Landi indicated the budget document was not an official document. RRA Executive Director Rose stated it could change 2-4 times with the rates going up and down. He felt it was pre-mature to discuss the budget.

Chair Belfiglio explained his reason to request the budget. He noted in the past, the Legislature never pushed the July 15<sup>th</sup> submission date for the proposed budget. He noted this is the first year with flow control in the mix with no net service fee. He felt the Legislature should have time to look at the budget and be able to recommend changes and that if no recommendations were received by August 15<sup>th</sup>, the budget would stand as submitted to the County Executive. He noted this was the only time the Legislature was legally allowed to offer suggestions.

RRA Executive Director Rose stated it was his understanding that the County Executive makes comments due to the Charter form of government. Chair Belfiglio stated he understood the RRA Board goes by the letter of the bylaws and the contract. He noted it took an RRA Board Resolution to allow him to speak at the Board meeting.

Legislative Counsel Chapman asked the date that the budget was submitted. Chair Belfiglio replied the budget proposal was submitted on July 27, 2013; fourteen days late. RRA Executive Director Rose reiterated this submission was not a budget as it was not approved by the Board of Directors. Legislative Counsel Chapman read the pertaining section from the contract and noted the Agency has stated it did not submit a proposed budget as specified in the contract. He advised if once the Agency submits its budget, the Legislature can go to court and request an interpretation. He did not feel this was necessary or that it would happen. He highlighted this was the first time the Legislature was having some oversight. He felt the Committee and the Agency could find some common ground and that it was laudable that the Legislature was seeking oversight. He suggested if the Legislature wanted to ask some general questions of the Agency but not about the budget specifics, the Agency might be able to answer them. He noted the Agency breached the dates of the contract.

Chair Belfiglio reiterated his reason for asking for the budget as per the contract as he was unsure this year what would happen and/or what would be coming down the pike. He felt that since the RRA Board meeting was on August 19<sup>th</sup>, they might welcome comments on the budget. He also felt the RRA Board should have had the budget ahead of time to discuss. He indicated it would have been acceptable if the RRA Board requested a delay in budget submission and provided the Legislature the 30 days after the budget submission to make comments.

Legislator Wishnick felt if the Committee followed the logic that they cannot have input until the RRA Board approves it and there is no process for the Board to reconsider once they do approve, it presented roles the Committee was not intended to have under the terms of the original Agreement. He indicated the Legislature and Board was in the process of amending the Agreement and if the Agreement needs to be tweaked to clarify the role between the Legislature and the RRA, in term of budget review, now may be the time to address this. He felt they were on a path that does not seem to work as the Legislature cannot review the budget before nor after the RRA Board approves it.

RRA Executive Director Rose stated the process allows the Board to review and tweak his proposal and once the Board approves, it is submitted to the County Executive and Legislature to make comments. He stated they can revise the budget as they did revisions this past November and February. He noted there would be an October public hearing on the budget and another opportunity to revise. He felt the request for a budget in July was inserting the Legislature between the RRA Board and the Executive Director.

Chair Belfiglio clarified as per the contract, the purview for review and comment was with the Legislature. Legislator Bartels noted the County Legislature makes comment, not the Committee. Legislator Wishnick suggested the budget be relabeled as a staff projection and allow the Environmental, Energy, and Technology Committee to make comment on the staff projection. Chair Belfiglio noted the contract can be amended to give the Agency more time in it's submission.

Legislator Bartels agreed with the ability to comment on a staff projected budget but noted she would need more detail. She noted the letter submitted by Chair Belfiglio was based on Environmental, Energy, and Technology Committee discussions. She highlighted the RRA Attorney made clear statements to the Environmental, Energy, and Technology Committee that the County approved the budget. She expressed concern that the Agency's attorney does not deal with the Legislature and was dealing with the County Executive. She stated the contract was very clear on this, it was the Legislature. She stated the July 15<sup>th</sup> submission date put a wrench in the works, given the RRA Attorney and Board Chair remarks. She expressed concern that the request for a budget submission would result in the threat of a net service fee. She stated this does not make for good will and was grateful for RRA Executive Director Rose participation in the dialogue. She felt while the Legislature needed to stay on top of the oversight role, she

did not wish to be in court with the Agency. She noted pushing the dates back to August, affect the County Executive's Budget.

Chair Belfiglio noted the department budgets where with the County Executive for a least the last month. He indicated the contract specified the Agency would seek ways to make the Agency self-sufficient without a net service fee. He felt it would be a disservice to the County, if the Committee did not exert it's oversight as specified in the contract. He noted the current budget projection is listing a \$32,000 deficit.

RRA Executive Director Rose stated he preferred that the Legislature work directly with the RRA Board as they have the final say over the proposed budget submitted to the Legislature. RRA Board Member Landi felt there was nothing controversial in the budget projective and did not feel there would be substantial changes made by the Board.

Chair Belfiglio asked why the tonnage had decreased. RRA Board Member Landi replied the volume had decreased and noted the loss of elementary schools and hospital closures as the impact to tonnage. RRA Executive Director Rose stated the volume was currently 6-8% lower industry wide. He noted Waste Management had opened a transfer station in the Town of Ulster which drew some of the C&D (construction and debris waste) from the facility.

Chair Belfiglio reiterated he was seeking insurance that the Agency would give the Legislature 30 days following the submission of the budget to make comment. RRA Board Member Landi suggested Chair Belfiglio put that request in writing to the RRA Board. Legislator Bartels noted by the time the RRA Board reviewed the letter, it would be too late to comment this budget cycle. RRA Board Member Landi stated as just one Board Member, he agreed to allow the comment period. Legislator Wawro noted this was the point of contention. Legislator Bartels indicated she did not feel the contention from the RRA Board or the RRA Executive Director but that it came all from the RRA Attorney.

RRA Board Member Landi asked Legislator Bartels if based on her prior experience as a Legislative Liaison to the RRA Board, she had a similar experience with RRA Attorney Wing. She indicated she had not. Legislator Wishnick felt RRA Attorney Wing attempted to be informative and helpful. Legislator Bartels stated the ground swell of discontent began with RRA Attorney Gilligan's presence at the Environmental, Energy, and Technology Committee meeting where he repeatedly advised the Legislature to go by the contract. Chair Belfiglio indicated this was a trust issue. Chair Belfiglio reiterated the request for assurance that the Legislature will have an opportunity to comment on the budget.

Legislative Counsel Chapman indicated the need for attorney/client session.

Chair Belfiglio noted the RRA Board Members and Executive Director have been allowed to comment at the Environmental, Energy, and Technology Committee meetings.



He noted the Legislature is only allowed to speak at the RRA Board Meeting prior to the Legislature being aware of the full discussion as they receive the agenda packet only two days before the meeting. He suggested the RRA Board hold a workshop meeting to allow the Legislature and public an opportunity to offer input. RRA Board Member Landi stated he was also seeking a transparent process. He noted his follow up with the Public Authority Council and their determination that the RRA Board can invite the Legislative member to attend and give them the ability to speak during the meeting. He stated the Public Authority Council further advised the Board can invite expert individuals to participate in their Executive Sessions. He stated he would bring this information to the next RRA Board meeting.

***Chair Belfiglio motioned to enter Attorney/Client session. Legislator Wawro seconded the motion and with all voting in favor, the Committee entered Attorney/Client session at 6:52 pm.***

***Legislator Bartels motioned to exit Attorney/Client session. Legislator Wishnick seconded the motion and with all voting in favor, the Committee exited Attorney/Client session at 7:17 pm.***

Chair Belfiglio reiterated the Legislature's request for assurance that they will have an opportunity to comment on the budget. RRA Board Member Landi replied he can only see it that way as he feels his colleagues want input on the budget.

Legislator Wishnick asked if the RRA anticipated a rate increase. RRA Board Member Landi replied they expect a slight increase of approximately 3% for private haulers but this may be an area that will be adjusted.

Chair Belfiglio asked if the budgeted raises were contractual. RRA Board Member Landi indicated the contract expired last year and they were in negotiation with the union. He noted the proposed budgeted does indicate an increase of salaries. RRA Executive Director Rose stated this was estimated at 2% assuming a two year contract. RRA Board Member Landi noted the employees are not currently paying for health insurance and was a key point in their negotiations. RRA Executive Director Rose noted the administrative positions, 8 people, were not in the union.

Chair Belfiglio asked why the sludge expense was down. RRA Executive Director Rose replied this was an area of cost savings as they were taking all sludge waste to Colony and not traveling to Buffalo.

Chair Belfiglio asked which municipalities, the increase to the municipal self-pull was affecting. RRA Executive Director Rose stated at this time it was Kingston and New Paltz. Legislator Wishnick noted the Town of New Paltz was responsible for transport to the RRA's New Paltz transfer station which was located right next door.

RRA Executive Director Rose noted 95% of the sludge was received from the municipalities, especially with the recent sewage breaks. He noted they pay \$.50 for

leachate. He stated he would seek a final budget product at the August RRA Board meeting.

Chair Belfiglio asked if the Agency received comments from the Legislature since Mr. Rose took over as Executive Director. RRA Executive Director Rose indicated he could not recall any comments from the Legislature in his tenure. Chair Belfiglio noted the request from the County Executive that the Agency use more from their fund balance to offset an increase in the net service fee. RRA Board Member Landi noted there was only \$54,000 in the fund balance, which was not a lot of money. Chair Belfiglio noted the request to use 500,000 to reduce a proposed 3.4 net service fee was in 2004. He hoped the Agency would have a great budget projection and if changing, it would be unfortunate that the Legislature would be unable to comment. He noted the Legislature was seeking to fulfill it's oversight role with input. He felt they should be cooperating for the taxpayer and should not be at odds with this goal.

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**Old Business:**

- **Climate Smart Committee (For Discussion Purposes Only)**

**Discussion:**

Chair Belfiglio noted he received correspondence from a Town of Marbletown Councilman inquiring into the Committee. He noted the Councilman would be taking the appointment discussion back to their Town Board to seek candidates. He indicated the Environmental, Energy, and Technology Committee would continue this discussion next month.

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**Old Business:**

- **AppMe, Inc**

In a follow-up from last month's presentation of the AppMe Smartphone Application Presentation, Chair Belfiglio distributed sample app screenshots provided by the developers.

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**Old Business:**

- **Mid-Hudson Valley Rural Technology & Broadband Alliance**

Legislator Wishnick asked if the Committee's letter was sent to Mr. Ramos. Deputy Clerk Barringer confirmed this was sent and Mr. Ramos replied that he would continue to email the Committee to keep them informed of the status of their proposal. Legislator

Wishnick noted the receipt of a letter from Green County discussing a memorializing Resolution for a state-wide broadband initiative.

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**Adjournment**

**Motion Made By:** Legislator Wishnick

**Motion Seconded By:** Legislator Lopez

**No. of Votes in Favor:** 5

**No. of Votes Against:** 0

**:TIME:** 7:31 PM

**Dated the 14<sup>th</sup> day of August, 2013**

**Krista Barringer, Deputy Clerk**

**Minutes Approved on:**