

ULSTER COUNTY LEGISLATURE
COMMITTEE MEETING MINUTES

NAME OF COMMITTEE: Environmental Committee

DATE: September 20, 2006

TIME: 6:00 PM

PLACE: Ulster County Resource Recovery Agency
999 Flatbush Road, Kingston, New York

MEMBERS ATTENDING: Brian Shapiro, Chairman
Tracey Bartels
Leonard Distel
Richard A. Parete
Hector Rodriguez
Dean Fabiano
William McAfee

MEMBERS EXCUSED:

OTHERS ATTENDING: Legislator Peter Liepmann
Sheldon Quimby & Susan Ronga,
Deputy County Administrators
Lisa Cutten, County Auditor
Mike Bemis, Resource Recovery Agency
Laura Petit, Resource Recovery Agency
Gary Capella, Soil and Water
Rick Fritschler, EMC
Myra Fedyniak, EMC
Elizabeth Askue
Mary Shultis
Patricia Shultis
Fubia Wargin
Amelia Leon
Peter Shultis
Craig Artist
Katie Young, Daily Freeman
Andrew Hickey, Ulster County Press
Jim Gordon, Ulster Publishing

Meeting called to order at 17:00.

Legislator Bartels said there would be plenty of discussion after the 27th meeting. This would be to set the public hearing.

Chairman Shapiro explained the Recycling Oversight Committee and introduced Mike Bemis, Executive Director of the RRA. Mike discussed the compliance issues raised by the Environmental Committee. Mike Bemis feels that the agency has done all that it can with two small haulers that service residents who have refused to comply with the county recycling law. He presented a list of attempts to have these haulers comply and explained that other haulers generally send their new customers introduction packages with recycling instructions. In February he approached the UC Board of Health because hauler licenses were up for renewal by the end of March 2006. He was told he had great timing. Mike Bemis said the agency is consistent and applies the rules across the board. Been receiving phone calls from other complying haulers about haulers that are not recycling. Haulers that offer solid waste removal are required to provide recycling.

Chairman Shapiro said that the issue is that the laws are to be done fairly and the Committee did direct the Agency to speak to the Health Department. Legislator Bartels asked what the Health Department said or did to facilitate this? Bemis said there have been many phone calls and nothing was done. Legislator Bartels asked again how the Health Department responded? Bemis said that he has asked to be involved in meetings and for correspondence but he is not getting responses.

Legislator Distel felt that he knew one of the haulers but said that the residents were responsive to recycling. Legislator Distel asked if they were issued a Health Department permit. Bemis said the board of Health had not issued permits. Legislator Distel asked about the \$100,000 balance due. Bemis said this was a separate issue and is in the court system. But the Board of Health permit includes all waste haulers which would cover the delinquent account. Haulers who claim they are only hauling construction and demolition debris. Felt all haulers disposing of waste in county should have a health department permit. Legislator Distel asked why haulers could not be stopped at Agency Gate. Bemis said then they would go to another transfer station.

Legislator Rodriguez commented that the Health Department should be contacted via the County Health Committee and told to pull the licenses. Chairman Shapiro said letter should go to Health Department and that the Health Committee should direct them. Legislator Bartels hoped that they committee would move on the Recycling oversight committee and get an enforcement officer in place next month. Chairman Shapiro suggested that he and Hector work on verbiage to go to Health Committee.

Legislator Bartels – Oversight Committee. Back in March the committee sent out letters to all Legislators and Supervisors for recommendations to oversight committee. Response was not overwhelming. Question on Mayor's Association which is no longer an official association. To change this would require amending the law. The mayor recommended Larry Brigati who is City Code Enforcement Officer. Buddy Hornbeck Town of Rochester MRC, Rick Fritschler EMC, Toni Hokenson New Paltz, Commercial Haulers Linda Robison, Wayne Harris, Rec Joe Schwall American Can. Robison does bring recycling to county and Joe Schuall takes to another facility. Feels since request has been sent out there and Linda uses system, she would recommend her. Legislator Fabiano asked if both could serve. Legislator Bartels said yes. Only 7 can be on board. She said law could be amended later on. Feels any delay could continue to impact Agency's Compliance issues. Needs to be up and running.

Chairman Shapiro asked Rick Fritschler if he would stay until Miriam came back. He said he hoped she would return. Chairman Shapiro confirmed that Legislator Bartels was naming Robison as hauler. Legislator Bartels made a motion to appoint Legislator Bartels, Hornbeck, Brigati, Hokanson, Murph, Fritschler, and Robison. 2nd by Legislator Fabiano. All in favor.

Chairman Shapiro introduced Auditor's Office. He felt that if any Agency was under scrutiny, it should have a chance to hear the issues. Chairman Shapiro issue funds from Lower Esopus to EMC. Lisa Cutten – Lower Esopus and EMC are not being questioned for their good work but for accountability. \$50,000 check for payment came across her desk in May and is looking into bookkeeping. Since her questions for use of funds have not been clearly answered. First written request ask for information back to 2001 under existing contract. There were grant dollars for Learn and Serve flowing through Kingston School District then going to Lower Esopus. No backup or detail on how money to Lower Esopus was intended to be used. Not enough funds to cover contract or information on expenses. \$50,000 was processed after a meeting with Rick Fritschler in May pending information coming the following week. Legislator Bartels info requested is from Lower Esopus River Watch. Lisa Cutten said originally set up with Rick Fritschler, EMC. There was a meeting and some discussion and she understands that EMS has relationships with many other organizations. Rick said that the info would have to come from Lower Esopus. Legislator Bartels asked again if the info required needs to come from Lower Esopus. The request was to Rick on how his resources are being distributed and tax dollars used.

Lisa Cutten said that what is happening in every year for the last 10 years is a revenue shortfall. \$1.5 million dollars was promised in grants which never came in. \$2.3 million went out the door. Needs to understand how resources are being used.

Legislator Bartels asked about matching funds and in-kind services which is a tangible number but not real cash. Lisa Cutten said that grants may cover in-Kind or cash. Didn't research every grant and funds but more money had to come in to match the grant. Cash (revenue) never came in the door. Legislator Bartels asked if check was received. Sheldon Quimby said checks were not received. Legislator Bartels asked Lisa Cutten if she was questioning if grants were not being received because of accountability. Rick Fritschler said over last 10 years only 3 grants not received. 2004 - \$100,000 plan of work got lost in County Attorney's office. \$275,000 grant for water truck that will not be paid for until the truck is built. Chairman Shapiro felt that he needed to feel comfortable that monies were being properly accounted for. Fritschler said all grants were properly filed and staff time properly accounted for as in-kind in application. Chairman Shapiro said it is hard for him to define the shared mission of the EMC and Lower Esopus River Watch. Would like some reflections from auditors. Quimby said he is disappointed in the Committee Oversight of the EMC and a \$500,000 gap in funds. Has referred questions to Rick Fritschler and County Staff. Does not get all of the information he needs in a timely fashion.

Legislator Bartels responded to Sheldon Quimby's concerns about funding not being provided until monies are expended. Doesn't care for the tone the meeting is taking and feels there should be more communication. It'll take some time to get to the bottom of 10 years of information and auditing issues. Has utmost confidence in EMC and Rick Fritschler.

Environmental Committee will set the legacies for the future. Needs to respond to Environmental Issues. Chairman Shapiro felt communications were brought forward in previous meetings and caucus. As far as "tone" he did not feel there was any tone. Felt it is an open forum.

Rick Fritschler does not understand where auditors are getting \$1 million when this number has not been projected by Sheldon Quimby looking at actual cash dollar amounts. Learn and Serve is a straight contract from Kingston Schools and has always been paid on time. Four professional staff people and no maintenance people. What other county department has that lack of support and gets this kind of work done?

Dickson – Chairman Shapiro asked Dickson about 8/29 letter that went out. Dickson, President of Lower Esopus River Watch, said it is a small volunteer group that works as a sub group (arm) of EMC. HE was asked for a lot of information from the auditor's office in a short period of time. Will be having a meeting in early October. Shapiro asked if 990's were in order. Dickson said they were not in order. Legislator R.A. Parete said he would like to see the numbers in writing with actuals of "missing" funds. Put everything on paper with background details attached. Legislator R.A. Parete said you don't put someone's credibility on line without having the proper

backup information. Chairman Shapiro asked if there is an issue in writing. Lisa Cutten said there is a request for current information, not 10 years and request to Lower Esopus is just for one particular contract. Lisa Cutten does have some numbers in writing for committee. Legislator Bartels asked if Lisa Cutten could document the numbers in question. Lisa Cutten said yes. 75-80% has been paid out to Lower Esopus with NO back up for how funds are being used. Legislator Rodriguez questioned Sheldon Quimby's comments that there has been no oversight. Thanked auditors for actually auditing. Sheldon Quimby said he said there are more funds going out than coming in. Legislator Rodriguez – procedures of how other departments are handling documentation and what they expect from other departments. Rick Fritschler still trying to clarify Sheldon Quimby's statement on revenues.

Legislator Distel's comment is why check is being written before funds come in. Quimby said these are matching grants where funds must be spent first. Legislator Bartels asked about resolution that was referred to committee for \$59,000.00. Lisa Cutten felt that the work was already done and monies spent. Why appropriate more money? The grant was already accepted and appropriated. Chairman Shapiro asked why committee is approving more funds if it was already appropriated. Legislator R.A. Parete said Rick was saying the money was not appropriated. Sheldon Quimby said the money and budget are supposed to match to application and documentation for it.

Sue Ronga added that because of the time lag, someone in these departments had to keep track of what the expenses are. The background data is not being kept. Legislator Bartels asked where revenue for 2004 Grant was put in 2005 budget. Sheldon Quimby did not know when work was done, but it was put into 2005 budget even when the request for funds as put in by Rick in 2006. Lisa Cutten added that salaries in on payroll would not need to be appropriated again/more money was already out the door.

R.A. Parete Resolution No. 322 – Asked auditors if there were auditing all 62 departments. Lisa Cutten said YES – Looking at contracts and overlap. This is the only department that has no back up on how the money is spent. Legislator Rodriguez moved that the committee get a list of recommendations from auditors on procedures to follow in writing. Legislator Bartels said cannot ask for a motion. Chairman Shapiro said it would be a matter of record. Sue Ronga said an SOP has been conducted.

Resolution No. 322 – Chairman Shapiro asked if anyone would make a motion. Committee felt more information is needed. Sheldon Quimby suggested that the fund balance and revenue be amended – not the expenditures. Chairman Shapiro said it would be on agenda at meeting next Wednesday. Rick Fritschler said that according

to the county operations and procedures manual, the EMC did everything according to SOP as it exists. Mary Shultis, EMC asked Lisa Cutten what was going on with funding because so many numbers were discussed. Questioned whether and why this was the only department that had red flags. Felt there was an attack on this department. Lisa Cutten said other departments had been asked for information but EMC was the only one that has not provided satisfactory answers. Mary Shultis asked if there was money missing. Sheldon Quimby said no, there is a gap in the budget and expenditures.

Rick Fritschler said that the 518 Learn and Serve Contract is a dollar for dollar grant. Other grants are different and require cash or in-kind. Only have a few outstanding grants.

Chairman Shapiro asked if Legislator Bartels would address Chodikee Lake and Green Building. Legislator Bartels distributed Resolution to formalize the bid for Chodikee Lake to County Treasurer. Left out request for Real Property to re-assess and copy to both departments. Legislator Bartels made motion, Legislator R.A. Parete 2nd. Move the previous from 8/15. All in favor.

Green buildings – Legislator Bartels made motion to have Ulster County build new structures to high standards of green building before taking any tax payer funds, and to meet with NYSERDA. Minimum rating of LEED's Standards. Recognizes that certain building types may not be applicable for Leed's standards. Legislator Bartels backed up resolution with estimate of \$1,375 million on fuel costs for county buildings. Leed silver standards only increase cost by 3% but save thousands over the life of the building. Legislator Rodriguez stated that the 5th therefore should state a report should be provided to legislature. Chairman Shapiro would like to add his name and 2nd motion. Asked Legislator Bartels if she spoke to Pat Courtney. Legislator Bartels felt this was a very progressive resolution but didn't have much compared to some mid-western counties. Legislator Rodriguez remarked that the county is catching up and Governor Pataki has passed this in State in 2001. Legislator McAfee abstained – 6 in favor.

Will meet on the 27th to discuss other issues including outstanding grant application and pest application at 5 pm.

Rick Fritschler reviewed expenses on truck repairs for vehicle used to move items and for Learn and Serve. Chairman Shapiro said at some point he would like the fleet manager to look at all vehicles. Chairman Shapiro asked it was for EMC or Lower Esopus. Motion by Legislator R.A. Parete, 2nd by Legislator Bartels.

Chairman Shapiro said he as concerned because the request sent to the auditors before the committee. Legislator R.A. Parete objected to the auditors overseeing vehicle

repairs. Legislator Rodriguez agreed that it is frustrating and is the EMC is not being singled out. But is it requested from all committees.

Legislator R.A. Parete said if this request is submitted to committee first, it may take up to 30 days before it can be paid. Should not put local vendors on hold for 30 days.

Legislator R.A. Parete moved to adjourn, 2nd by Legislator Fabiano at 8:10 pm.

Submitted by Laura Petit o/b/o
Brian Shapiro, Chairman
Environmental Committee