



Commentator

NOVEMBER-DECEMBER 2011

The League of Women Voters, a nonpartisan political organization, encourages the informed and active participation of citizens in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy. The League does not support or oppose candidates for public office but does encourage its members as individuals to participate actively in the political process. The League acts on those issues the membership chooses for study and action

The LWV of the Mid-Hudson Region covers the Ulster County area and the Dutchess County area. We belong to the LWV of New York State and the LWV of the US.

President:
 Dare Thompson
darethompson@gmail.com
 (845) 236-3074

Newsletter:
 Jim McGarry
lwvmhr@hvc.rr.com
 845-336-0304

Membership:
 Betty Chin
Blc2003@hotmail.com
 845-331-2572

CALENDAR		
2011		
NOVEMBER		
29	Tue 5:30 pm	Solid Waste Study Committee, Gateway Diner, Highland (near Mid-Hudson Bridge)
29	Tue 7 pm	UC Legislature: Public Hearing On The Sale And/Or Transfer Of The Golden Hill Health Care Center To A Local Development Corporation
DECEMBER		
6	Tue 7:15 pm	LWV MHR Board Meeting, home of Margaret Sellers, 80 Ringtop Road, Kingston
7	Wed 3 pm	Voter Service open meeting to critique fall candidate forums and other LWV voter service activities. Hudson Coffee Traders, 288 Wall Street, Kingston. Any member interested in voter service is invited!
7	Wed 5-7 pm	"Hot Topics" Dutch treat cocktails and free treats, 11 Main Street Bistro, Kingston. Topic: What can your school district do about the tax cap?
8	Thurs 2 pm	Resource Development Meeting home of Margaret Sellers, 80 Ringtop Road, Kingston
13	Tue 8 – 2 pm	"The Ulster County Charter: After Five Years," Terrace Restaurant, SUNY New Paltz. Register: www.newpaltz.edu/crreo or 845- 257-2901 Presented by SUNY's Center for Research, Regional Education, and Outreach (CRREO) and LWV Mid-Hudson Region. \$26, includes breakfast, lunch.
2012		
JANUARY		
3	Tue 7:15 pm	LWV MHR Board Meeting. Location TBA
7	Sat 2 – 4:30	Post-Holiday Party, home of Margaret Sellers, 80 Ringtop Road, Kingston. 845-339-3180
10	Tue 2 pm	Resource Development meeting, home of Margaret Sellers, 80 Ringtop Road, Kingston.
17	Tue 11 am	Observer Corps meeting. Location TBA.

Check our Calendar on-line at
<http://midhudson.ny.lwvnet.org/calendar.html>
 for updated information

MEMBERS: Need a ride? Want to car-pool?
 Contact: Dare Thompson darethompson@gmail.com
 (845) 236-3074

Prez Sez...

We survived the election season and it would have been lovely to collapse in our chairs and take a nice nap, but the beat goes on.

We had a "thank you" breakfast in Ulster Co. for all who ran for county office or were retiring from service (the latter being particularly significant with a legislature reduced by a third). We were delighted to have a mix of old-timers and brand new candidates there.

We continue to monitor the Golden Hill situation which has moved to a new stage with the County Executive's budget including its privatization.

We held a conference on solid waste management at SUNY New Paltz which included excellent speakers and about 80 attendees, divided about equally between Dutchess and Ulster residents. Of course this was only a very public part of our study of both counties' resource recovery agencies. Our work continues and we welcome more of you to our very lively and diverse study group. It meets mostly on Tuesdays, 5:30, at the Gateway Diner in Highland. (I'm addicted to the spinach pie!)

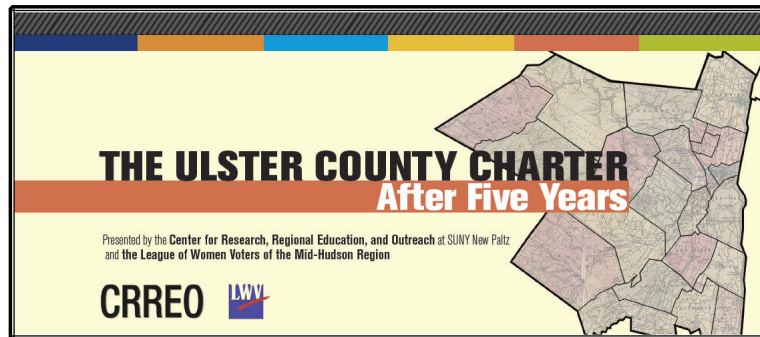
We are also working with SUNY New Paltz on a December 13th conference about the Ulster County charter, now 5 years into implementation. It wasn't enough to get the charter passed; we must now make sure that the revisions that are made are wise ones, so the work continues. See the related article for details and join us!

The "hot topics" discussion series continues on December 7 with more being planned for 2012. Again, see the related article and join us!

Finally, we note that with the 2011 election behind us, we now start in on Election 2012! Join us on December 7 (see calendar) for a discussion that will look both backward and forward. We welcome more of you in this basic League work. If you can't come then, at least let us know of your desire to help.

Meanwhile, happy Thanksgiving to all. We thank everyone who are helping make our democracy work better.

Dare

PROGRAM NEWS

Tuesday, December 13, 2011, 8:00 a.m. – 2:00 p.m. at *The Terrace Restaurant*, State University of New York at New Paltz

Ulster County leaders will examine the first five years of the Ulster County Charter to explore how results compare with original expectations, while discussing current strengths, weaknesses, and future best practices.

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|------------|---|
| 8:00 a.m. | Check-in & Breakfast |
| 8:30 a.m. | The Ulster County Charter After Five Years, Predictions and Retrospective |
| 9:45 a.m. | Strength & Weaknesses of the Ulster County Charter |
| 11:30 a.m. | The Redistricting Experience |
| 12:45 p.m. | Best Practices & Lunch |

\$26 registration includes continental breakfast and lunch.

To register, download a registration form at newpaltz.edu/crreo or call 845-257-2901.

Presented by the Center for Research, Regional Education, and Outreach at SUNY New Paltz and the League of Women Voters of the Mid-Hudson Region

"HOT TOPICS" CONTINUE

We had a great time at our last "Hot Topics" event so we look forward to doing it on Wed., December 7 from 5 - 7. It's Dutch treat at the bar with snacks provided by our host.

11 Main Street Bistro in Kingston (across from the County Office Building) couldn't have been more accommodating last time, so we're going back.

Although our main topic will be "What can your school district do about the tax cap?," we will be interested to find out what other topics are on your mind. Please note that we are talking about your district, not just Kingston's. We'll bring some facts about the tax cap to help inform the discussion.

As a thank you to our host (and because it's a great place to eat), we encourage you to stay for dinner. Many of us have already signed up!

Note to those of you in Dutchess: We hope to have a "hot topic" discussion at Crafted Kup in Poughkeepsie in the new year.

If you can't make it on December 7, please let a board member know what hot topic you would like to see discussed in the future, either in Ulster or Dutchess.

VOTER SERVICE

Moderating: The Mid-Hudson League was asked to moderate six debates this fall and we sponsored two forums. Of the six we were asked to moderate, two had to be canceled because some candidates could not attend. The league-sponsored forum on October 29th at City Hall for the offices of Kingston mayor and Ulster County district attorney was well attended despite a forecast for a rare October snowstorm. On November 1, candidates for family court judge in Dutchess County were given an opportunity to express their views at another successful league-sponsored forum. Thanks to moderators Cindy Bell, Dare Thompson, Ellie Charwat, and Jean McGarry along with their vigilant timekeepers, Lee Ridgway, Doug Thompson, Nan Fogel and Chris Henning for making this public service available.

Registration: At the request of the Clinton Avenue Methodist Church, league members ran a voter registration drive at their soup kitchen on two separate days. About 10 individuals registered and many took the opportunity to ask questions about voting.

Naturalization: Georgette and Tom Kadgen and Jim and Jean McGarry had the pleasure of welcoming 51 individuals who were the latest group in Ulster County to become citizens of the United States. Representing the League of Women Voters, voter registration forms and First Vote were distributed to all by Tom and Jim as Georgette and Jean extended heartfelt congratulations. It was particularly inspiring to Georgette since she herself had been on the receiving end 40 years ago when she became a citizen.

Voter Service is one of the most important services the league provides. We could use more members to better inform our community. We need your ideas and energy. If you have interest in voter registration, moderating, timekeeping or providing election information to the community, please attend a Voter Service meeting on December 7 at 3PM at Hudson Coffee Traders. 288 Wall Street, Kingston

Jean McGarry and Cindy Bell

ADVOCACY & STUDY COMMITTEE REPORTS**Ulster & Dutchess Counties Solid Waste**

Our league is engaged in an ongoing study on solid waste in both Ulster and Dutchess Counties. Members are encouraged to support and participate in this effort. Cindy Lanzetta (packback56@yahoo.com) can answer all your questions. Check the calendar online or on the front page for meeting dates.

The committee has been producing and gathering a great deal of material. We hope to include brief summaries of what's on line in future years but for now you can find a list of some of the materials at http://midhudson.ny.lwvnet.org/Action_Study.html#Trash

Recently added materials include materials from our recent conference addressing "How Will Dutchess And Ulster Counties Deal With Waste In Future Decades?"

Ulster County Shared Services Study

The Shared Services Study committee met on October 27, 2011. After a hiatus of about two months due to health and weather considerations, the committee reviewed what had yet to be completed regarding the justice court section.

Following the review and discussion, the committee decided to contact five towns and arrange to interview the T/Supervisors, T/Justices, and T/Justice Court Clerks.

The towns to be contacted are Denning, Marlboro, Shawangunk, Olive and Rochester.

The committee hopes to do these interviews after elections, and with help from the weather, complete the work by the end of December.

The remaining portion of the study deals with Planning and Economic Development. The committee will review those portions in the manual and discuss further the most appropriate approach to take to complete the work.

Lee Cane, Chairman, Shared Services Study

DOCUMENTS ONLINE: <http://www.co.ulster.ny.us/municipal.html>.

- [Ulster Intergovernmental Summary Report](#)
- [Economic Study](#)
- [Judicial Study](#)
- [Highway Study](#)
- [Action Plan](#)

Additional links of interest include

- The Draft Report can be found on the County Website at www.co.ulster.ny.us/municipalities/FINAL%20DRAFT%20Highway%20DOC%20with%20charts%20and%20maps.pdf
- Frank Cassetta's concise summary is at our website at lwvmidhudson.org/files/Highway_Service_Cooperation_-_Summary.pdf
- the Shared Services Program within the NYS Department of State Division of Local Government Services <http://www.dos.state.ny.us/lgss/sharedservices/index.html>
- Best Practices page of the NYS Association of Counties. www.nysac.org/County_Corner.php/

LWV Golden Hill Health Care Center Study Group 2

October 19, 2010 the League *Consensus Report* to the Ulster County Legislature.

- **Summary:** http://lwvmidhudson.org/files/GHHC_Consensus_Summary.pdf
- **Statement:** http://lwvmidhudson.org/files/GHHC_Consensus_Statement.pdf
- **Pros & Cons:** http://lwvmidhudson.org/files/GHHC_Study-Pros_and_Cons_10-19-10.pdf

Below are the 2010 and 2008 materials and resources used by the League in formulating its consensus. We recommend you study them.

Local News Coverage of interest

The Daily Freeman 10/21/10

<http://www.dailyfreeman.com/articles/2010/10/21/news/doc4cbfc5e8c81e5966393510.txt?viewmode=fullstory>

The Times Herald-Record 10/20/10

<http://www.recordonline.com/apps/pbcs.dll/article?AID=/20101020/NEWS/10200343>

NOTE: Because of the vast amount of material under consideration, reports and resources on this topic are now only available online at http://lwvmidhudson.org/Action_Study.html. We'll include a brief statement of the materials available and any links you'll need to access them. For printed copy, please contact one of the league officers noted above.

LWVMHR STUDY GROUP:

1. Golden Hill Health Care Center: A LWVMHR Study at http://lwvmidhudson.org/files/GHHC_-_A_LWVMHR_Study.pdf
2. LWVMHR Study Group meeting on July 16, 2010 at http://lwvmidhudson.org/files/GHHC_-_Study_Group_7-26-10.pdf
3. Interviews about GHHC Marshall Beckman, Deputy County Executive of Ulster County at http://lwvmidhudson.org/files/GHHC_LWVMHR_Study_-_Beckman_Interview.pdf

ULSTER COUNTY TASK FORCE:

1. Observer Corp: Golden Hill Task Force Committee Meetings 6/1/10-8/3/10 at http://lwvmidhudson.org/files/GHHC_Task_Force_Meetings-6-1-10_to_8-3-10.pdf
 2. Long Term Care Financial Considerations: Golden Hill Health Care Center; David Bonk, CMA, CISA at http://lwvmidhudson.org/files/Golden_Hill_Financial_Considerations_2010.pdf
 3. GOLDEN HILL SPECIAL TASK FORCE PRESENTATION TO THE LEGISLATURE November 30, 2010: The presentation video and full report can be viewed at <http://www.totalwebcasting.com/view/?id=ulster#>
- Further items will be posted online at http://lwvmidhudson.org/Action_Study.html as they are available.

Additional links of interest:

NYS Department of Health - Nursing Homes in New York State at <http://www.nyhealth.gov/facilities/nursing/>

Resolution No. 115 at <http://www.co.ulster.ny.us/resolutions/115-10.pdf> adopted on April 20, 2010 creating the Golden Hill Task Force.

Information on the May 25th summit on county-run nursing homes hosted by Ulster County reported in the Daily Freeman May 13th issue at

<http://www.freemanonline.com/articles/2010/05/13/news/doc4beb815d9e160368704114.txt>

**UC OBSERVER
CORP****Ulster County
Legislature
Meeting**

The agenda of the November 15th was, primarily, budget shuffling and contract approvals. Public comments ran for about 45 minutes and, needless to say, most speakers spoke against privatizing Golden Hill and the LDC proposal. Considerable time was spent on the resolution to set a date for a public hearing on the proposal to transfer Golden Hill.

Readers should note that a public hearing on the proposal has been scheduled for November 29th at 7PM in the Legislature Chambers of the County Office Building. This transfer is essential for the implementation of the County Executive's initiative. You may wish to attend and weigh in on the matter.

If you want to set an e-mail reminder to yourself go to

<http://www.calendarwiz.com/calendars/popup.php?id=44369623&>

To view the proceedings, go to <http://www.totalwebcasting.com/view/?id=ulster>

For those with an abiding interest in LDCs, the following links may be useful:

Municipal Use Of Local Development Corporations And Other Private Entities: Division Of Local Government And School Accountability Background, Issues and Recommendations
www.osc.state.ny.us/localgov/pubs/research/lcreport.pdf

Procedures For Forming And Changing Not-For-Profit Corporations In New York State
www.ag.ny.gov/bureaus/charities2/pdfs/how_to_incorporate.pdf

Jim McGarry

**Golden Hill
Legislature &
Committee
Meetings****Legislature Special Informational Hearing**

At the request of the County Executive Michael Hein, the UC Legislature met in a special informational session. This session was convened by Chairman Fred Wadnola on October 25, 2011 at 7:05 and adjourned at 9:24.

There were 18 legislators present (two having arrived after roll call) and 15 absent.

The intent of this session "is for the dissemination of critical information surrounding Golden Hill." There were members of Mr. Hein's administration and outside legal experts in the area of Local Development Corporation (LDC) present to answer potential questions on that topic.

Questions were limited to those raised by county legislators.

Following the initial order of business, Chairman Wadnola turned the meeting over to the County Attorney Bea Havranek. Initially, she recognized County Executive Hein for the purpose of providing some opening comments.

Mr. Hein thanked the Legislature for having the meeting and the opportunity to speak about Golden Hill (GH), particularly as it pertained to the creation of a local development corporation

(LDC). He stated the goal is to protect the taxpayers, to keep GH open, to keep the beds in UC, to ensure that services are delivered to the people in need and that UC can compete in the present economy.

Further, he knows people are anxious about jobs and anxious about family members located at GH. Like many other areas, UC is facing a financial crisis; counties like Suffolk and Rockland are moving to close their nursing homes. There are a limited number of options that are available to him. Further, he said he will not support any tax increases.

Mr. Hein introduced the panel members: Hal Patrick and Sean Griffin of the Harris Beech law firm, Art Smith, UC Budget Director and Marshall Beckman, Deputy County Executive, who has responsibility for oversight of Golden Hill.

Mr. Hein also pointed out that the LDC has been used previously by UC with the Tobacco Corporation, which was a legislative initiative (Chairman Wadnola was the president). *(Note: later in the session it was noted that the Revolving Loan Fund of the UCDC and the Capital Resource Fund were other local examples)* Mr. Hein then turned the meeting back to the County Attorney who called on Mr. Patrick for comments.

Initially, Mr. Griffin provided some basic information on what is involved with a Local Development Corporation:

- he noted that the law firm has used the LDC concept for about 20 years; particularly in the last 10 years;
- NYS has very rigid municipal rules with regards to creating corporations, but using the LDC concept provides more flexibility to enable the local legislature to do the work;
- a LDC can be formed by three business people or the county; there are no private parties in this grouping as proposed for Ulster County; the LDC Board will be composed of members of the staff of the County Executive and members of the County Legislature;
- it is subject to the Freedom of Information rules; to FOIL; has its own website; and no one gets paid for serving on the Board;
- further, the SDOH controls the number of beds to be offered in the state and will not allow large numbers of beds to be added; a consequence of this is that there is a market at present for existing nursing home beds;
- the LDC is subject to the Public Authorities Accountability Act and that point will be included in the LDC by-laws as will the point on Freedom of Information Act and FOIL; additionally, the authority Budget Office is involved. This is a relatively new state agency. Audited financial statements must be provided by the LDC on whatever website the latter uses. Failure to comply will result in remedial action by the state agency v. the LDC. As a reminder it was pointed out that the LDC Board made up of county representatives also controls how the monies are spent.

The LDC in this instance serves as a transition/bridge process to the goal the county has which is to sell the property and facility and find a "compassionate" outcome for Golden Hill; there is no change in employee status, wages or the rate of reimbursement from the state with regard to Medicaid; and the county will continue to operate GH while the LDC seeks to find a buyer.

The remainder of the meeting was devoted to questions posed by the county legislators and responses from the panel members.

Are Mr. Patrick and Mr. Griffin partners in the firm of Harris Beech? Yes. They were retained by the county through the County Attorney's office with a retainer agreement signed in 2010. *(Note: The Harris Beech Law Firm was originally hired to handle the RFP process that was associated with the work of the task force that dealt with the matter of Golden Hill in 2010. In response to a question about how much the firm had been paid, Mrs. Havranek noted that it was paid \$16,000, which came from GH's Enterprise Fund (a sum the attendees were advised was less than what the firm was accustomed to receive); and that there are still monies owed to the law firm.)*

The questions about how the county could create a LDC referenced the Home Rule Law noting that the county could give 10 days notice and transfer control/ownership of such property that it has no use for. The county retains the right to continue operating GH and transfers county ownership of Golden Hill property and facility to the LDC. In fact the LDC becomes the landlord and UC the tenant and as such will pay rent to the LDC. The license is retained by the county to operate Golden Hill.

Why is a LDC necessary? Art Smith, Director of the Budget stated that the benefit to creating a LDC is that the county receives \$8million dollars now from the sale of the bonds rather than waiting for 2-2 ½ years (it was noted more than once during the meeting that it can take the

SDOH that long to approve such a sale and the approval of a license to the buyer).

(Note: The actual bond amount to be sold is \$9.37 million: \$8 million which will go into the general fund to balance the 2012 budget and \$1.37 million to cover costs associated with the sale of the bonds: attorney fees, bonding fees, and interest fee for the first year). Further, Mr. Griffin noted that the county pays the LDC "rent" to be able to operate GH. This payment is in the form of a bond payment. The LDC is considered the landlord, having purchased the property; UC, the tenant, which still retains the license (the asset) to operate the facility.

(Note: \$8 million was a guesstimate figure, as how much a buyer would be willing to pay was not known. This figure is not what Golden Hill is believed to be worth, but rather the best figure to consider now in a case of any emergencies or problems that might arise).

Mrs. Havranek advised that the LDC Board had been formed but not organized, the organizational meeting had not yet been held, and by-laws had not yet been written. Arthur Smith, Robert Sudlow and Marshall Beckman have been selected by the County Executive to sit on the LDC Board *(Note: these three are presently responsible for GH and are on its Governing Board).*

Mr. Griffin added that only three people, 18 years and over are needed to file a certificate of incorporation with the NYS Secretary of State. Further, the LDC does not operate as "an arm of the county" until the county legislature authorizes it to do so...passes a resolution to that effect.

The county legislature must pass a resolution which will transfer the property and the facility to the LDC, allows the LDC to look for a buyer, sell the bonds and authorize the lease back to the county to operate Golden Hill.

When question raised as to how the public would know whether LDC spending the dollars received appropriately, the response was that the expenditures would be noted on the LDC website which the public would have access to. The Legislature must pass a resolution for the LDC to be able to operate for the county. If such legislation is not passed then the county budget will be \$8 million dollars short as well.

The lawyers also pointed out that either the county executive or the county legislature could create a LDC. If the County legislature does it, it must pass a resolution giving authority to the LDC to operate. It would need 17 votes to pass (if done in 2011) and the county executive could veto the county legislature resolution.

It was suggested at one point that the LDC was just a stop gap until the asset was sold; the Legislature would still be responsible for taking care of any emergencies. The response to that was yes; and if the LDC process is not implemented, authorized to engage in the bond process then there is an \$8 million short fall in the county budget. The operating net deficit for Golden Hill for 2012 is \$5.6 million.

In the event that the \$8 million deficit in the budget is not addressed: if the legislature does not pass the resolution creating the LDC, but does pass the budget (it must be balanced) the county legislature must make adjustments to the budget first: possibly cuts in services, programs, raise taxes or sell other assets. Taxes can't be raised because of the 2% cap, unless the county legislature had a super majority to overcome that cap as per state law.

It was suggested that the AARP has published a report that concludes that public nursing homes provide better care than private ones and have fewer violations. The question raised was whether the successor agency would provide the quality of care such is now provided the nursing home? Mr. Beckman noted that the quality of care was very important. Further, that all nursing homes in NYS are subject to the same rules; that it is difficult to measure quality of care. He noted that all the web sites reviewed as well as other sources in the research on this topic did not bear out the claim of AARP. Opinions are very varied. He suggested that there didn't seem to be much difference among the five private and one public nursing home in UC as to the quality of care provided to the residents.

Other questions:

- Is the LDC required to follow competitive bidding process? No, by law it doesn't. It was suggested that the Board of the LDC, which can establish procedures dealing with this, should be required to do so.
- Is the LDC subject to county or state comptroller? No, not by law; but the board of the LDC could authorize such.
- Is there a cap on how much the LDC can borrow? Yes. The UC Legislature must approve the amount to be sought through the bonding process; and each time the LDC wishes to sell bonds, to borrow more money the amount must be approved by the UC Legislature.

It was suggested that the model of care for Golden Hill should remain skilled nursing beds; mission statement should remain the same as present for Golden Hill.

It was suggested at one point that "breaking up the number of beds at GH be considered". Mr. Beckman responded that no one has suggested such as it was felt that this would put people out of their beds. The County Executive has in fact supported the suggestion of adding more beds (*Note: The addition was in the Ellenville area as reported in a recent Daily Freeman article*). Additionally it was noted that to break up the number of beds available at GH the number to be considered must be decertified. Whatever entity takes the beds must then apply for them on their own (this is through the Certificate of Need (CON) process administrated by the NYS Department of Health (SDOH) and requires SDOH approval. The LDC Board could not decide this on its own.

Other observations:

- If a buyer can't be found then the LDC must continue to pay for the debt services costs; and county continues to operate GH within the budget.
- There is no expiration date for LDC, it goes out of business whenever it no longer has a mission.
- The LDC must abide by the county ethics law.

At various times throughout the meeting the comments raised by some of the legislators referenced the lack of knowledge about the LDC plan that was being presented, that the legislature had been "blind sided" by the LDC idea to begin with, that more information was needed as to the LDC Board composition and its operating rules and that six weeks would not provide enough time for the Legislature to perform its due diligence to come up with any options. It was suggested by some legislators that this was a policy matter and therefore a decision to be made by the legislature. The county attorney responded by advising that the County Executive wanted to hear from the legislature as to who it wanted on the LDC board, how the LDC would operate and any additional input it would care to provide.

The attorney from the law firm also advised that the legislature and the county executive should talk. The county executive has said he needs the LDC to operate GH and the legislature needs to know about the LDC

Another point that was mentioned: as long as the county retains the license, it is in the nursing home business and contracts that exist remain in effect. Once sold and the license is given up, the existing contracts that the county has will apply only to such benefits as may exist on the last day of its license. Further, once a buyer is found and the sale completed, the county legislature will need to decide how to amend the charter, eliminate the section dealing with the nursing home, or modify such. This will depend upon what the county wants to do at that time with regards to the Charter.

Lee Cane, Observer Corp

Legislative Committee Meeting

On November 9, 2011 the Legislative committee to assess the viability of proceeding with the Local Development Corporation (LDC) Plan proposed by the County Executive Michael Hein was convened by Legislator Gerentine at 3:05 and adjourned at 5:15. The next meeting is to be November 17, at 3:30 PM.

This is a six-member committee with six legislators: Gerentine, Donaldson (co-chairmen), Maloney, Harris, Lomita, and Zimet all of whom were present.

Other attendees: County Executive Hein, Karen Binder, Clerk of the Legislature, Art Smith, UC Budget Director, Marshall Beckman, Deputy County Executive, Bea Havranek, County Attorney, Michael Kavanagh, Legislative Counsel; members of the press, public and Golden Hill employees. The lawyers from Harris Beech Law Firm (Patrick and Griffin) participated via conference call.

Mr. Gerentine called the meeting to order and recognized Mr. Hein for comments. Mr. Hein thanked everyone for attending; expressed the hope that everyone could work together to design the best possible LDC.

Mr. Gerentine then observed that as a legislative body it was the committee's job to create and develop by-laws of the LDC, determine who would sit on the LDC Board.

Mrs. Zimet observed that just because they, the legislators were sitting at the meeting, it did not mean that it, the legislature, would support the LDC concept.

Mrs. Havranek advised the group that she and Legislative Counsel Ken Gilligan had met at the end of the previous week. Their discussion had centered on the various aspects that would be involved with the LDC: ethics, accountability, transparency; by-laws not yet ready to be released

(LDC Board is not fully constituted); noted the LDC is a not for profit corporation; no compensation for members, although there might be for incidental expenses, i.e. mileage); and that the County Executive had enough votes to see the LDC resolution passed, or very close to such.

Legislator Donaldson had some concerns about the meeting between the two counsels having taken place, as well as expressing the view that he wasn't sure that the development of a LDC was legal. He appeared to base this view on the fact that he had information from the State Comptroller's Office (the latter apparently doesn't care for LDCs). Further, Mr. Donaldson expressed the opinion that he doesn't want the county

Executive's office telling the legislature what to do.

Mr. Lomita expressed that view that he agreed with Mr. Gerentine as to what the committee was to do; he was not interested in fighting battles; the committee was there to make the best possible LDC.

Mr. Maloney reiterated his observation about the method being used to close the budget gap being deficit financing which is illegal in NYS.

Mrs. Havranek advised that it was not, the Legislative Counsel agreed with her, and the lawyers from Harris Beech supported this as well. She also pointed out that she would not suggest anything illegal; that the group needed to get together and select the people who would sit on the LDC Board: three legislators, 3 from the office of the County Executive and one independent member from a pool of potentials that the county executive would develop. She noted that the County Executive feels there is a need for the two entities to work together.

During the next 45-60 minutes the members expressed a variety of opinions, suggestions, ideas, comments on the selection process; and showed their individual tensions in the discussion. Eventually the committee agreed to the idea of 3 from the legislature, 3 from the county executive (but only 2 of those could work for him), and one independent member who would be selected by the other committee members from a pool of potential members developed by the county executive.

Additionally, the committee members decided to write out a memo of what the county was attempting to accomplish by using the LDC concept in this way and forward such to the State Comptroller asking the latter to verify it was a legal process.

Mr. Beckman noted that he, Sudlow and Smith were transitional....had been involved for last two years, which was not known to other attendees, but they would be involved as the county would continue to be responsible for the running of Golden Hill and they were on the Golden Hill Governing Board.

One of the last points was made by Legislator Donaldson. He requested that funds be set aside for employees.....having asked for a list of all employees and how long each had worked at Golden Hill....with the idea of providing a fund that would be used to develop a severance package for those who would no longer be continuing in county employment in the event that a buyer was found.

Mrs. Havranek then briefly explained what she and Mr. Gilligan had touched on during their discussion in addition to the comments made above. This will be brought up at the next meeting.

Lee Cane, Observer Corp

Legislative Committee Meeting

The special legislative committee to study the viability of selling /and/or transferring the county nursing home to a local development corporation (LDC) was convened at 3:35 on 11-17-11 by co-chairman Legislator Richard Gerentine and adjourned at 5:15.

The members of the committee (Maloney, Lomita, Gerentine, Donaldson, Zimet, Ronk (for Harris, who was away) were present. In addition, DCE Beckman, County Attorney Havranek, and members of the press, public and Golden Hill staff.

Sean Griffin of the Harris Beech Law firm participated via the telephone conference call.

Following a review and approval of the November 9 meeting, a review of some basic aspect of a LDC and the development of its by-laws; the information was provided by the county attorney and DCE with comments by the lawyer from the Harris Beech law firm. This appeared to be necessitated when the county attorney started to explain about the by-laws that she and the legislative attorney Ken Gilligan had developed in the last week. There appeared to be some concerns expressed by committee members that the meeting had occurred.

- the LDC is an independent corporation which has been formed but not organized;

- once the legislature passes resolution: the county will transfer ownership of the facility (Golden Hill) and 27 acres to the LDC; the LDC will be able to sell the bonds (these are not the liability of the county but of the LDC), money from the bond sale is deposited to the general revenue of the county; the LDC leases back to the county the ability to operate Golden Hill; at such time as the facility and land are actually sold, if more money is acquired than sold in the bonding that money will accrue to the county;
- the basic point of the LDC is to market the sale and sell the facility and land to a buyer who will build a new facility.

This latter point led to some discussion on the building of a new facility.

When the discussion returned to the topic of by-laws it was noted that by-laws must be approved by the LDC not the legislature.

The committee then took up the composition of the LDC Board. There was considerable discussion. The final agreement that was reached in selecting the LDC Board members:

There will be a 7 member Board: 3 to be selected by the county legislature; 3 to be selected by the county executive; there must be a 7th member. The 7th member or independent member will be selected by the LDC Board of Directors from a group or pool of potential members. This pool will consist of 3 other potential members selected by the county legislature and 3 selected by the county executive.

Discussion on the severance package suggested by Legislator Donaldson at the November 9 meeting resulted in it being noted that a future legislature can't be bound by present group to provide such once the sale finalized.

Further discussion on various considerations for the LDC resulted in it being noted several times that the more conditions placed on the projected sale the more difficult to bring the sale about.

No date for the next meeting was announced.

Lee Cane, Observer Corp

Economic Development and Tourism Committee

Ulster County Legislature: Economic Development and Tourism Committee held in Library Conference room, 6th Floor, County Office Building

Date: November 7, 2011 Start Time: 4:52 p.m. Finish Time: 5:38 p.m.

James F. Maloney, Chairman, called the meeting to order, followed by roll call and approval of the minutes of the October 3, meeting.

The meeting focused on a 2012 Budget Review with Arthur Smith, Budget Director; Dennis Doyle, Director Planning; Rick Remsnyder, Director Tourism; Bob DiBella, Public Transportation. This is a review only, no votes.

There is discussion from the UC Legislative Programs committee about the awards for Ulster County going through the Dutchess County Arts Council and not from an Ulster County Arts Council. Some legislators want more identity and control from Ulster County.

The committee discussed the county and City of Kingston bus and transportation system situation, and possible changes that would required FTA approval.

Lance Matteson, President, Ulster County Development Corporation (UCDC), discussed the proposed UCDC funding that would hold the \$200,000 base payment and reduce the incentive amount from \$200,000 to \$125,000.

All of the proposed resolutions were adopted.

Mr. Remsnyder discussed and disturbed a new tourism brochure.

Dennis Doyle discussed the Hudson Valley Regional Economic Council and how it relates to the state economic plan. There is no new state funding and the regional councils compete for the available funds. Mr. Doyle said the Ulster County Economic Plan should be recognized. Legislator Jack Hayes said an elder care facility proposal should be included. A public hearing of the Hudson Valley Regional Economic Council is planned for Nov. 9 in Poughkeepsie.

Document prepared by Vic Melville, 11/18/11

**Ulster County
Legislature:
Governmental
Services,
Environmental
&
Administrative
Committee**

Ulster County Legislature: Governmental Services & Administrative Committee, held at the Ulster County Resource Recovery Agency, 999 Flatbush Road, Kingston, NY

Special Session

Date: October 17, 2011 Start Time: 5:30 p.m. Finish Time: 6:50 p.m.

Chairman Kevin Roberts introduced James W. Taylor, Chairman and CEO of Taylor Biomass Energy, LLC to present an overview of the Taylor Biomass Gasification Process: a novel approach to the generation of sustainable energy from biomass and wastes.

Mr. Taylor described the process as an environmentally clean method to separate biomass and recyclables fraction from waste, to an indirect heated biomass gasification process that is a clean air, no combustibles, no burn and 40% efficient system for power generation.

Taylor is working on a site in Montgomery, NY and would like Ulster County to be a second site. The input tonnage would need to be 400 tons per day. Currently the input to the UCRRRA sites is about 600 tons per day. There was some discussion of funding.

Regular Session

Date: October 17, 2011 Start Time: 7:02 p.m. Finish Time: 7:23 p.m.

Chairman Kevin Roberts conducted a short discussion of Taylor Biomass Energy that focused on some contract and financial questions: would there be a termination clause and what would the tonnage rate compare to the current rate? These are open for further discussion.

Regular Session held in Legislative Chambers

Date: November 14, 2011 Start Time: 6:00 p.m. Finish Time: 7:13 p.m.

Chairman Kevin Roberts called the meeting order and the minutes from the October 17, 2011 meeting were approved.

Mr. Roberts introduced Legislator Terry Bernardo and Carl Chipman, Rochester Supervisor, to introduce and discuss a proposed introductory local law protecting animals from abuse by establishing a registry for animal abusers. A resolution, as amended, was approved calls for a public hearing in the Legislative Chambers.

Sylvia Wohlfahrt, Director, Department of Information Services, discussed some items in the budget. Legislator Belfiglio raised several questions about the use and costs of some software.

A new cycle for hardware and software will start next year.

Emilie Hauser, LWV member involved in solid waste announced and extended invites for the Solid Waste conference for county and municipal leaders and concerned citizens to be held on Wed. Nov. 16 at SUNY New Paltz. Some legislators explained they would try to attend.

Tim Rose, Executive Director, Ulster County Resource Recover Agency, gave an update on tonnage and cost consequences of the tropical storms – mostly positive for the county. He was asked if there is a follow up planned with Taylor Biomass Energy and he said not now. A \$229,151 budget change is being designated for a lock box for next year.

All of the late resolutions, as amended, were adopted for presentation to the legislature.

There was general discussion and concerns within the committee about their (legislative body) authority to access reports, talk to department heads, and about representation to the county charter revision committee. These are sensitive areas for further observation.

Document prepared by Vic Melville, 11/18/11

**Health and
Human
Services**

The Legislative Health and Human Services Committee was convened by Legislator Chairman Walter Frey at 6PM on October 6, 2011 and adjourned at 6:13PM.

Present: Frey, Parete, Harris, Maio, Briggs, Loughran

Absent: Petit, Ronk, Stoeckeler

Also present were a number of personnel from Golden Hill Health Care Center

Following approval of the minutes for the September, 2011 meeting the committee dealt with five resolutions:

The first two resolutions authorized the Chairman of the UC Legislature to execute two inter-municipal agreements for substance abuse prevention services with

1. the Kingston City School District and
2. the Onteora School District

In both instances services to be provided through UC Mental Health.

The third resolution authorized the execution by the Chairman of the UC Legislature of a lease agreement with the American National Red Cross for space to establish a child and family advocacy center through DSS

The above three resolutions were passed. *Note: When the first resolution was introduced, Legislator Parete commented that he wished to remind the committee that during budget time, a member of the county executive's office must be present at the committee session as per the charter and administrative code. Chairman Frey noted that memo would be sent to the County Executive reminding the latter of this requirement.*

The fourth resolution referenced a capital project resolution (2011-2016) dated 12-6-10, which provided for \$45,000,000 worth of "extensive renovations and modifications to the Golden Hill Health Care Center" (over a 5 year period). Legislator Provenzano advised the committee that this was an old copy, the new one showing the financial impact. The committee voted to have the resolution brought to the full Legislature for complete discussion.

The fifth resolution dealt with support by the Legislature for bills from the NYS Assembly and Senate which, if passed would put NYS on the road to state takeover of county Medicaid costs over an eight year period. It was noted in discussion that NYS Association of Counties supports these bills. It is also viewed as a step in the right direction to provide mandate relief for the counties of NYS.

During the period allotted for discussion on other matters the following were noted:

- The special task force previously established to deal with the county assuming responsibility for the Safety Net Program has not met. It was apparently previously determined that with the changes due to occur in the UC Legislature that it would be best to deal with this matter after the elections.
- The committee decided that the committee meetings to take place to review the budget allocations for those departments which report to the committee would take place during the evening, 6-9 and that the department heads involved should meet with the committee at that time.

Lee Cane, Observer Corp

The Legislature's Health and Human Services Committee was convened at 6 PM on November 3, 2011 by Chairman Legislator Walter Frey and adjourned at 6:45.

Present: Frey, Robert Parete, Harris, Ronk, Loughran. Other attendees: Marshall Beckman, Deputy County Executive, Terrance O'Neill, Representative of Pro Act.

Following approval of the October meeting minutes, Mr. Frey called upon Mr. Neill to report on UC ProAct Discount Card usage.

Mr. Neill reported that there had been \$64 million in savings during the time used; some 2.2 million scripts; that there was an expected 51% cash savings expected in 2012. Generally, the usage of the discount card was viewed as being a positive one.

There were four resolutions listed on the agenda:

#1. dealt with a change in funding from NYS for detention services through the DSS. NYS will reimburse the county at a higher rate so long as it utilizes preventive services and at a lower rate if it utilizes detention services. Passed

#2. authorizes the application for a grant of over \$15,000 dollars by the UC Legislature's Chairman. The application to be made to the NYS Office for Aging; the grant money being available from the Medicare Improvements for Patients and Providers Act, administered by NYSOFA. Receipt of such monies will allow for additional medicare outreach and out-of-office services handled by the local OFA: help medicare patients obtain reimbursements for premiums and prescriptions.

#3. this referenced setting a date for a public hearing on the sale and/or transfer of Golden Hill to a Local Development Corporation (December 5, 2011 date in resolution). The committee spent considerable time discussing whether to approve this. There appeared to be concern about who would be members of the LDC Board beside the three from the County Executive's office (Beckman, Sudlow and Smith), the content of the by-laws, and why this meeting had to be at the beginning of the month (December). Vote 4-1 did not pass.

Note: During the discussion Mr. Harris apprised the committee that Chairman Wadnola had appointed a committee of legislators (Donaldson and Gerentine to co-chair; Maloney, Harris, Zimet and Lomita as members) who would meet on Wednesday, November 9 at 3PM to evaluate the County Executive's plan for handling Golden Hill....the Local Development Plan. This will be open to the public.

#4. This was a memorializing resolution in support of a "fair and reasonable contract for Benedictine

**The Ulster
County
Association of
Town
Supervisors**

(hospital) registered nurses. Passed

In examining the abstracts of 25 contracts needing legislative approval there was request for additional information on those dealing with mental health and one dealing with the meals on wheels service, i.e., that the meals delivered would in fact be hot.

Lee Cane, Observer Corp

The meeting of the UC T/Supervisors was convened by John Valk, President, Supervisor T/Shawangunk at 8:30 AM on October 18, 2011 and adjourned at 10:19 AM. Eleven supervisors were present.

The agenda was devoted to general comments/discussion by County Executive Michael Hein, comments by Assemblyman Cahill and Senator Bonacic on the 2% Tax Levy Cap and comments by UC Legislator Jack Hayes on Emergency Response.

County Executive Hein noted that \$10 million of the county fund balance of \$22 million had been included in developing the budget for 2012; health care expenses had risen to \$25 million, which equated to costs that were not sustainable.

In referencing The Center (the county nursing home: Golden Hill Health Care Center), he noted that the quality of care that is provided was important for everyone whether at The Center or the five private nursing homes in UC; that all the same standards of care must be adhered to whether at The Center or the private homes. He pointed out that the primary cost for residents was covered by Medicaid. However, those at The Center are county employees and the taxpayer therefore pays twice. He also noted that not just county employees provide good care.

As to access to care, he noted that "cherry picking (selecting only those able to pay) was illegal. In the plan he has proposed there is a unit that will address placement right at discharge from the hospital in order to prevent any such problem at the outset.

The Local Development Corporation is proposed in order to keep county employees employed for a time and keep residents in place.

Mr. Hein noted the article in the Daily Freeman, 10-18-11. He has requested a special session be convened by the UC Legislature so that he can outline his proposal and with all the experts needed, explain how it would work and answer any questions that legislators might have.

He pointed out that with the LDC proposal he is attempting to keep those services which are not mandated (Mental Health, Sheriff's Road Patrol, UCCC, and Golden Hill). He recognizes that the UC Legislature could vote for a major tax increase (he will not support) or cut other mandated services which would amount to about \$8 million.

Assemblyman Cahill commented on the state law that requires a 2% property tax cap. At the outset he made it clear that he had not been in favor and had voted against the legislation because he did not believe it was a good idea or that it would bring about the relief to the localities that was expected.

The reality: Town boards generally have five members. To override the 2% tax cap, the town board must have three members to vote to do so; then the town board must go to the public and explain why this has occurred.

Mr. Cahill noted that the State Comptroller's office is available to help the towns to deal with the situations which may develop in handling this topic.

He also referenced the problems that had occurred during the 2 hurricanes (Irene, Lee); that he and his staff did much via telephone to get assistance including seeking help from neighboring counties.

Senator Bonacic's comments:

- recognized that municipalities and taxpayers have many problems; that mandate relief is needed;
- he doesn't like the 2% tax cap;
- reviewed attempts to do away with property tax for primary home owners, not secondary ones or business owners previously; not achieved;
- suggested that Governor Cuomo did not want to deal with mandate relief or MA rates; but the governor did establish a mandate relief committee, which, the senator indicated, could change things on its own; but nothing has been done to date;
- stated that Speaker Silver is responsible for many of the problems because he represents NYC; and that he is a tax liberal, which equates to regional politics, i.e., "NYC wants to take a bit more of the pie";
- suggested that the governor had the means to "control" the speaker; had sufficient support/power

to “dump” him;

- During the discussions that took place throughout, it appeared that there was still a need to address which government entity will control, take over the costs of the Safety Net program; as well as how the sales tax is distributed locally;
- the Senator noted that pension reform will be taken up in 2012; but it would be applicable to new hires;
- noted that health insurance might be handled on a group basis if the towns gave that some consideration;
- the senator also noted that in the years in office he had never seen people so angry or frustrated with matters in general.

The last speaker was UC Legislator Jack Hayes. He commented on the importance of responses to emergencies; suggesting that how such were handled, what’s wrong, so-so, right, should be evaluated. Possibly a regional approach involving surrounding counties would be a positive approach. He also mentioned that keeping jobs of this type in UC was important.

Lee Cane, Observer Corp

The T/Supervisors Association meeting was convened on November 15, 2011 at 8:37 by President, T/Supervisor John Valk and adjourned at 10:09. The next gathering of the group will be the holiday luncheon on December 13 at 12 noon at the Reservoir Inn. The cost is \$16 per person. The next regular meeting will be January 17, 2012 at 8:30 AM at the Olympic diner.

Towns represented at this meeting: Denning, Hardenburgh, Olive, Gardiner, Wawarsing, Rochester, Marbletown, Ulster, Shawangunk, Woodstock, and Shandaken.

Initially, Mr. Valk called upon County Executive Hein for comments/announcements:

- Mr. Hein advised that he will coordinate through Art Snyder, Director Emergency Communications/Emergency Management Department, what the outstanding issues are that remain from the result of hurricanes Irene and Lee for the purpose of advising/working with FEMA;
- the supervisors noted they are interested in knowing when they will receive the federal dollars they are owed;
- he went on to note he is looking to ensure that those located in the lower area of the Esopus receive the same benefits that those in the upper Esopus area receive;
- the group briefly discussed the upcoming DEC meeting. Mr. Hein agreed that getting the agenda ahead of time was a must for the T/Supervisors; he would endeavor to see that this occurred. Further, he urged that they and county work together in order to “speak with one voice”;
- a concern raised by the group was the slowness on the part of the DEC to release water from the reservoir...it was done 2 days prior to hurricane Irene....this was not acceptable....Mr. Hein agreed. At this time the towns still have to deal with brown waters in the Esopus. He stated he would like to see the release process and seeing to it that NYC receives water be put on the same level of importance;
- no decision has been made as to the handling of the Safety Net program with respects to the paying for it. The county attorney is presently evaluating the procedures that are being considered. The group supported the suggestion made by Mr. Valk to have a dialogue with the newly elected mayor of Kingston on this topic. Mr. Hein though that a positive. He also pointed out that if the county took over the program that there would be cuts in services provided by the county.

Wayne Turner, Executive Director of the Ashokan Center spoke next.

This is an organization located in the T/Olive. It has 374 acres, on which it has been engaged in building an entire group of new buildings on higher ground which will replace the current structures which were badly affected by storms, hurricanes Irene and Lee, earlier in the year. Until 2008, the Center was part of SUNY, New Paltz. Prior to 2010 it paid taxes, now it is tax exempt. It provides a variety of programs for school children and adults dealing with the environment, history and in the summer it has retreat type programs. Participants pay for the programs. It has begun some new programs, one specifically, Meeting of the Minds, appears to be doing quite well.

With the new buildings they will be able to sleep 140 at one time. The cost is \$7 ¼ million of which NYC provided over \$5 million. The Center then commenced fund raising, but still had \$1.2 million to deal with, necessitating that it take out a loan which costs it about \$6,000 per month.

Because of the brown water problem the Center cannot use ½ its property. As of August 12, 2012 the Center must be out of the lower campus, as on Tuesday after Columbus Day, 2012, NYC will begin

dismantling the "old structures."

The final speaker was Commissioner Rodriguez of the Department of Social Services.

His principal topic was the HEAP (Home Energy Assistance Program) program which will commence November 16, 2011. Apparently, starting November 16 there will be regular deliveries made; no emergencies until after January 2, 2012. This resulted in a variety of questions and concerns being raised by the supervisors as to just what types of calls by those out of fuel would be answered, by whom, and when.

Among other points, the Commissioner indicated he would be speaking with the sheriff to iron out any perceived difficulties. There will apparently be two fuel vendors who will handle all the emergencies county wide starting January 2, 2012.

DSS is also working with other organizations, i.e., Family, RUPCO, and United Way to assist in a Crisis Management Program.

For veterans DSS is trying to find housing for them without the association with social services being emphasized, given the negative view such has in some areas. The idea is to handle this process discretely, it is not to be viewed as a handout. The veterans have served their country and are deserving of such assistance.

The last part of the meeting was devoted to the association's regular business:

- minutes of the previous meeting were approved;
- treasurer, Supervisor Leifeld, reported that there was \$6,531.61 in the account; report was accepted.
- Mr. Valk announced that a nominating committee was needed. The By-Laws require that the senior member of the association serve as chairman. Mr. Leifeld agreed to do that. There needs to be a president, vice-president, treasurer, and secretary. Mr. Moran, the present secretary will not be returning; Mr. Chipman and Mr. Quigley both had indicated an interest in the vice-president position;
- brief discussion on topics of interest to possibly be discussed in 2012: safety net: sit down and have a dialogue with Kingston's mayor-elect Gallo; insurance on property towns own individually; workmen's compensation.

Lee Cane, Observer Corp

