

**ULSTER COUNTY LEGISLATURE  
COMMITTEE MEETING MINUTES**

**NAME OF COMMITTEE:** Public Works & Capital Projects Committee  
**DATE & TIME:** November 1, 2010, immediately following Budget Review  
**PLACE:** Legislative Chambers, 6<sup>th</sup> Floor, County Office Building

**LEGISLATORS PRESENT:** Chairman Dean Fabiano, Deputy Chairman Peter Loughran, Legislators Roy Hochberg, James Maloney, Kevin Roberts (Left @ 4:00 PM), Frank Felicello (Arrived @ 4:05 PM)

**LEGISLATORS EXCUSED:** Legislator Jeanette Provenzano

**OTHERS ATTENDING:** Deputy County Executive Robert Sudlow (Left @ 4:00 PM), Buildings & Grounds Administrative Manager Brian Cunningham (Left @ 4:00 PM), Council to Legislature Kenneth Gilligan (Arrived @ 4:00 PM), Charles Tompkins, Time Warner Cable (Left @ 3:50 PM), Commissioner David Sheeley (Left @ 3:50 PM), Deputy Commissioner Sue Ronga (Left @ 3:50 PM)

---

**MEETING CALLED TO ORDER @ 3:33 PM**

**APPROVAL OF THE OCTOBER 4, 2010 MINUTES:**

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

**RESOLUTIONS:**

1. **Resolution Draft No. 1105, November 16, 2010** - Establishing Capital Project No. 335 For The Purchase Of Automatic Vehicle Locator System For Highway Vehicles For Ulster County And Various County Municipalities - Amending The 2010-2015 Capital Program

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

Discussion: None

2. **Resolution Draft No. 1112, November 16, 2010** - Conveying County-Owned Real Property Located In The Town Of Rochester Consisting Of A Portion Of The O&W Railway Right-Of-Way To Allow Continuation Of The Rail Trail

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

Discussion: None

3. **Resolution Draft No. TBD, Date TBD** - Authorizing The Chairman Of The Ulster County Legislature To Execute A License Agreement With Time Warner Cable To Install A Fiber Optic Cable Within The Bounds Of The County-Owned Railroad Property

Discussion: Chairman Fabiano explained that the purpose of the license agreement is for the use of the Railroad Easement Right-of-Way in order to install fiber optic cable via a trench from the Ulster Savings

Bank facility at 180 Schwenk Drive, boring under their parking lot to the edge of the Ulster County property leased to the Catskill Mountain Railroad, with a total distance of a trench on the Ulster County property being approximately 431 feet. Chairman Fabiano introduced Charles Tompkins, who will be speaking as a representative for Time Warner Cable.

Tompkins: The purpose of this request is for Time Warner Cable to create an internet connection that is physically diverse from Ulster Savings Bank's current internet provider. Currently, Light Tower provides an aerial service for their internet which runs on the pole line on Schwenk Drive. The only option that he was able to ascertain for providing them a physically diverse path is to bore underneath their parking lot area to an intercept on the Railroad property just adjacent to Ulster Savings Bank property. They would trench parallel to the tracks to Washington Avenue, then bore under the Railroad tracks to intercept the pole on the other side of the tracks. They would be placing 2 inch Schedule 80 conduit along the entire 431 foot route and pulling fiber optic cable through the conduit.

Maloney: Q/Are you going to bore or trench? A/They would bore under the parking lot for Ulster Savings Bank and trench parallel to the tracks until they reach Washington Avenue, then bore under the Railroad tracks. The Railroad Advisory Committee asked them to bore at a level of five (5) feet.

Maloney: Q/Where are you ultimately trying to get to make the connection? A/On a pole on the other side of the Railroad tracks.

Roberts: Q/Have you done something like this in the past and what was the cost? Is there a figure that you are willing to work with? A/He stated that personally he has not done this but was confident that Time Warner has done similar projects.

Chairman Fabiano: Thanked Mr. Tompkins for coming. As a Committee they will continue the conversation with Legislative Counsel later in the meeting.

Discussion continued at 4:00 PM:

Gilligan: Suggested that the License has to be revocable at will, and a decision needs to be made about there being a fee attached to the License.

Felicello: Stated that this is a business, it's a good business in Ulster County. His opinion is that Ulster County should be friendly and that they should not be charged.

Loughran: He believes a License should not be a onetime fee. It should be renewable yearly. He stated that the County has come across license/easement issues in the past and there is no policy in place on how to address the problems. If the County is going to charge fees then these fees need to be put in place in such a way that every case is treated equally.

Felicello: Stated that he always sees Ulster Savings Bank participating in charitable events, all over Ulster County, and feels that Ulster County needs to be charitable in return.

Maloney: Stated that there could be a fee, but does not believe that it should be very high. He suggested a \$1,000.00 fee. He believes that not everyone should be treated as a business. If a senior citizen or someone in need were asking for something, they should not be charged.

Hochberg: Stated that this project needs to move along. Ulster Savings Bank has got a situation, and they need to be able to back up their data.

Gilligan: Suggested raising the application fee to \$1,500.00, and that would be a one time fee for the applicant.

Felicello: Stated then you go back to the little old lady who cannot afford the fee. He suggested leaving it alone for now, and approaching each case individually in the future. Chairman Fabiano agreed with Legislator Felicello that these projects should be handled on a case by case basis.

**Motion offered by Chairman Fabiano to charge a flat fee of \$1,000.00, above the \$500.00 application fee, the License will state that it is revocable, Seconded by Legislator Loughran, (Vote 4-1, Hochberg), Carried.**

#### **NEW BUSINESS:**

- The Buildings and Grounds Division of DPW will be providing information regarding the costs and regulations of using green products in all County facilities.

Discussion: On October 19, 2010, Resolution No. 262 and No. 263 were referred back to Committee. Additional information was requested at that time. The Public Works & Capital Projects Committee agreed after speaking with Buildings & Grounds Administrative Manager Brian Cunningham about the green cleaning products that are already being used in all County Facilities, to sign off on both Resolutions (**No. 262 and No. 263**) at tonight's meeting. The Committee is still requesting an approximate cost analysis. **The Motion was made by Legislator Loughran and seconded by Legislator Hochberg, all were in favor.** Both of these Resolutions will proceed to Legislator Roberts Governmental Services, Environmental and Administrative Committee meeting on November 15th @ 6:30 PM where they will discuss the additional information that was requested regarding cost. Mr. Cunningham stated that he would get the information to Mr. Sudlow and he will distribute the information to the Committee.

Cunningham: Explained the usage that already exists with the Green products. He passed around brochures on the products that are currently being used. He stated as far as cleaning products go, they have been using green products for four (4) years. He left samples with Chairman Fabiano of the brochures of the products and paint that the County is currently using.

Roberts: Suggested that it might be more suitable to amend this Resolution to say that it is going to be a policy of Ulster County to use green products when ever possible. Chairman Fabiano stated that his Caucus wants to see numbers, past and present.

Cunningham: Stated in general terms, the cost of the product has slightly increased. The use of this product is much more controlled. Because of the automatic dispensers there is no waste. Although the product is a little bit more money per gallon, feels that in the long run, it is being used more efficiently.

Roberts: Q/What type of paints are you currently using? A/Benjamin Moore and Sherwin Williams paints, all low VOC.

Loughran: Q/Are Green Products better to use from a safety perspective because of the chemical compounds? A/Yes Q/Is it safer for the employee to use the green products? A/Yes

Roberts: Asked for a list of cases where it is not feasible to use green products and that these exceptions should be added to the Resolution.

Loughran: Stated that they should not over regulate anything; and that a certain amount of common sense should take place.

Cunningham: Used an example of a Resolution about fertilizer and in that Resolution it stated that the fertilizer be used as much as practical. He added that every effort is made to use the green product.

- The December 6, 2010 Committee Meeting has been moved to December 13, 2010 @ 5:30 PM. The conflict is due to the fact that there will be a Special Session on December 6<sup>th</sup> to vote on the Budget.

**Discussion:** This was discussed as a Committee and it was agreed that the next meeting will take place on December 13<sup>th</sup> @ 5:30 PM. An official notice will follow.

**UPDATE:** Legislator Felicello, Chairman of the Ulster County Highway Road Projects Subcommittee gave the Committee the following update. He stated that the Report that was requested is complete and the Committee should have received a copy in their mailboxes. He stated that the report involved a lot of work and that DPW did a great job in preparing the report and answering all of their questions. He stated that he would be sending a copy of the report to all the Legislators. He explained to the Committee the process he used in obtaining the report. He initially put out a notification to all Legislators to forward any questions and/or concerns to him. He then forwarded those requests to the Commissioner of Public Works, David Sheeley. He added that as a Committee that this report should be requested annually from DPW. After everyone reviews the report he is asking that he be contacted with any additional questions and/or concerns. Chairman Fabiano stated that instead of calling a meeting to discuss the report that he would like everyone to review the report first, and if everyone is satisfied with the answers, then a meeting would not be necessary.

**OLD BUSINESS:** None

**Motion to adjourn @ 4:26 PM**

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

Respectfully submitted,  
Tammy Wilson, Senior Legislative Employee