

**Legislative Programs, Education and Community Services Committee
Regular Meeting Minutes**

DATE & TIME: November 14, 2016 – 5:00 PM
LOCATION: SUNY Ulster, Clinton Hall, Howard C. St. John Business Seminar Room
PRESIDING OFFICER: Chairman Mary Wawro
RECORDER: Danielle Wayman, Program Assistant, SUNY Ulster
PRESENT: Legislators Donaldson, Schwartz Berky, Delaune, and Lopez
ABSENT: None
QUORUM PRESENT: Yes

OTHER ATTENDEES: Lydia Reidy- Cornell Cooperative Extension of Ulster County, Dr. Alan Roberts- President, Ulster County Community College, Chris Nguyen- Vice President for Administrative Services, Ulster County Community College, Teresa Brundage- Aide to Legislator Lopez, Robert Fisher- Ulster County Attorney, Kristin Gumaer- Ulster County Attorney, Fawn Tantillo- Deputy Clerk, Ulster County Legislature, and Legislator Bartels

Chairman Wawro called the meeting to order at 5:03 PM.

Motion No. 1: Moved to Approve the Minutes of the October 17, 2016, meeting

Motion By: Legislator Lopez
Motion Seconded By: Legislator Delaune

Discussion:
None

Voting In Favor: Legislators Donaldson, Delaune, Lopez, Schwartz Berky, and Chairman Wawro
Voting Against: None
Votes in Favor: 5
Votes Against: 0
Disposition: Minutes approved

Chairman Wawro asked SUNY Ulster President Alan Roberts to address the committee. President Roberts reported on enrollment. The enrollment for the fall is above what was projected, enrollment for the winter is solid and spring is on track. President Roberts discussed that the budget is on track and he does not anticipate a freeze. President Roberts reported that \$300,000.00 will be added to the fund balance bringing the fund balance to about \$800,000.00. Legislator Donaldson asked what percentage the \$800,000.00 would be in regards to the College's budget. President Roberts explained that it was recommended through accreditation that the College have a fund balance of ten percent. President Roberts stated that ten percent is not realistic. Vice President for Administrative Services Nguyen stated that the fund balance is now about three percent. President Roberts added that a fund balance of five percent would be a solid fund balance,

acknowledging that he would push for ten percent. President Roberts stated that it would put the College far above other comparable schools, adding that Dutchess Community College would be the closest competitor in terms of fund balance. Chairman Wawro added how lucky the College is to have Interim Vice President John Dunn and now Vice President Nguyen. Legislator Donaldson shared that the County is considering a cyber-bullying law and asked if the College has a program to deal with cyber-bullying. President Roberts stated that the College has a place on the Portal for students to anonymously report instances of bullying. When a report is received, there is a committee that works to resolve the issue. Chairman Wawro asked President Roberts if bullying is an issue at the College. President Roberts stated that bullying has not been an issue. Chris Nguyen, Vice President Nguyen reported that the committee would see more capital program resolutions at the next meeting.

Chairman Wawro asked Lee Reidy, Executive Director, Cornell Cooperative Extension of Ulster County (CCEUC) to address the committee. Executive Director Reidy reported that Cornell Cooperative Extension of Ulster County held a small fundraiser in October. Executive Director Reidy reported that September 30, 2016, is both the Federal and the Program year end. Executive Director Reidy shared that the annual meeting will be held on December 1, 2016, at 6:30 PM. Three new Board members will be elected at this meeting. Executive Director Reidy was not certain of the topic but knew it was either going to be on hard cider or living with wildlife. Executive Director Reidy stated that she would be sending out the meeting information soon. Legislator Schwartz Berky stated that the County Executive would be holding a public hearing on December 1, 2016, regarding the Ashokan Rail Trail Project. Executive Director Reidy asked for the hearing information because she did not want to schedule her meeting for the same night. Executive Director Reidy stated that there was a snow date for the meeting (December 8, 2016) and thought she might be able to use that date instead. Executive Director Reidy mentioned that “central calendaring” would be helpful.

Resolutions for the November 14, 2016, Session of the Legislative Programs, Education and Community Services Committee

Resolution No. 424: Setting a Public Hearing On Proposed Local Law No. 17 of 2016 (A Local Law Prohibiting Cyber-Bullying In Ulster County) To Be Held on Tuesday, December 13, 2016 At 6:10 PM

Resolution Summary: This resolution sets a public hearing for Tuesday, December 13, 2016, at 6:10 PM to allow public comment on Proposed Local Law No. 17 of 2016.

Motion No. 2 **Moved to bring Resolution No. 424 to the floor for discussion**
Motion By: Legislator Lopez
Motion Seconded By: Legislator Delaune

Discussion:

Legislator Donaldson asked if this resolution was brought before the ACLU. Robert Fisher, Ulster County Attorney, stated that it had not. Legislator Donaldson asked why the resolution had not been brought before the ACLU. Robert Fisher stated that the ACLU has not been open to this law. Legislator Donaldson stated that he thinks it would be important to know their opinion. Robert Fisher stated that we already know what their opinion would be; they would be against this law. Robert Fisher added that at the request of Legislator Donaldson they met with Public Defender Andrew Kossover and he had no serious concerns with the proposed law. Legislator Donaldson expressed his concern that the law is still lacking an educational component. Legislator Donaldson stated “you can’t criminalize everything”. Robert Fisher stated, that right now the educational component is placed in the hands of the Probation Department, and that they could refer offenders to education through probation. Legislator Donaldson again stated that the educational component was missing. Discussion ensued. Legislator Donaldson also expressed his concern over creating criminal records for children. Robert Fisher added that it is reaching to say that the offenders would have a record, as it is mandatory that they receive youthful offender status up until age nineteen. Legislator Donaldson expressed his concern for the children whose parents are poor or uninvolved with being the ones that suffer. Robert Fisher stated that “any person charged in a criminal act will receive zealous representation”, citing the document supplied by Public Defender Andrew Kossover. Robert Fisher gave accolades to the Public Defender’s office and stated that he doesn’t believe that the kids using them aren’t getting the short end of the stick. Legislator Donaldson disagreed stating they do in the end, and that we need to face reality, adding that if you have a paid attorney vs. a public defender, the public defenders are overstretched. Robert Fisher stated that for the first five years he worked for Ulster County he was an Assistant Public Defender, adding that the compliment he received was that they couldn’t tell when he was privately retained or when he was the public defender.

Legislator Schwartz Berky presented a report regarding the cost benefits of prevention and referenced her desire to see County funds diverted to an educational prevention program. A discussion regarding logistics ensued. Legislator Schwartz Berky also brought a concerned parent from the Rondout School District whose daughter has been staying home from school from the result of cyber-bullying. Legislator Schwartz Berky also shared her son’s story. Legislator Schwartz Berky expressed her concern for clogging up the court system with these issues; she would much rather see an educational prevention program. Kristin Gumaer, Ulster County Attorney, volunteered to be on a committee to help develop an educational program. Chairman Wawro tried to clarify Legislator Schwartz Berky’s point stating that it sounds like Legislator Schwartz Berky is asking for an amendment to include an educational component. Legislator Schwartz Berky stated that the educational component needs to be a part of this proposed law. Legislator Donaldson added that we need to make a commitment to put money into this program. Chairman Wawro thought the County Executive has a bullying policy in place for the County. Legislator Donaldson added that it is only for the County employees. Chairman Wawro added that she did not see any reason why this proposal could not move forward with the educational prevention program amendment. Legislator Schwartz Berky is looking for a strong statement of legislative intent. There was a brief discussion regarding school districts and their policies.

Legislator Schwartz Berky asked the Rondout School District parent to share her daughter’s story. Before the parent shared, it was suggested that the Committee go into executive session, to protect the identity of the child. The parent stated that she had shared her daughter’s story many times. The committee did not go into executive session. Legislator Schwartz Berky stated that she is very

passionate about this issue, and shared that she was also a victim of bullying. Legislator Schwartz Berky referenced the Transgender Antidiscrimination Act and the Rondout School District, stating that these insensitivities are what make us an unproductive society, adding that bullying, cyber-bullying, transgender and human rights laws are all part of a continuum of rights and protections that we should be affording our community. Legislator Schwartz Berky stated that she wanted to be sure that “when we write laws it’s not all about punishment” but about developing a more holistic view. Chairman Wawro stated that we have to be realistic there does need to be a punishment component as well. Legislator Lopez asked for clarification from Legislator Schwartz Berky stating “do you want to add a caveat to the law that encourages/suggests as we go forward that we encourage an educational component”. Legislator Schwartz Berky was looking for something between suggestion and a mandate. Chairman Wawro asked the Committee if they could approve the law now and work on the details later. Legislator Donaldson expressed his desire to see it happen first; otherwise it will disappear and never become part of the law. Legislator Schwartz Berky asked if an amendment is permitted between now and caucus. Discussion ensued regarding the formation of a committee. Chairman Wawro suggested finding out what kinds of things are already in place instead of recreating the wheel. There was a brief discussion regarding the 180 Program.

Legislator Delaune stated that he felt like we need to move this law forward to protect the kids (especially in extreme cases), but acknowledged that now is the time to add the educational component. Legislator Delaune felt the law needed to be passed to give the attorneys the tools to deal with the extreme cases of cyber-bullying. Legislator Donaldson again expressed his concern over making new victims by putting this law into place. Legislator Donaldson again stated that the less affluent would pay for this law. Chairman Wawro states that there are extreme cases of cyber-bullying occurring and we should put something in place so that the attorneys do not have their hands tied. Discussion again ensued over how to incorporate an educational component. Robert Fisher asked without going through the courts, what mechanism would be used to mandate education.

Chairman Wawro referenced a time crunch and called for a vote. A motion was made to withdraw the motion to bring Resolution No. 424 to the floor for discussion.

Voting In Favor: Legislators Lopez, Schwartz Berky, Donaldson, Delaune, and Chairman Wawro

Voting Against: None

Votes in Favor: 5

Votes Against: 0

Disposition: Resolution No. 424 was brought to the floor for discussion

Motion No. 3 **Withdraw Motion No. 2 (To bring Resolution No. 424 to the floor for discussion)**

Motion By: Legislator Lopez

Motion Seconded By: Legislator Delaune

Discussion:

None

Voting In Favor: Legislators Lopez, Schwartz Berky, Donaldson, Delaune, and Chairman Wawro

Voting Against: None

Votes in Favor: 5

Votes Against: 0

Disposition: Motion No. 2 (To bring Resolution No. 424 was brought to the floor for discussion) was withdrawn

Motion No. 6 **Moved to approve Resolution No. 424**

Motion By: Legislator Lopez

Motion Seconded By: Legislator Schwartz Berky

Discussion:

Legislator Schwartz Berky asked to propose and amendment, but asked for help with the wording. There again was a discussion regarding amending the wording. Legislator Donaldson suggested including Christopher Ragucci, Minority Counsel. Discussion ensued. Legislator Lopez stated that he would be uncomfortable coming up with language on the fly. Robert Fisher expressed concern stating that the Committee would be committing the County to a financial obligation. Legislator Schwartz Berky questioned if it's a cost if it's successful, referencing the cost of prosecution, and *The Cost Benefit of Bullying Prevention*. Legislator Lopez questioned the idea of creating another committee. Robert Fisher pointed out that the education program that Legislator Schwartz Berky wants included does not even exist, it would have to be created before it could be included in the law. Chairman Wawro acknowledged that there are some things in already in place, so there is no point in recreating the wheel. Legislator Lopez stated that he would be comfortable moving forward with the law. Legislator Lopez feels that the educational component is already built in, at the discretion of the judge and the Probation Department. Chairman Wawro suggested moving forward with the law, and then taking the proper time to amend it. Legislator Schwartz Berky is okay with moving the law forward as long as the committee agrees to work toward a program of prevention and intervention. Legislator Delaune agreed and stated that it should be an agenda item on the next meeting. Legislator Donaldson is requesting an amendment that encourages an educational component to the law and would like Christopher Ragucci to weigh in. Legislator Donaldson stated that he prefers the law to be complete before voting on it. Legislator Donaldson stated that he would be a no until the component is included. Chairman Wawro agreed that she would like to see the educational component included but acknowledged that the County Attorneys need the tools to protect the citizens of Ulster County. Chairman Wawro called for a vote.

Voting In Favor: Legislators Lopez, Schwartz Berky, Delaune, and Chairman Wawro

Voting Against: Legislator Donaldson

Votes in Favor: 4

Votes Against: 1

Disposition: Resolution adopted

Resolution No. 471: Confirming Re-Appointment Of Member To The Ulster County Community College Board of Trustees

Resolution Summary: This resolution confirms the re-appointment of a member to the Ulster County Community College Board of Trustees

Motion No. 5 **Moved to adopt Resolution No. 471**

Motion By: Legislator Lopez

Motion Seconded By: Legislator Donaldson

Discussion:

Legislator Donaldson stated that he has known Vicky a long time; she has been on the Board for a several years and she is very dedicated.

Voting In Favor: Legislators Lopez, Schwartz Berky, Donaldson, Delaune, and Chairman Wawro

Voting Against: None

Votes in Favor: 5

Votes Against: 0

Disposition: Resolution adopted

Resolution No. 472: Authorizing The Chairman Of The Ulster County Legislature To Enter Into Agreements With The New York State Office For The Aging For The Administration Of The NY Connects Program And The Balancing Incentive Program (BIP)- Office For The Aging

Resolution Summary: This resolution authorizes the Chairman of The Ulster County Legislature to enter into agreements with the New York State Office For The Aging for the administration of the NY Connects Program and the Balancing Incentive Program (BIP).

Motion No. 4 **Moved to adopt Resolution No. 472**

Motion By: Legislator Delaune

Motion Seconded By: Legislator Donaldson

Discussion:

None

Voting In Favor: Legislators Lopez, Schwartz Berky, Donaldson, Delaune, and Chairman Wawro

Voting Against: None

Votes in Favor: 5

Votes Against: 0

Disposition: Resolution adopted

Chairman Wawro asked the Committee to do some research before the next meeting. The subcommittee will be added to the agenda for the December meeting. Chairman Wawro asked if there was any other business, and hearing none;

Adjournment

Motion Made By: Legislator Lopez
Motion Seconded By: Legislator Delaune
No. of Votes in Favor: 5
No. of Votes Against: 0

TIME: 6:15 PM

Respectfully Submitted: Danielle Wayman, Program Assistant, Ulster County Community College
Minutes Approved: December 12, 2016