

# Laws and Rules, Governmental Services Committee

## Meeting Minutes

DATE & TIME: April 20, 2015 – 6:00PM  
LOCATION: Karen L. Binder Library, 6<sup>th</sup> Floor, COB, Kingston, NY  
PRESIDING OFFICER: Chairman Richard Parete  
LEGISLATIVE STAFF: Fawn A. Tantillo, Sr. Legislative Employee and Jay Mahler, Deputy Clerk  
PRESENT: Legislators David Donaldson, Manna Jo Greene, Kevin Roberts, Kenneth Ronk, Jr. and Legislative Chairman John Parete  
ABSENT: None  
QUORUM PRESENT: Yes  
OTHER ATTENDEES: Susan Plonski, Commissioner of Public Works; Marc Rider, Director of Purchasing

Legislator R. Parete called the meeting to order at 6:00 PM.

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Motion No. 1: The minutes of March 16, 2015 were approved as distributed.

Motion Made By: Legislator Ronk  
Motion Seconded By: Legislator Donaldson  
Roll Call Vote: No  
Voting In Favor: Legislators R. Parete, Donaldson, Greene, Roberts and Ronk  
Voting Against: None  
No. of Votes in Favor: 5  
No. of Votes Against: 0  
Disposition: Minutes Approved

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Resolution No. 182- Setting A Public Hearing On Proposed Local Law No. 4 of 2015 (A Local Law Amending Local Law No. 10 Of 2008 (A Local Law Adopting An Administrative Code For The County Of Ulster, State Of New York), Pertaining To Change Orders And/Or Amendments To Contracts Equal To Or Exceeding \$50,000.00 In Aggregate) To Be Held On Wednesday, May 13, 2015 At 6:05 PM

Motion Made By:                   Legislator Ronk  
Motion Seconded By:           Legislator Parete for discussion

Legislator Ronk said that he and fellow sponsor, Legislator Carl Belfiglio, felt this resolution will fill what they feel is a “loop-hole” in the Charter. He was careful to emphasize that it is in no way a reflection on the current County Executive but noted it was possible for the Executive branch of County government to potentially circumvent asking for legislative approval of a contract over \$50,000 by first signing it as a contract for less than \$50,000 and then amending it as needed until it is well over that threshold. Legislator Ronk gave examples of contracts that the County entered into for less than \$50,000 (the threshold for legislative approval) that were later amended to exceed \$50,000 but never received Legislative approval. These included the legal services of Harris Beach working on the Golden Hill LDC and Keane & Beane representing the County in a lawsuit. This proposed local law is intended to close that loop-hole.

Legislator Ronk said Mr. Rider had expressed concerns about the possibility that this could create a delay in completing capital projects in a timely way and said he was willing to discuss an exemption for Capital Projects due to the fact that the Legislature formally approves Capital Projects.

Mr. Rider said his concerns have expanded beyond Capital Projects. He fears such a policy will impact many other programs and services. He gave the example of contracts for foster care where a only a rate is established and original projections for service is less than \$50,000, and if the need is greater than anticipated and the amount surpasses that \$50,000 threshold vital services could be forced to wait for legislative approval while services suffer and county operations would grind to a halt. He fears county efficiency would suffer.

Legislator Ronk pointed out that although the proposal may not be designed to make government more efficient it will clearly make it more accountable. He noted that nothing prevents departments from submitting contracts less than \$50,000 for approval if and when the department feels it might ultimately exceed that threshold.

Legislator Donaldson suggested that perhaps the proposal could be amended to simply require the Legislature be given notice if a contract originally thought to be less than \$50,000 were to exceed that amount.

Mr. Rider said that he believes this proposed change would require any amendment to any contract over \$50,000 even if the original contract amount had been approved. He said the Legislative office has a financial analyst who can use Lotus to access every contract, view every amendment and run reports and could provide this information to the Legislature now.

There was a discussion about other alternatives that could be used to trigger Legislative approval such as setting a percentage of change to the contract, ways in which the intention of this and other approval policies are circumvented, multi-year contracts that would eventually exceed the threshold, possible exemptions, the use of change orders / contingency accounts and possible unintended consequences of such a change.

Ms. Plonski warned that some of the unintended consequences discussed could actually cost the county money.

Chairman Richard Parete disagreed and said requiring legislative approval could potentially save taxpayers money if the Legislature didn't approve spending more money. He expressed his frustration when asking for specifics like how much had been spent on attorney fees on the Railroad lawsuit that no one could or will answer. He suggested that if the Legislature had received that information when it was requested, this resolution may not have been necessary.

Counsel Weiner noted that the Legislature is the appropriating body and as such has certain fiduciary duties. He said currently the Legislature could approve spending \$50,000 on a particular contract because that is what the Legislature feels is an appropriate amount and then the County departments could spend an additional \$30-\$40,000 or more with no Legislative approval or notice. This might be something the Legislature might *not* find an appropriate amount if they knew about it but the county is "on the hook" – an unintended consequence. Counsel Weiner recognized that it might be more work but the Charter reads now the county could be responsible for a whole lot of money the Legislature didn't authorize or intend.

Mr. Rider said all departments have a budget and cannot overspend that budget without Legislative approval.

Legislator Ronk pointed out that is only if they overspend their overall budget and noted a department can move funds from line to line within their budget without Legislative approval as long as it is within their overall budget.

Mr. Weiner said this is what happened in the past and while it might not been a purposeful evasion of the \$50,000 statute the purpose of this resolution is to gain some Legislative control and oversight.

Legislator Greene said the proposed local law makes sense and suggested Mr. Rider, Ms. Plonski and others offer language that would meet the intent of the proposal rather than simply pointing out what they see as problems. She said she is willing to entertain certain exceptions if someone were to explain why they make sense but feels the proposal has merit.

Mr. Rider said he doesn't have language because he doesn't think there is any problem to be addressed. He sees this proposal as a move backward to the previous form of government in which the Legislature approved all contracts. He felt this was overstepping legislative control

and reminded Legislators they are policy makers and the County Executive is in charge of operations.

There was a discussion on the intent of the law, how it could be changed to address the concerns that were raised while achieving the goal of the proposed local law and the need for further discussion. There was a consensus that Committee members were not prepared to vote on this tonight.

No Action was taken.

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Resolution No. 315 of 2014 - Adopting Proposed Local Law No. 2 of 2014, A Local Law To Provide For The Collection Of Delinquent Village Real Property Taxes

Proposed Local Law Number 2 Of 2014 - A Local Law To Provide For The Collection Of Delinquent Village Real Property Taxes Resolution

Motion Made By:                      Legislator Ronk  
Motion Seconded By:                Legislator Donaldson

Discussion:            There was a discussion about why the Village of Ellenville, who seems to have the most to gain from this resolution, appears to no longer support this proposed local law.

There was a discussion about the how the process would work, how many years of unpaid taxes the County would make the Villages whole for and issues unique to each village. It was also noted that Village boards were free to enter into an agreement or not enter into an agreement at their own discretion.

Voting In Favor:                      Legislators R. Parete and Donaldson  
Voting Against:                      Greene, Roberts and Ronk  
No. of Votes in Favor:                2  
No. of Votes Against:                3  
Disposition:                            Defeated

Resolution No. 133 - Adopting Proposed Local Law No. 14 of 2014, A Local Law Establishing a Tobacco Retail License and Reducing Youth Exposure to Tobacco

Motion Made By:                   Legislator Ronk  
Motion Seconded By:           Legislator Roberts

There was a discussion about a letter the Clerk of the Legislature forwarded to all legislators from Duffy Law Offices, PLC representing National Association of Tobacco Outlets, Inc.

Legislator Donaldson expressed concern that this will not actually accomplish the goal of reducing youth smoking. He feels to achieve the goals of this proposed local law it would make more sense to ban any tobacco advertising in any retail space where a youth can shop and he would support such a law.

There was a discussion about problems with the proposed local law, alternatives to this local law that could make it more comprehensive, creating a statute to penalize youth in possession of tobacco products, the possibility of postponing action on the resolution for a month while changes are discussed and a general restatement of the reasons the committee was not willing to set a public hearing on the law a few months ago.

Voting In Favor:                   Legislators Greene, Roberts and Ronk  
Voting Against:               Legislators R. Parete, Donaldson  
No. of Votes in Favor:        3  
No. of Votes Against:         2  
Disposition:                    Carried

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Resolution No. 134 - Adopting Proposed Local Law No. 1 of 2015, A Local Law To Authorize The Sale And Use Of Sparkling Devices

Motion Made By:                   Legislator Ronk  
Motion Seconded By:           Legislator Roberts

Legislator Ronk spoke about his discussions with various fire officials. The two Fire Chiefs in his district didn't feel sparklers were any more dangerous than matches and cigarette lighters, would only be sold for a few days each year, other licensing and storage safeguards, prevalence of sparklers illegally now and the availability of them in neighboring counties and states.

Legislator Ronk gave a brief explanation of the State Law that precipitated this resolution.

Legislator Greene explained she was voting against the resolution due to the overwhelming opposition from local fire departments.

Voting In Favor:	Legislators R. Parete, Donaldson, Roberts and Ronk
Voting Against:	Greene
No. of Votes in Favor:	4
No. of Votes Against:	1
Disposition:	Carried

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Resolution No. 135 - Adopting Proposed Local Law No. 2 of 2015, A Local Law Requiring That The County Of Ulster Be Reimbursed For The Cost Of Medical Or Dental Services Provided To Inmates At The Ulster County Jail From Any Third Party Coverage Of Indemnification Carried By An Inmate

Motion Made By:	Legislator Ronk
Motion Seconded By:	Legislator R. Parete

Discussion:	None
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Voting In Favor:	Legislators R. Parete, Greene, Donaldson, Roberts and Ronk
Voting Against:	None
No. of Votes in Favor:	5
No. of Votes Against:	0
Disposition:	Carried

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Resolution No. 183 - Setting A Public Hearing On Proposed Local Law No. 5 of 2015, A Local Law Amending The Ulster County Charter, (Local Law No. 2 Of 2006), To Modify Various Provisions Of The Ulster County Charter, To Be Held On Wednesday, May 13, 2015 At 6:05 PM

AND

Resolution No. 184 - Setting A Public Hearing On Proposed Local Law No. 6 of 2015, A Local Law Amending The Ulster County Charter, (Local Law No. 2 Of 2006), To Amend The Terms Of The Ulster County Legislature, To Be Held On Wednesday, May 13, 2015 At 6:15 PM

Motion Made By:                      Legislator Ronk  
Motion Seconded By:                Legislator R. Parete

Discussion:    There was a lengthy discussion about the proposed changes.

The committee scheduled a special meeting on Tuesday, April 28<sup>th</sup> at 6:00 to discuss these and other changes to the Charter and the Rules.

No Action Taken

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The committee agreed to move the meeting time to 6:30 beginning with the May 18, 2015 meeting.

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There being no further business before the Committee, a motion was made by Legislator Roberts, seconded by Legislator Ronk and carried to adjourn the meeting at 7:32PM.

Respectfully submitted this 22th day of April, 2015  
Fawn A. Tantillo, Senior Legislative Employee  
Minutes Approved on May 18, 2015.