

**Economic Development, Tourism, Housing, Planning & Transit Committee
Meeting Minutes**

DATE & TIME: November 8, 2021 – 6:00 PM
LOCATION: Powered by Zoom Meetings by Dialing 646-558-8656 Meeting ID
870 0230 2166
PRESIDING OFFICER: Chairman Brian Cahill
LEGISLATIVE STAFF: Fawn Tantillo
PRESENT: Legislators Lynn Archer, Thomas Corcoran, James Delaune, Herbert
Litts, III and Abe Uchitelle
ABSENT: Legislator Mary Beth Maio
QUORUM PRESENT: Yes

OTHER ATTENDEES: Christopher Ragucci, Legislative Counsel; Deputy County Executives Evelyn Wright; March Gallagher, Comptroller; Hank Gross; Cheryl Schneider

Chairman Cahill called the meeting to order at approximately 6:17 and asked Legislator Litts to lead the Pledge of Allegiance.

Motion No. 1: **Motion to Approve the Minutes of October 7 and October 20, 2021**

Motion Made By: Legislator Corcoran
Motion Seconded By: Legislator Litts

Discussion: None.

Voting In Favor: Legislators Cahill, Archer, Corcoran, Delaune, Litts and Uchitelle
Voting Against: None
Votes in Favor: 6
Votes Against: 0
Disposition: **Minutes Approved**

Resolution No. 325 - Establishing “The Ulster County Land Bank Development Corporation”, A New York State Landbank

Resolution Summary: This resolution would create a Land Bank; appoint members to the Board of Directors of the Land Bank; and approve other provisions.

Disposition: **No Action Taken**

Resolution No. 514 – Appointing Alternate Member To The Ulster County Planning Board – Village of New Paltz

Resolution Summary: This Resolution will appoint Stana-Lea Weisburd of New Paltz to the Ulster County Planning Board for a term from the present thru December 31, 2021.

Motion No. 6: Motion to approve Resolution No. 514

Motion By: Legislator Litts
Motion Seconded By: Legislator Uchitelle

Discussion: None

Voting In Favor: Legislators Cahill, Archer, Corcoran, Delaune, Litts and Uchitelle

Voting Against: None

Votes in Favor: 6

Votes Against: 0

Disposition: **Resolution Approved**

Old Business

Legislator Archer asked for the committee to move into executive session to discuss a letter members received on October 7 regarding an interaction between the Office of Economic Development and the Ulster County Industrial Development Agency (IDA).

Chairman Cahill questioned if it was appropriate for this committee to discuss a matter that did not involve the legislature directly, particularly if some of the parties involved are threatening litigation. After a lengthy discussion, Chairman Cahill asked the members for a show of hands of all those in favor of going into executive session.

Voting In Favor: Legislator Archer
Voting Against: Legislators Cahill, Corcoran, Delaune, Litts and Uchitelle
Votes in Favor: 1
Votes Against: 5

New Business – None

Chairman Cahill reminded the members that the next meeting of the committee is November 30, 2021.

Chairman Cahill asked if there was any other business, hearing none;

Motion to Adjourn

Motion Made By: Legislator Litts
Motion Seconded By: Legislator Corcoran
No. of Votes in Favor: 6
No. of Votes Against: 0
Time: 6:34 pm

Respectfully submitted by: Fawn Tantillo
Minutes Approved: November 30, 2021

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ABSENT: Legislator Mary Beth Maio
QUORUM PRESENT: Yes

OTHER ATTENDEES: Christopher Ragucci, Legislative Counsel; Deputy County Executives Evelyn Wright; March Gallagher, Comptroller; Hank Gross; Cheryl Schneider

Chairman Brian Cahill

We're all set. I'll say thank you. I'll accept a motion to accept the minutes from the previous meeting.

Legislator Thomas Corcoran

I'll make that motion.

Legislator Herbert Litts, III

I'll second it

Chairman Brian Cahill

Any amendments to them or accept them as is? We're good.

Legislator Herbert Litts, III

We're good.

Chairman Brian Cahill

Okay. All those in favor?

Committee Members

Aye. Aye.

Chairman Brian Cahill

Opposed? Great. Thank you. So, we have a couple of resolutions only this week. One of them is the Establishing, Resolution Number 325, which is establishing the Ulster County Land Bank Development Corporation, a New York State Land Bank. I'm just going to postpone it here. Legislator Bartels isn't here to speak on it again. And she's still trying to round up all the necessary details for this to establish this. I know that one of the things that we have to do as a legislature is appoint a board first, before we can

send this to the state. So, I know that that's something that Legislator Bartels is working on. So hopefully, in the December meeting, we should have something that we can put forward. I talked to her earlier today about it, and we really have nothing new on it. So...

Legislator Lynn Archer

I'll second.

Fawn Tantillo

Are you postponing or are taking no action?

Chairman Brian Cahill

All right. Thank you, We will take no action. Thank you.

Resolution number 514, which is appointing an alternate member to the Ulster County Planning Board for the Village of New Paltz. I'll accept a motion for discussion or approval.

Legislator Herbert Litts, III

So moved.

Chairman Brian Cahill

Make a second? Any discussion? All those in favor?

Committee Members

Aye. Aye.

Chairman Brian Cahill

Okay. So, we're now down to old business. Does anyone have any old business that they'd like to discuss tonight? Legislator Archer.

Legislator Lynn Archer

Um, thank you, Chairman. We received a letter on October 7, that I really think that this committee should go into executive session to discuss. And I think that may be the best course of action at this juncture. This was the letter that was sent to the editor of the newspapers with regards to an interaction between the Office of Economic Development and the IDA. And I think it's important for this committee to have a discussion about this.

Chairman Brian Cahill

Um, can I just ask, it was a public letter that was sent to newspapers and everybody in the legislature got it? It's public information. And I guess my question would be this is going to be the counsel to Mr. Ragucci. If you get a moment, what would be the purpose of Executive Session for this committee?

Christopher Ragucci

Well, my understanding is that there has also been, at least in some form of threat of litigation. Is that correct?

Chairman Brian Cahill

Not to my knowledge.

Christopher Ragucci

My understanding what it was that there was.

Chairman Brian Cahill

From who? Not from anybody on this committee that I'm aware of.

Legislator Lynn Archer

No, not on this committee, but from the public. And I, and I believe it was also addressed to the Board of Ethics and the DA as well. I just feel that for all manners, I think it would be helpful to have a conversation with this committee first. And I think it's appropriate given the questionable, questionable nature on which what actions are being taken with regards to this.

Chairman Brian Cahill

So, So, you know, I'm just going to, in a minute, I'm going to put it up to a committee vote for that, Legislator Archer. But I just want to state that there is actually no business before this committee in regard to that, that's an IDA issue versus the executive. There's been no action involving the legislature whatsoever with that interaction, and what the gentleman who wrote the letter is complaining about. So I'm wondering why we would be in the middle of something that we're not involved in. And, again, I'm going to ask counsel to weigh in here, if we should be sticking our nose in this at this point, especially if they're considering litigation?

Christopher Ragucci

I think it's a fair question. I mean, I would, I don't know if I'm the best person to answer whether we would be discussing that topic. I think for purposes of Executive Session, my understanding was that there was a threat of litigation. And if the county is a party to that as the legislative body, then that would be a basis to enter into an executive session.

Chairman Brian Cahill

So, are you aware of the, the legislature being involved in litigation on this issue?

Christopher Ragucci

No, I'm aware of the threat of litigation against members of the Executive branch, tacitly, and we as the legislative body would of course, be part and parcel of any action against, you know, the Executive branch and the county as a whole.

Chairman Brian Cahill

Okay, before I call back to you Lynn, does anyone else on the committee have anything I want to talk about or discuss about going into executive session at this point?

Legislator Abe Uchitelle

Yeah, I mean, Chairman Cahill, you know, I think, on any matter regarding the IDA because we are the originating jurisdiction for the composition of the IDA, I would imagine any topic relating to its composition or any change in its composition would absolutely be the purview of this committee.

Chairman Brian Cahill

Right. Well, this has nothing to do with that. As far as I know,

Legislator Abe Uchitelle

I believe it does. I believe the contents of the letter are specifically in relation to that, but I don't want to go for it. I have not brought this board. I just That's my personal opinion.

Chairman Brian Cahill

Okay. I heard you had your hand up, and then I'll get right back to you since everything. Yeah, I

Legislator Herbert Litts, III

mean, you guys have been frozen for the past four or five minutes. I missed a whole bunch of conversation. And I have no idea why we're going into executive session. Um, I mean, pending legal action? You know, I mean, there's a lot of stuff pending. I mean, we could sit here and talk about all kinds of things under the weather. But if there's no legislator, and no, you know, legal matter, no one's filed the case. I don't I don't know. I don't know what we're going to talk about. So, I missed the whole conversation as to why we were going in Executive Session.

Chairman Brian Cahill

Go ahead, Legislator Archer.

Legislator Lynn Archer

Thanks, Chairman. We and to the point that Legislator Uchitelle made, we do appoint the members of the IDA. We, we hand over authority to act on the behalf of this county as it relates to these PILOTS and projects and its people we put on the board. So, with any transaction, or any issue that crops up with that, with that body? I don't think we can wash our hands of it. I think that we are... I think that we are, are I think we should be responsible enough to have a conversation about what transpired and what we feel is appropriate or inappropriate with what happened all this. If you want to have it publicly. I'm happy to have the conversation publicly. But I think that given the fact that there's some question mark, about potential litigation, there's some question marks about... my understanding is that it was also put to the Ethics Board as well, as a letter was sent to the DA. Now, did anybody open a case? I have not heard. But again, until we have more facts, I just thought it was prudent to at least have a conversation as the Economic Development Committee, about a group that we sat a year and a half ago, so full of this issue.

Chairman Brian Cahill

So, I have two comments on that. One is if we interject ourselves into a situation that we're not part of what makes us any different than what the accusation is that the committee member to the Executive, what is the difference? It's a different subject. And it's a different situation. But it would be the Legislator, a Legislative committee, sticking their nose, right, in an independence board business, that's the first thing. The second thing is no one on the IDA has come to me, or to my knowledge to anyone in the in

the Legislature to the Chairman, to the majority leader to the vice chairman, to anyone in the legislature, and ask them to get involved in this situation and do something. No one has done that, that, in my opinion, the person who's making accusations and displaying, you know, issues with what happened is doing the right thing. He's going to the Ethics Board, he's going to the DA, and he went public. And I just don't know what our committee could add to that scenario at this point, other than putting ourselves in a position where we might be having to defend ourselves for something we have nothing to do with.

Legislator Lynn Archer

Well. May I respond? Or do you want to go to Herb?

Chairman Brian Cahill

No, go ahead, you go there, or you can go after later if you don't mind? Thanks.

Legislator Lynn Archer

Yeah, I hear what you're saying. But I would also say that when the allegations are about usurping the UTEP (Uniform Tax Exempt Policy) taking control of the UTEP, changing the body when there are things that were never even brought to this body, who again, designates the committee, puts the board together. There's never been a conversation with this body with regards to making all of those changes. Just the whole thing, it just it leaves me with a huge question mark about: then what is the role of Economic Development as it relates to the IDA?

Chairman Brian Cahill

Well, I think it's a simple role we appoint the members and then let them do their business. Right? And then if we...

Legislator Lynn Archer

And we have no, we have no, we have no other responsibility?

Chairman Brian Cahill

I think the only other responsibility we have after the IDA board has been appointed, is to approve or disapprove of any deviations that require the legislature to get involved. Otherwise, why do you have an independent board? It's for the exact, the exact opposite of what happened there. Where we should be staying away, letting them do their business without trying to influence them. That's the whole purpose of the IDA board, and why they are independent. Right? So, if we don't like how members of the board are behaving, that's our role, then we make a decision as a legislature.

Legislator Lynn Archer

But we've never even had a conversation. We've never even had a conversation.

Chairman Brian Cahill

About what?

Legislator Lynn Archer

What I think are some serious allegations...

Chairman Brian Cahill

about...

Legislator Lynn Archer

...about the way in which

Chairman Brian Cahill

...to anyone on this committee? No.

Legislator Lynn Archer

... the way in which business is being conducted in the bullying and strong arm tactics here at are alleged...

Chairman Brian Cahill

Again, I'll reiterate, they went to the DA, they went to the Ethics Board, they went to the press that went public, what would we add to that scenario? Legislator Litts.

Legislator Herbert Litts, III

Oh, I would just say, I wholeheartedly agree with Lynn that if and when we have an issue or a problem, and we look to need to change members of the board, or whatever, that is our function. Right now. I mean, the Ethics Board hasn't ruled. We don't know whether what's been done is right and wrong or indifferent. We can sit here and try to pass judgment on, on the issues. And that's not our role. We're not the Ethics Board. We're not the IDA. We do appoint the IDA. But they are an independent board. I mean, we we appoint people to, you know, Resource Recovery, but it's not our job to go in there and run Resource Recovery. If if in when litigation occurs or an issue that is bonafide, that comes forward, that factual information has been generated, then yes, I think we should have a discussion but right now we're putting the cart before the horse. We can talk about a whole bunch of things that may or may not be true may or may not be ethical may or may not be under our purview.

Chairman Brian Cahill

So, any other discussion? Go ahead, Legislator Archer? Oh, wait, Legislator Abe Uchitelle first, then you Lynn. Okay, go ahead, Abe. You're muted there.

Legislator Abe Uchitelle

Thank you. I, you know, I just want to say I think if, if the conversation is in regard to the membership of the IDA, the structure of the IDA, the practices of the IDA, the policies of the IDA, I welcome that conversation. If anyone on the committee wants to talk about any of those things, I think we should do it. Regarding you know, the content of the letter that was, you know, that we that we've read, you know, whether you read it in your email, or you read it in the Daily Freeman either would have worked. In... I don't I don't necessarily know that we or our constituents benefit from rehashing any of that. But I will say that when the membership of the IDA is called into question, I do think that we absolutely have a responsibility to be part of the conversation. So, you know, if that's if there's anything anyone wants to discuss on those topics, I think that we should definitely discuss it. But that's, you know, that's that's all that I have to say about this.

Chairman Brian Cahill

And to ,s point: that does not require executive session at this point, if we're talking about changes to the UTEP. Or when we get to appointing members, that's even public. So, I'm not sure you know, the requirement for executive session here. Legislator... I just want to say this. I want to ask our counsel real quick. So, Counselor Ragucci? Yeah. Do you think what do you think here? Do you think that this is, uh, you know, based on the discussion we've had here, you know, do you believe we should be in executive session? And I really don't even know why we're going in other than to discuss an accusation. You know,

Christopher Ragucci

I'll defer to Legislator Archer first. She has her hand up.

Chairman Brian Cahill

Okay. Good.

Legislator Lynn Archer

Yeah. I, The only thing I would say is that given what transpired and the lack of a communication and I think the way in which business is potentially being conducted or asked to be conducted, it does raise questions are with, with the body itself are... is the IDA operating in the way in which we want them to operate? And does this, does this matter bring to light any concerns we have about, you know, conversations notification? Yes, there's a level of autonomy. But a level of autonomy doesn't mean there's not communication. There's we've talked about this for years now of trying to get everybody around the table of working together in a partnership manner, each with its own set of responsibilities, but how they interact and work together. And to me, this raises all kinds of red flags with, with the with the body with the way in which things are transpiring.

And I think it's without casting aspersions on any one person, because we don't have all the facts. I think we as a as an economic development arm of this county would benefit from a conversation amongst ourselves of what transpired. How did how do we make things better? And are there question marks around personnel? And anytime you start to have questions around personnel, I find it's always better to have those conversations. Not publicly, but you know, but quietly, just to say.... and then we're not going to be making any decision on any one thing. But having I think, meaningful conversation that I think this this body should be having with regards to membership, the way things are operating the way things are working or not working. So. Yeah. With that I'll defer now. So

Chairman Brian Cahill

Counsel Ragucci.

Christopher Ragucci

Well, I think part of the issue that I'm seeing here is that there's just so much so many kinds of issues, you know, accusations, and I'm not sure what exactly is fact and what isn't fact. Not to suggest that anyone isn't speaking fact here. But, you know, obviously, we have a very high bar with respect to the open meetings law and going into executive session requires very specific things. And while I would hate to do it, I don't feel like this is a subject that should be addressed. without me having an opportunity to

really study the issue and maybe issue a written opinion on whether it's appropriate or not. I don't want to just give some off the cuff advice here and then have us challenged leave. Yeah,

Chairman Brian Cahill

I appreciate that. Had I known that someone was going to request us to go into executive session in this meeting I certainly would have let you know. However, I just found out about it and under old business, so you know, there's that part of it as well. So, I'm just going to call the question. All those in favor of going into executive session, please signify by saying yes or raise your hand. All those opposed to go into Executive Session, please raise your hand or signify by saying yes. I'm opposed post was okay. So I have four to one. Five to one. Sorry. So, with that, I'll move on to new business. Anything that we want to talk about? Anyone? Okay, great. I will accept a motion to adjourn.

Legislator Herbert Litts, III

So moved.

Chairman Brian Cahill

I just, just want to remind everyone that the next meeting is November 30th. Again, our December meeting is November, on my birthday. All anybody wants to celebrate

Legislator Herbert Litts, III

I made the motion.

Chairman Brian Cahill

Okay. Okay. Second?

Legislator Thomas Corcoran

Second.

Chairman Brian Cahill

All those in favor?

Committee Members

Aye. Aye.

Chairman Brian Cahill

Opposed.

Legislator Herbert Litts, III

Have a good night, everybody.

Chairman Brian Cahill

Thank you.