

**Government Efficiency and Review Committee
Regular Meeting Minutes**

DATE & TIME: February 11, 2016 – 4:30 PM
LOCATION: COB, 6th Floor, Karen Binder Library
PRESIDING OFFICER: Chairman John R. Parete
LEGISLATIVE STAFF: Jay Mahler, Legislative Staff
PRESENT: Legislators Belfiglio, Greene, R. Parete (4:45 PM) and Ronk
ABSENT: Legislator Loughran
QUORUM PRESENT: Yes

OTHER ATTENDEES: Tom Kadgen – League of Women Voters, Diane McCord, Supervisor –Town of Esopus, Cathy Quick, Deputy Supervisor - Town of Esopus, Evan Gallo, Deputy Ulster County Comptroller.

Chairman Parete called the meeting to order at 4:38 PM.

Motion No. 1: Resolution No. 88 – February 16, 2016

Text of Motion: **Moved to Postpone Resolution No. 88 for one month** – Setting A Public Hearing On Proposed Local Law No. 2 of 2016, A Local Law Amending Local Law No. 5 of 2000 (A Local Law Requiring Checkout Accuracy And The Clear, Accurate, And Adequate Display Of Selling Price), To Update The Consumer Protection Law To Allow For The Registration And Regulation Of Publicly Accessible Donation Bins, To Be Held On Tuesday, March 15, 2016 At 7:00 PM

Motion Made By: Legislator Ronk
Motion Seconded By: Legislator Belfiglio

Resolution No. 88 Summary: This resolution sets a public hearing on Tuesday, March 15, 2016 at 7 PM for the purpose of obtaining comments from the public on proposed Local Law No. 2 of 2016 to update Local Law No. 5 of 2000 to allow for the regulation and registration of donation bins.

Discussion

Chairman Parete introduced Deputy County Comptroller Evan Gallo to discuss the Proposed Local Law.

Mr. Gallo explained that the Comptroller’s Office sees the law as a consumer protection piece and compared it to the gasoline pricing accuracy law previously passed by the

Legislature. He continued by saying that the bill's aim was to protect the consumers of Ulster County from inadvertently donating to for-profit outfits when he or she intended to donate to a not-for-profit charity. He advised the members that the Comptroller's Office researched similar legislation from multiple jurisdictions in New York State and across the country including Huntington, Hempstead, and New York City in New York, and the states of New Jersey, Tennessee, Connecticut, as well as the NYS Attorney General's best practices. He informed the members that the law focuses on safety, disclosure and aesthetics and includes penalties for noncompliance. He reviewed the materials provided by the Secondary Materials and Recycled Textiles (SMART) Association and advised the members that he felt 85% of the concerns raised by the group were already incorporated into the bill. He asked if the members had any questions.

Chairman Parete thanked Mr. Gallo for coming and said he was glad Mr. Gallo reviewed the information provided by SMART. He informed the members that he would like to see the matter postponed to allow for discussions on any amendments that may be required. Mr. Gallo responded favorably and said that the suggested amendments he was aware of seem to be of a minor and technical nature.

Chairman Parete asked for clarification on whether not-for-profits and for-profit entities were both subject to the provisions of the law. Mr. Gallo said that the only distinction between the two was the waiving of the permit fee for not-for-profit entities.

Legislator Belfiglio expressed some concerns about the enforcement section of the law as currently written. He asked Mr. Gallo how the determination was made to have the Department of Health, Sanitation Division act as the code enforcement agent. He offered that the Consumer Affairs Department might be more appropriate. Mr. Gallo said that he was open to changing it. Legislator Belfiglio also expressed his desire to see a graduated fine schedule. Mr. Gallo responded that the fines were written as an "up to" amount. Legislature Chairman Ronk advised the members that his caucus agrees with Legislator Belfiglio and prefers to see lower fines for first offenses with a graduated increase.

Legislator Belfiglio asked if there was anything else in the law which puts the responsibility on the box operator to ensure that it doesn't turn into a garbage dump. Mr. Gallo responded that the maintenance responsibility is spelled out in Section 4.

Chairman Parete reiterated his desire to postpone the law to give time iron out some of the concerns expressed. Legislature Chairman Ronk asked if each box needed a separate permit or if the law required one permit for each operator. He recommended that be made clearer in the law rather than leaving it up to the County Clerk.

Legislator Greene mentioned that her caucus discussed whether there was an identified problem that needed correcting. She added that she has not noticed an issue with the boxes

she has seen but acknowledged that Legislator Belfiglio stated he has personally witnessed an issue with them. She added that she felt the law would go to the Energy and Environment committee if this committee did not exist. Legislative Chairman Ronk disagreed and said that the law would go to the Laws and Rules Committee and maybe the Health Committee which has oversight of the Health Department as they are charged with the enforcement, but not necessarily to Energy and Environment. Legislator Greene expressed her opinion that the issue could be seen as a solid waste matter.

Chairman Parete reminded the committee that the law was also based on efforts by the NYS Attorney General's Office in regards to consumer protection. Legislator R. Parete said that the issue was not about garbage but rather about charitable donations.

Motion Made By: Legislator Ronk
Motion Seconded By: Legislator Belfiglio

Roll Call Vote: No
Voting In Favor: Legislators Belfiglio, Greene, J. Parete, R. Parete and Ronk
Voting Against: None
No. of Votes in Favor: 5
No. of Votes Against: 0
Disposition: Carried

Chairman Parete began a discussion on the direction of the committee. He recognized Legislature Chairman Ronk to explain his thinking behind the creation of the new Standing Committee and his vision for its direction.

Legislature Chairman Ronk said that the Legislature has passed thousands of resolutions and hundreds of Local Laws and countless policies in the ten years he has been serving. He said his vision was to have the committee evaluate whether there may be instances of over legislating, whether business are being hindered, if stated goals are being met, and whether laws should be amended to be improved, or maybe rescinded. He added that kind of review adds to a more efficient, effective and responsive county government. Legislator Belfiglio added his support for reviewing past laws and stated his desire to evaluate the Sparkler Local Law. He said he was interested in knowing what the sales tax revenue was that the county received from the sale of sparklers.

Chairman Parete said he agreed with Legislator Belfiglio and Legislature Chairman Ronk and advised the members of a few laws that he has researched over the years that could use some follow up. He mentioned a policy passed in 2001 regarding Project Labor Agreements for construction projects in excess of \$1,000,000 which he did not think was happening. He also brought up a policy requiring healthy options in vending machines

passed in 2011 and advised the members that legislative staff did an unscientific study to see if the policy was being enforced in the machines in the county building. He informed the members that it appeared that the policy was not being enforced. He added his belief that this committee could be the most important committee in the county. He continued by referring to the False Alarm Law that was passed in 2015 and said that it should be relatively easy to see if the law makes a difference in a year or so. He said people ask him frequently for an assessment of the benefits of sale of the infirmary. He advised the members that he asked the administration for the amount that the property was insured for, but has not received a response in more than six months.

He continued by saying that there are a number of things that should be looked into to see how they are going. Legislator Belfiglio asked how far back the committee is charged with going back. Legislature Chairman Ronk responded that he intentionally left those particular criteria out to avoid limiting the committee.

Legislator Parete mentioned he would be curious to see how many people have been arrested based on the Dog Tethering Law. Legislator Belfiglio asked if the healthy options in vending machines specified a sugar content stating that should be a factor of the law if it is not already.

Legislator Parete suggested compiling a list of all Local Laws and policies enacted in the past five years.

Legislator Greene recommended a systematic evaluation of past measures and expressed her agreement with the need to assess if policies are being enforced, etc. She asked for clarification on the difference between this committee and the Laws and Rules committee. Chairman Parete explained that the Laws and Rules committee evaluates and passes laws and rules, they do not review past policies.

Legislator Parete gave the example of the Flow Control Law stating that the Laws and Rules committee won't be looking at the success or failure of the law but this committee can look into costs, rates, tonnage, effects on towns and residents and then determine if the law has had the intended outcome. He also cited a law passed regarding office sizes after it was revealed during the building of the new jail that individuals were requesting unjustifiably large offices. He continued by saying that the legislature should make sure that law is enforced when looking into renovations or relocation of the Family Court facilities.

Legislator Greene asked why the Department of Public Works wouldn't be the committee to require compliance with the office size legislation. Legislative Chairman Ronk

explained that the committee's charge is to evaluate legislation before them, not to revisit past laws. He continued by saying that one of the primary reasons he fought for the U&D Corridor Advisory Committee was because the Economic Development Committee had a lot of work on their plates as it was and adding too much responsibility to one or two committees results in repeated postponement of discussions. Chairman Parete added that the legislature is concerned with efficiencies, effectiveness, and economy and that should be the main consideration when looking into policies and/or services like rural transit; asking are they efficient, effective and economical.

Chairman Parete said the committee is also open to ideas and requests from all Legislators. Legislative Chairman Ronk added that other County Elected Officials like the Comptroller or Sheriff should also bring their ideas and requests forward.

Legislator Greene asked that other committees have an opportunity to weigh in on changes to law or policies. Legislator Parete explained that other committees would be involved in reviewing new or amending previous legislation and explained that no other committee of the legislature looks back. Chairman Parete added that if, for example, the committee reviewed the Project Labor Agreement legislation and determined it was not being complied with their findings would be brought to the appropriate oversight committee for action.

Legislator Greene asked if the committees charge is to review past legislation why was there a new law in front of them for consideration. Legislator Belfiglio explained that the committee was sponsoring the legislation. Chairman Parete added that the law comes from the Comptroller whose office the committee has oversight of.

Chairman Parete added that another possible avenue for action by the legislature on policies or services that are not being complied with would be to exercise their power of the purse. He continued by saying that Congress regularly reduces or eliminates funding for programs that are under performing.

Legislator Belfiglio mentioned that the county has a local law on recycling and asked who in the county is visiting establishments to ensure that it is being complied with. He added that the Resource Recovery Agency does not have the staff to make site visits. Chairman Parete added that the law applies to private citizens as well. Legislator Greene stated that it only takes a little bit of enforcement to get a lot of people to comply. She added that she would be very interested in following up on that.

Chairman Parete asked if there was anything else the members wanted to discuss on the charge of the committee and the conduct program evaluations. He reiterated his belief that there is a lot of potential for the committee. Legislator Parete said that multiple businesses have approached him with concerns about the RFP process in the county. He continued by saying that on at least one occasion a local county business was passed over for an out of county vendor and he feels that award decisions should be reviewed. Legislator Belfiglio mentioned that the county procurement policy is vast and complicated and set up to benefit the county; not the vendor or tax payer. He added that he believes that the county is doing the right thing, but that it could be reviewed.

New Business

Chairman Parete asked if there was any new business. Legislator Green asked if the committee meeting time could be later as it is a hardship for her to get to Kingston by 4:30 PM. Chairman Parete replied that he will take it under advisement and mentioned that he has to hire someone to work for him while he attends meetings.

There was a brief discussion on possible meeting times.

Chairman Parete reiterated his optimism for the potential for the work of the committee and asked if there was any other business. Hearing none;

Adjournment

Motion Made By: Legislator Belfiglio

Motion Seconded By: Legislator Greene

No. of Votes in Favor: 5

No. of Votes Against: 0

TIME: 5:26 PM.

Respectfully submitted this 14th day of March, 2016

Jay Mahler, Deputy Clerk

Minutes Approved: March 14, 2016