

Laws and Rules, Governmental Services Committee
Meeting Minutes

DATE & TIME: October 20, 2014 – 6 PM
LOCATION: Karen L. Binder Library, 6th Floor, COB, Kingston, NY
PRESIDING OFFICER: Chairman Richard Parete
LEGISLATIVE STAFF: Fawn A. Tantillo, Sr. Legislative Employee
PRESENT: Legislators Lynn Archer, David Donaldson, Kevin Roberts and Kenneth J. Ronk, Jr.
ABSENT: None
EXCUSED:
QUORUM PRESENT: Yes
OTHER ATTENDEES: Legislators Mary Beth Maio and Manna Jo Greene; Legislative Counsel Cappy Weiner; Chris White, Deputy Director of Planning; Marc Rider, Director of Purchasing; Vic Melville, League of Women Voters

Legislator R. Parete called the meeting to order at 6:05 PM.

Motion No. 1: Motion to approve the September 22, 2014 meeting minutes
Motion Made By: Legislator Ronk
Motion Seconded By: Legislator Donaldson
Discussion: None
Roll Call Vote: No
Voting In Favor: Legislators R. Parete, Archer, Donaldson, Roberts and Ronk
Voting Against: None
No. of Votes in Favor: 5
No. of Votes Against: 0
Disposition: Carried

Chairman R. Parete asked to discuss Late Resolution Nos. 385 to 389 first to allow Marc Rider, Director of Purchasing and Chris White, Deputy Director of Planning to speak.

Motion No. 2: Late Resolution Nos. 385, 386, 387, 388, 389 - October 20, 2014

Text of Motion: Taking the following Resolutions as a block:

Late Resolution No. 385 – Approving The Execution Of A Contract In Excess Of \$50,000.00 Entered Into By The County – Clove Excavators – Department Of Public Works- STRIVE

Late Resolution No. 386 - Approving The Execution Of A Contract In Excess Of \$50,000.00 Entered Into By The County – Hudson Valley Electrical Construction & Maintenance, Inc. – Department Of Public Works- STRIVE

Late Resolution No. 387 - Approving The Execution Of A Contract In Excess Of \$50,000.00 Entered Into By The County – Jersen Construction Group, LLC– Department Of Public Works- STRIVE

Late Resolution No. 388 - Approving The Execution Of A Contract In Excess Of \$50,000.00 Entered Into By The County – John W. Danforth Company– Department Of Public Works- STRIVE

Late Resolution No. 389 - Approving The Execution Of A Contract In Excess Of \$50,000.00 Entered Into By The County – S&L Plumbing and Heating Corporation– Department Of Public Works- STRIVE

Motion Made By: Legislator Roberts

Motion Seconded By: Legislator Archer

Resolutions Summary: These 5 Late Resolutions are all in connection with work being performed to complete the STRIVE project.

Discussion:

Committee members were given copies of a presentation giving an overview and some details of the STRIVE project.

Director Rider told the committee that Resolution Deadline was October 1, 2014 a Resolution was submitted minus the details of the successful bidders and the cost in the hope that such resolutions could simply be amended when the County had those details. He was informed that the Legislature preferred to do it this way.

Rider explained that the bid opening was October 9, 2014 and then qualifying the low bidder took a little over a week. The current time line for the project has a completion date that will allow the first classes to be scheduled in the fall of 2015. He the Construction Manager warned that waiting to approve these contracts until the November 18 Session would not only delay the project a month but could potentially cost \$100,000 or more.

Legislator Ronk recognized that every delay cannot be anticipated but asked Director Rider and Deputy Director White how certain they were that the STRIVE project will be finished on time to open for classes to begin for the Fall semester of 2015.

Rider and White explained more details of the time line that included a substantial competition date June 1, 2015. This allows about 30 days for any unanticipated delays and still gives SUNY Ulster a month to move their operation into the building. They also said other construction projects at Kingston High School were scheduled to begin next summer and any delay would create problems for some of the bidders who are also slated for that project as well as issues of staging equipment for both projects.

Legislator Donaldson reminded the committee that when the project was originally proposed it had a completion date of January 2014 at a cost of \$4.1 million and now has a completion date of the Fall of 2015 at a cost of almost \$8 million.

White said that the project has changed in significant ways since it was first proposed. The original project was to lease the building for 20 years instead of buying it. He described additional “green infrastructure” features that will be funded by the Pollitt Bureau as well as programmatic requests from SUNY Ulster to accommodate special instruction that included the addition of showers and lockers for the Police Academy. He explained other changes to the building and grounds to comply with ADA, building codes and storm water regulations.

White emphasized that the county leveraged new money and as the overall cost has gone up the revenue from various sources has also increased covering the additional costs. He said that a 7% contingency was built into the \$7.83 million dollar projection and 80 cents of every dollar actually spent will be funded by the State of New York.

Legislator Ronk asked if the balance of the cost was to be paid by SUNY Ulster in the form of rent to the County as originally planned insuring there will be no cost to taxpayers as originally promised.

Rider confirmed this and said SUNY Ulster said they can pay this without raising tuition.

Resolution Nos. 385, 386, 387, 388, 389

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

Motion No. 3: Resolution No. 343 – October 20, 2014

Text of Motion: Resolution No. 343 - Setting A Public Hearing On Proposed Local Law No. 11 of 2014 (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), To Provide Status Of Contract Negotiations) To Be Held On Tuesday, November 18, 2014 At 7:00 PM

Motion Made By: Legislator Ronk

Motion Seconded By: Legislator Roberts

Resolution No. 343 Summary: This Resolution will set a public hearing to receive comments on Proposed Local Law No. 11 of 2014 – a local law to ensure the Legislature has pertinent information about the statue of contract negotiations.

Discussion:

Legislator Donaldson asked Legislator Ronk, sponsor of Resolution No. 343, what he wanted to achieve with this proposed change.

Legislator Ronk said his goal was very simple and all he wanted was basic information such as the start and end dates of contracts. He gave an example of something that recently happened that troubled him as a Legislator: The County Executive announced that a Memorandum of Understanding was reached with CSEA and the only way the Legislature knew about it was because an errant fax from CSEA announcement of a vote to ratify the agreement was mistakenly sent to the Legislative Office. Ronk reported that the County Executive later confirmed this but didn't feel any need to update the Legislature on the process.

Legislator Donaldson pointed out that the Legislature would always find out eventually because the Legislature would ultimately approve any contract agreements. He said such reports would give little information because of the need for confidentiality.

Legislator Archer agreed with Legislator Ronk that it was a simple courtesy to keep the Legislative members informed but wondered if anything would be different about the approval process if the Legislature had these updates.

Legislator Ronk said the current County Executive may communicate well with Legislators but the rules and laws of the County must consider what would happen if that were not the case. While he recognized that much of the work of negotiating a contract must be confidential, as Legislators who ultimately approve the contract, they should be informed when key points in negotiations have been reached.

Legislator Ronk felt that Legislators have a responsibility as the appropriators to know the stage of ongoing contract negotiations because eventually the taxpayers are on the hook for retroactive salary increases. This proposed Local Law will create a paper trail for the Legislature and the public. Limiting who could make the request and how often they could be made would not create a burden if some future Legislator was unreasonable.

Chairman R. Parete said he could see both points of view. He felt that usually by the time the Legislature votes on the contract it is a “done deal”.

There was a brief discussion about the role of the Legislature in previous contract approvals and various issues such as binding arbitration.

Legislator Ronk offered the following amendment

In Section 2 - Section A3-4 add the words “to the Clerk of the Ulster County Legislature” so the section reads as follows:

Upon the request of the Chairman, Majority Leader or Minority Leader of the Legislature, but not more than once per quarter, the County Executive shall provide the status of all County employee contract negotiations to the Clerk of the Ulster County Legislature within two weeks of the day the request is made;

Seconded by Legislator Roberts

Discussion of Amendment:

Legislator Ronk explained that the wording was originally suggested by the Administrative Code Review Committee. He discussed this Proposed Local Law with the County Executive and he was more comfortable with this wording.

Legislator Donaldson felt the Proposed Local Law could have more “teeth” and should include specific information such as when negotiation meetings were taking place.

Legislator Archer wanted to know other information such as what years are being negotiated.

There was a brief discussion about how contracts were negotiated prior to the change in government, how select Legislators who once did the negotiations now have no idea what is going on, how it would be useful to know how long a negotiation took and what steps it took to reach an agreement before voting on it.

Legislator Roberts said the role of the Legislature is to approve the contract. He did not see what the purpose of a report to the Legislature would serve when the Legislature cannot impact any decisions being made in the negotiation. He said the County Executive will only tell us what he wants.

Legislator Ronk said this proposal will allow Legislators to keep up with where negotiations are such as: have things stalled, are we going to binding arbitration, has an arbitrator been chosen, has it gone before the public relations board, are we close to a settlement. He said the County waited almost two and a half years for an arbitrators report. As the appropriators, the Legislature must ultimately be able to anticipate that a huge expense is about to drop on us when we are deciding if we can afford to take over election costs.

There was a discussion about tweaking the proposal to make the reports mandatory and /or adding additional requirements. It was agreed to start with this proposal and tweek it if there is a need.

On the Amendment:

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

Resolution No. 343 as amended

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

Motion No. 4: **Resolution No. 349**– October 20, 2014

Text of Motion: **Resolution No. 349** - Adopting Proposed Local Law No. 6 of 2014, A Local Law To Establish A Sustainable Energy Loan Program In The County Of Ulster

Motion Made By: Legislator R. Parete

Motion Seconded By: Legislator Archer

Resolution No. 349 Summary: This resolution would adopt a Local Law authorizing the County of Ulster to implement this Energize NY Benefit Financing Program in cooperation with Energy Improvement Corporation (“EIC”), pursuant to Article 5-L of the New York General Municipal Law.

Discussion:

Chairman R. Parete reminded the committee that this Energy loan program has been discussed since February and everyone had an opportunity to ask questions. He recognized that some people may still have some concerns but feels it is a worthwhile program that has the potential to help homeowners and business owners obtain energy efficiencies and should move forward.

Legislator Ronk said he will not restate all of his concerns but must express his apprehension about putting the full faith credit of the county taxpayers behind an untested program. He recognized the good intentions of the EIC and people who support the program but pointed out that the company they will be joining with has not closed a single deal and the program is completely untested.

Legislator Maio asked if EIC has said anything about running a credit report on potential recipients.

There was a discussion about background checks, credit reports and due diligence; what kinds of people will be applying for these funds.

Legislator Donaldson agreed that a simple credit report would be good. He said some good people with good intentions get in over their head.

Legislator Greene pointed out that she and co-sponsor have spoken to every Legislator and suggested they contact the experts at EIC if they have any questions.

Legislator Donaldson offered the following amendment.

Add the words “such as a credit report” to SECTION 6. APPLICATION CRITERIA so that it reads as follows: 6. Such additional criteria, **such as a credit report**, not inconsistent with the criteria set forth above, as the County, or EIC acting on its behalf, may set from time to time.

Seconded by Chairman R. Parete

Discussion on the amendment:

There was a brief discussion if this change was substantive change. Counsel Weiner gave the opinion that it was not substantive but he also felt it was not necessary. In his opinion, Section 6 was a catch all and the words “Such additional criteria” could include a credit report if EIC feels it is necessary.

Legislator Greene said a change could be made if it made Legislator Maio more comfortable and EIC approved the change.

Counsel Weiner asked if it was true that citizens of the three Villages in Ulster County were not eligible to apply for this funding because they were not subject to foreclosure by the County. Chairman R. Parete confirmed this was true.

Counsel Weiner warned that in recent meetings with officials from the Villages they expressed their feelings that they are often treated differently than the City and Towns. There may be a constitutional question at some point because citizens of the state should be treated equally. He said it may never come up but wanted the members to be aware of this issue.

There was a brief discussion about other details that included billing, what happens if a participant doesn't pay the bill and/or taxes and how the program will be reported to the Legislature.

On the Amendment:

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

Resolution No. 349 as amended:

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

Motion No. 5: Resolution No. 348 – October 20, 2014

Text of Motion: **Resolution No. 348 -** Adopting Proposed Local Law No. 4 of 2014 (A Local Law Amending Local Law No. 2 Of 2006 (A Local Law Adopting A County Charter Form Of Government For The County Of Ulster, State Of New York) And Amending Local Law No. 10 Of 2008 (A Local Law Adopting An Administrative Code For The County Of Ulster, State Of New York), To Update The Term Of Membership To The Environmental Management Council)

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

Resolution No. 348 Summary: Currently membership on the Environmental Council is limited to 6 years. This Resolution, if adopted, will remove that limitation.

Discussion: None

Resolution No. 348

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

Motion No. 6: Resolution No. 367– October 21, 2014

Text of Motion: **To refer Resolution No. 367 back to the Public Health Committee :** Resolution No. 367 - Setting A Public Hearing On Proposed Local Law No. 14 of 2014 (A Local Law Entitled “The Ulster County Tobacco Free School Zone Law”) To Be Held On Tuesday, November 18, 2014 At 7:15 PM

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

Resolution No. 367 Summary: This Resolution will set a public hearing to receive comments on Proposed Local Law No. 14 of 2014 – a local law that would establish regulations for the sale of tobacco products in Ulster County.

Discussion:

Legislator Ronk told the committee that the County Attorney requested it be referred to allow them to make some changes.

Motion to refer Resolution No. 367:

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

Motion No. 7: **Resolution No. 368**– October 21, 2014

Text of Motion: **To refer Resolution No. 368 back to the Law Enforcement, Public Safety Committee.** Resolution No. 368 - Adopting Proposed Local Law No. 10 of 2014 (A Local Law Respecting the Outdoor Restraint of Companion Animals)

Motion Made By: Legislator Ronk
Motion Seconded By: Legislator Archer

Resolution No. 368 Summary: The Resolution would establish regulations for tethering dogs.

Discussion:

Legislator Ronk said the following changes have been proposed by the sponsor, Legislator Ken Wishnick:

In SECTION 3, c.) Strike the words “The dog must be tethered in a reasonable manner that prevents entanglement around trees, poles or other obstacles.”

In SECTION 3, g.) Strike the words “in a manner that prevents entanglement with each other.”

In Section 3, j.9, (i.) strike the words “excessive”, “dirty water”, “dangerous” and “upon conduct and add the words “or conditions” so that (i) reads as follows: “Exposure to animal waste, garbage, noxious odors or objects or conditions that could injure or kill a dog.

In the fourth paragraph of Section 4 add the words “not to exceed \$5000.” so that the first sentence reads as follows: “For a third or subsequent violation, the fine shall be one thousand dollars and/or 150 hours of community service plus surrender of dog, if ordered by court, plus costs of investigation and prosecution, not to exceed \$5,000.”

In the fifth paragraph of Section 4 add the word “and/” so the paragraph reads as follows: “Fines collected pursuant to this Section shall be deposited with the Ulster County Commissioner of Finance, identified with a separate General Ledger account number in the Sheriff’s budget, and shall be used for animal protection education in the County of Ulster and/or the maintenance of an animal abuse registry as may be lawfully established.”

In Section 5 add the words “Tethering a dog for less than 15 minutes in a public location shall be exempt from this law.”

Legislator Ronk felt these are substantive changes and should be made in the Law Enforcement Public Safety Committee and a new public hearing needs to be scheduled. He pointed out that he has suggested many of these changes when the proposed local law was first discussed.

Legislator Archer said these changes were discussed in the Democratic Caucus and she understood at that time that Counsel Weiner said they were not substantive.

Legislator Ronk pointed out that he was not at the Democratic Caucus and did not see the proposed changes until today.

Legislator Parete felt one more month didn’t make a difference but added that he had issues with the fines.

Counsel Weiner said in general the penalty for a first violation has some kind of educational component. There was general agreement that this was a good idea and should be included. Counsel Weiner told the committee that Legislator Wishnick did not support this change.

Legislator Maio reminded the committee that one of the speakers at the public hearing from the SPCA said they would need additional funding to implement this Proposed Local Law.

Motion to refer Resolution No. 368:

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

Motion No. 8: Resolution No. 370 – October 21, 2014

Text of Motion: Resolution No. 370 - Establishing A Policy For The Naming Of County-Owned Assets

Motion Made By: Legislator Archer
Motion Seconded By: Legislator Roberts

Resolution No. 370 Summary: The Resolution would establish a policy and procedure for the naming of County-owned assets such as bridges, roads, parks and buildings.

Legislator Archer offered the following amendment:

To strike the first Whereas referencing the County Executive.

Seconded by Legislator R. Parete

Discussion: None

On the Amendment:

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

Resolution No. 370 as amended

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

Motion No. 9: Late Resolution No. 382– October 21, 2014

Text of Motion: To accept **Resolution No. 382** for Lateness and move **Resolution No. 382** - Abandoning Portions of Old Albany Post Road, County Road Number 79, Town of Gardiner, to Various Adjoining Property Owners, Removal of a Portion of Said Road From County Road Map, and Authorizing the Chairman to Sign Agreement(s) with the Town of Gardiner and Various Adjoining Property Owners

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

Resolution No. 382 Summary: This Resolution would authorize the Chairman to sign an agreement to sell various portions of the County Right of way along Old Albany Post Road, County Road Number 79 to adjoining property owners.

Legislator Ronk offered the following amendment:

To accept the changes in bold type throughout the resolution.

Legislator Ronk explained that the changes clarified the Resolution.

Seconded by: Legislator R. Parete

Discussion: None

On the Amendment:

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

Resolution No. 382 as amended

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

Motion No. 10: Late Resolution No. 383– October 21, 2014

Text of Motion: To accept **Resolution No. 383** for Lateness and move **Resolution No. 383** - Authorizing The Chairman Of The Ulster County Legislature To Execute Inter-Municipal Agreements With Various Police Agencies For The Provision And Installation Of Video/Audio Recording Equipment - District Attorney's Office

Motion Made By: Legislator Donaldson
Motion Seconded By: Legislator Roberts

Resolution No. 383 Summary: This Resolution would authorize the Chairman to sign inter-municipal agreements to purchase and install video/audio recording equipment for various police agencies.

Discussion:

Legislator Archer asked why the Resolution was late.

Legislator Ronk explained that the grant was approved in March of this year. Since that time the DA's office has been working with the municipalities to see what equipment was needed. Contracts were put out to bid. Now everything is in place it is important to implement the program before the end of the calendar year in order to protect the grant money.

Resolution No. 383

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

Motion No. 11: Late Resolution Nos. 384 and 390 – October 21, 2014

Text of Motion: To accept the following Resolutions for Lateness and move them as a block

Late Resolution No. 384 - Approving The Execution Of A Contract Amendment In Excess Of \$50,000. Entered Into By The County – Correctional Medical Care– Ulster County Sheriff

Late Resolution No. 390 - Nullifying Resolution No. 253 Of July 15, 2014, And Approving The Execution Of A Contract In Excess Of \$50,000.00 Entered Into By The County – Correctional Medical Care Inc., CBH Medical, P.C., And SM Dental, P.C. – Ulster County Sheriff

Motion Made By: Legislator Roberts

Motion Seconded By: Legislator Ronk

Resolution No. 384 Summary: The Resolution will approve the Chairman of the Legislature signing contracts in excess of \$50,000 for medical services at the Ulster County Jail

Resolution No. 390 Summary: This Resolution would nullify a contract previously approved.

Discussion:

Legislator Ronk explained that the NYS Attorney General’s Office had a complaint about this vendor and did an audit of the vendor. As a result the company was split into three companies so the original contract is null and void. Resolution No. 390 will rescind the approval of the original contract approved in July. Resolution No. 384 will allow Ulster County to enter into new contracts for the same services to be provided by these three new companies.

Resolution No. 384 and 390

Roll Call Vote: No

Voting In Favor: Legislators R. Parete, Archer, Donaldson, Roberts and Ronk

Voting Against: None

No. of Votes in Favor: 5

No. of Votes Against: 0

Disposition: Carried

Old Business

None

New Business

None

There being no further business before the Committee, a motion was made by Legislator Donaldson, seconded by Legislator Ronk and carried to adjourn the meeting at 7:08 PM.

Respectfully submitted this 31st day of October, 2014
Fawn A. Tantillo, Senior Legislative Employee
Minutes Approved on November 17, 2014.