

**Laws and Rules, Governmental Service Committee
Meeting Minutes**

DATE & TIME: April 14, 2014 – 6 PM
LOCATION: Karen L. Binder Library, 6th Floor, COB, Kingston, NY
PRESIDING OFFICER: Chairman Richard Parete
LEGISLATIVE STAFF: Jay Mahler, Deputy Clerk
PRESENT: Legislators Archer, Donaldson, Roberts (arrived 6:20PM), Ronk
ABSENT: None
EXCUSED: None
QUORUM PRESENT: Yes
OTHER ATTENDEES: Legislator Mary Wawro, Sheriff Paul VanBlarcum, Tom Kadgen and Vic Melville from League of Women Voters.
Legislator R. Parete called the meeting to order at 6:05PM.

Motion No. 1: Motion to approve the March 4, 2014 special meeting minutes
Motion Made By: Legislator Archer
Motion Seconded By: Legislator Donaldson
Discussion: None
Roll Call Vote: No
Voting In Favor: Legislators R. Parete, Archer, Donaldson, Ronk
Voting Against: None
No. of Votes in Favor: 4
No. of Votes Against: 0
Disposition: Carried

Motion No. 2: Motion to approve the March 17, 2014 meeting minutes
Motion Made By: Legislator Ronk
Motion Seconded By: Legislator Archer
Discussion: None
Roll Call Vote: No
Voting In Favor: Legislators R. Parete, Archer, Donaldson, Ronk

Voting Against: None
No. of Votes in Favor: 4
No. of Votes Against: 0
Disposition: Carried

Motion No. 3: Resolution No. 81 – April 15, 2014

Text of Motion: **Resolved to approve Resolution No. 81** – Denying The Use Of The County Seal Or Any Other Ulster County Identification With Regard To The New York Safe Act

Motion Made By: Legislator Donaldson

Motion Seconded By: Legislator Ronk

Resolution No. 81 Summary: This Resolution will prohibit any state department from using the Ulster county Seal in any way associated with the NYS SAFE Act, including on websites and “recertification” notices to pistol permit holders.

Discussion: Several Legislators had questions and there was a brief discussion about waiting for County Clerk Nina Postupack.

Legislator Donaldson said he had the answer to one question. He felt that according to the County Charter the legislature did not have the authority to do this in the first place. He told the committee that the Charter states the County Seal is used at the sole decision of the County Executive.

Legislator Ronk disagreed and told the committee the Charter states only that the seal of the county shall be the seal of the County Executive. He feels that only prevents him from designing his own seal not determining where or when it is used.

Legislator Archer said she also had questions about the resolution limiting the use of the county mailing address. She had discussed this with Counsel Weiner who felt this was too broad a statement.

Sheriff VanBlarcum reported that this same wording had been used by at least 35 other counties and to date none had been challenged.

Legislator Donaldson said that did not a guarantee that it was correct. He asked what will happen when people are required to renew their pistol permits in 5 years and cannot find what address to use or go to.

Sheriff VanBlarcum said it will not be an issue. All the information about getting pistol permits is on his web site. For individuals who need to renew their former lifetime

permits in 5 years – he will refer them to the State web site. According to the SAFE Act, the new 5 year renewals are being done by the New York State Police and pistol permit holders will not need to contact the County.

Legislator Archer pointed out that the third “Whereas” says that County officials were aware that the State was planning to use our County Seal on their web site and asked the Sheriff if the County received any notification from the State of their intentions to use the County Seal as an identification mark on the web site.

Legislator Ronk, reading from an email from County Clerk Postupack, told the committee she reported receiving notification from the County Clerk’s Association. It said the pilot recertification flow project template of the new web site used Albany County as an example and used the County Seal of Albany County on the template.

Sheriff VanBlarcum felt it was important to make it clear the County is not associated with this SAFE Act or the 5 year renewal. Several Legislators did not realize the 5 year renewal of pistol permits was a program administered solely by the State of New York.

Legislator Ronk agreed and pointed out that this is a particularly unpopular part of the SAFE Act. He felt there would be a lot of unhappy constituents and he wanted to insure that the State does not “pass it off” on the Counties by using our County Seal or letterhead.

Legislator Wawro felt it was important to support the Ulster County Sheriff and the Ulster County Clerk who clearly support this resolution. Additionally, the Legislature has taken a stand against the SAFE Act and this is consistent with that position.

Legislator Donaldson pointed out that he did not support that stand against the SAFE Act.

There was a brief discussion that the resolution had passed the Law Enforcement and Public Safety Committee who were eager to support it.

Legislator R. Parete asked if anyone knew of any other program or web site where the State currently uses the County Seal.

Legislator Donaldson thought the State might use the County Seal on the State Social Services web site.

Legislator Ronk said it does not but unlike this proposed use, the State Social Services web site has a link directly to the Ulster County web site where Social Service programs are administered. The County will not administer the 5 year renewals of pistol permits. This renewal is administered by the State Police.

Legislator R. Parete asked Sheriff VanBlarcum if we know the State is actually planning to use our County Seal or is this just to let the State know not to consider using it. Sheriff VanBlarcum said both. The State Sheriff’s Association feels this is an attempt by the State to make it appear that the local County officials are “on board” with these changes and most Counties are not.

Legislator Ronk, quoted a letter from the County Clerk’s Association saying that the Association had asked for formal confirmation that the State would not use County Seals without the approval of the individual Counties in association with the SAFE Act and the State had not responded.

Sheriff VanBlarcum told the committee that right after the SAFE Act was passed he received a phone call from Albany and was asked if he had any problem if they used the County Seal in association with State correspondence to pistol permit holders. He told them he did not want the County Seal or any reference to the Ulster County Sheriff’s Office used in association with the SAFE Act or any associated correspondence.

There was a brief discussion about changing the resolution to just forbid the used of the County Seal for any programs the county does not administer. Legislator Ronk noted that Orange County passed a resolution in 1999 requiring County approval to use the County Seal, County flag and 14 other items without their authorized consent. He plans to bring a similar resolution forward in the future.

Roll Call Vote:	No
Voting In Favor:	Legislators R. Parete, Archer, Donaldson, Ronk
Voting Against:	None
No. of Votes in Favor:	4
No. of Votes Against:	0
Disposition:	Carried

Motion No. 4: Resolution No. 118 – April 15, 2014

Text of Motion: **Resolved to approve Resolution No. 118** - Confirming The Appointment Of Dorraine Whitney As Insurance Officer

Motion Made By: Legislator Ronk

Motion Seconded By: Legislator Archer

Resolution No. 81 Summary: This Resolution will confirm the appointment of Dorraine Whitney as Insurance Officer.

Discussion:

Roll Call Vote: No
Voting In Favor: Legislators R. Parete, Archer, Donaldson, Ronk
Voting Against: None
No. of Votes in Favor: 4
No. of Votes Against: 0
Disposition: Carried

Motion No. 5: **Resolution No. 123** – April 15, 2014

Text of Motion: **Resolved to approve Resolution No. 123** - Adopting Proposed Local Law No. 1 of 2014, A Local Law Applying The Salary Revisions of Resolution No. 69 Of 2014 To All County Officers Serving For Fixed Terms

Motion Made By: Legislator Donaldson

Motion Seconded By: Legislator Ronk

Resolution No. 123 Summary: This Resolution will apply salary revisions passed in Resolution 69 to Country Officers serving fixed terms including the two Commissioners of Elections, Commissioner of Public Health, Commissioner of Social Services, Personnel Director and Real Property Tax Service Agency Director which can only be done through Local Law.

Discussion: None

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

Motion No. 6: **Resolution No. 126** – April 15, 2014

Text of Motion: **Resolved to approve Resolution No. 126** - Confirming Appointment Of Member To The Ulster County Board Of Ethics

Motion Made By: Legislator Archer

Motion Seconded By: Legislator Donaldson

Resolution No. 126 Summary: This resolution will confirm the appointment of Alan Lomita to the Ulster County Board of Ethics

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

Motion No. 7: **Resolution No. 147** – April 15, 2014

Text of Motion: **Resolved to approve Resolution No. 147** - Supporting The Passage Of New York State Senate Bill 06417 And Assembly Bill 08740, An Act To Amend The Election Law, In Relation To The Reimbursement To Counties And The City of New York Of The Costs Associated With Administering Primary Elections

Motion Made By: Legislator Archer

Motion Seconded By: Legislator Ronk

Resolution No. 147 Summary: This resolution will support proposed New York State legislation taking over the cost associated with administering extra primaries.

Discussion: Legislator Archer expressed her frustration that the Counties must hold two primaries in order to comply with federal requirements and that the Senate and Assembly cannot come to an agreement on how to resolve these issues.

Legislator R. Parete pointed out this is a problem that was created by the Federal Government. He feels starting the process in March for an election that is 8 months away makes it hard for voters to follow the process.

Legislator Archer spoke about the confusion created by two separate primaries, two sets of petitions and ballots, as well as the extra cost to the taxpayers. She is disappointed that our State Officials cannot come to an agreement on a reasonable way to streamline the process for one Primary. She feels the cost of this should not be on the backs of the County or the Towns.

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

Motion No. 8: Late Resolutions No. 148, 149 and 150 (LATE) – April 15, 2014

Text of Motion: Resolved to approve Late Resolutions No. 148, 149 and 150 – Approving contracts in excess of \$50,000 for LM Sessler Excavating and Wrecking, Inc., New Century Construction, LLC., and Creighton Manning Engineering, LLP respectively.

Motion Made By: Legislator Donaldson

Motion Seconded By: Legislator Ronk

Resolution No. 148 Summary: This resolution approves a contract in the amount of \$144,000 with LM Sessler Excavating and Wrecking, Inc. for the demolition, removal and disposal of the Hurley Bridge over the Esopus Creek in the Town of Hurley.

Resolution No. 149 Summary: This resolution approves a contract in the amount of \$884,200 with New Century Construction, LLC. for the construction/deck replacement for the Sauer Bridge on Glasco Tpke in the Town of Saugerties

Resolution No. 150 Summary: This resolution approves a contract in the amount of \$125,840 with Creighton. for the construction/deck replacement for the Sauer Bridge on Glasco Tpke in the Town of Saugerties

Discussion: Legislator Ronk said that these resolutions were late because the contracts are not completed but work needs to begin before the next Legislative Session.

There was a general discussion about details of each bridge. Committee members felt that there is an urgency to proceed with all three bridges for the convenience of the community and public safety

Roll Call Vote: No

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

Voting Against: None

No. of Votes in Favor: 5

No. of Votes Against: 0

Disposition: Carried

New Business

Ulster County Resource Recovery Agency (UCRRA)

Legislator Donaldson told the committee that the Legislative Clerk received two other late resolutions making appointments to the RRA Board and questioned why they did not come before the Laws and Rules Committee tonight. There was a brief discussion about the process for handling late resolutions and determining if they meet the criteria for consideration as late resolutions or being held over to the following meeting.

Legislator R. Parete said he was aware that both the Chairman of the Legislature and Tracey Bartels, Chairman of the Environmental and Energy Committee, had requested these resolutions be held until June.

Legislator Ronk read the five criteria for late resolutions to be considered and said any late resolution must meet 2 of the 5 criteria.

There was a discussion of the upcoming appointments to the UCRRA Board addressed in these late resolutions.

Old Business

Charter Discussion

Legislator Archer told the committee that there were many issues left on the table during previous discussions about the charter.

Legislator Donaldson felt that the Legislature should take a look at different boards and how members are appointed. He pointed out that the recent changes in the Ethics Board appointments giving them the protection of a fixed term should be considered for other boards.

There was a discussion about formalizing requirements for resumes for appointments so Legislators know something about the individuals being appointed to the various positions and boards.

There being no further business before the Committee, a motion was made by Legislator Donaldson seconded by Legislator Roberts and carried to adjourn the meeting at 6:59 PM.

Respectfully submitted this 19th day of May, 2014
Jay Mahler, Deputy Clerk
Minutes Approved on: May 19, 2014