

**Laws & Rules, Governmental Services Committee**  
**Special Meeting Minutes**

**DATE & TIME:** March 6, 2019 – 7:00 PM  
**LOCATION:** KL Binder Library, 6<sup>th</sup> Floor, County Office Building  
**PRESIDING OFFICER:** Chairman Donaldson  
**LEGISLATIVE STAFF:** Jay Mahler, Deputy Clerk  
**PRESENT:** Legislators Bartels, Heppner, Roberts, Rodriguez & Ronk  
**ABSENT:** None  
**QUORUM PRESENT:** Yes

**OTHER ATTENDEES:** Legislators Greene, Nolan & Joseph Maloney, Legislative Counsel Ragucci, Minority Counsel Pascale, Commissioners Thomas Turco and Ashley Dittus – UC Board of Elections, Deputy Superintendent Allen Olsen – Kingston Consolidated School District, Tom Kadgen – League of Women Voters, Jeremy Russell – Citizen, Patricia Doxsey – Daily Freeman

Chairman Donaldson called the meeting to order at 7:00 PM.

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Chairman Donaldson introduced Board of Elections Commissioners Turco and Dittus and Kingston School District Deputy Superintendent Allen Olsen and asked them to give an update on the situation with School District Elections. He explained that many Legislators have been contacted with some concerns with differences in the partnership between schools and the BOE from past years, adding that it seems there has been some progress in recent weeks. Mr. Olsen advised the members that election officials were concerned about the upcoming of elections and the changes on the state end, adding that schools were also concerned with effects on the conduct of their own elections. He added that he felt the Kingston school district has been generous with allowing the use of their facilities for elections and believes they have reached a compromise. Commissioner Dittus advised the members that they informed school districts in the fall that they would not be allowing them to use BOE voting systems for their 2019 elections because of election calendar changes at the state. She added that the Board could no longer handle the programming of voting systems, testing the systems, printing poll books, and training and securing inspectors. Chairman Donaldson asked who was responsible for those tasks in the past. Commissioner Dittus responded that the BOE handled that in the past and then charged back the schools for any expenses. She explained that BOE staff could no longer handle those responsibilities, but they have agreed to handle the voting system programming and testing for the schools. The rest of the responsibilities will now fall to the schools. She informed the members that some school districts are more cooperative than others, advising the members that New Paltz, for example, no longer allows the use of their facilities for elections. Meetings with Onteora, Saugerties, Ellenville, Rondout and New Paltz have been scheduled.

Legislator Heppner asked if a list of qualified inspectors would still be provided to the schools and whether the poll book data would come from the BOE. Commissioner Dittus responded would continue to provide that information. Commissioner Turco informed the members that many years ago, after the enactment of the Help America Vote Act schools, were advised that they would have to move away from lever machines. He added that basically now the administrative end of the conduct of elections will fall back to the schools and the technical voting system end will remain

with the BOE now that the political calendar has changes. Chairman Donaldson asked who pays for the printing of the ballots. Commissioner Turco explained that data is sent to the BOE's ballot printer, but the school district pays the vendor directly for the ballots. Mr. Olsen advised the members that a main issue schools faced was receiving notification that they may need to purchase their own voting machines months after their budgets were adopted. He added that the poll book printing services may be very expensive. He advised the members that it appeared the BOE enjoys an agreement with the company which includes reduced rates.

Legislator Ronk asked if all school districts have agreed to allow the use of their facilities for General Elections. The Commissioner responded that conversations are still ongoing, but New Paltz has since agreed to allow usage again. Chairman Donaldson informed the members that Kingston has scheduled a conference day on election day so students are not on the grounds. Legislator Ronk asked if the board has agreed to allow the use of systems. The Commissioners responded that they have. Legislator Roberts stated that Wallkill Schools have decided to work with the Orange County BOE and asked if Ulster County would open a dialogue to have Ulster provide services moving forward. The Commissioners responded that they would be willing to meet with the school district.

Chairman Donaldson asked the Commissioners to keep the committee updated. Commissioner Turco reminded the members that Poll Site Agreements will come to the Legislature for adoption. Chairman Donaldson asked if the BOE budget would be affected. Commissioner Dittus explained that the schools are charged back for all costs associated with the conduct of their elections, so the BOE budget will not be effected. Legislator Heppner asked Mr. Olsen if the school districts have evaluated effects to their budgets. Mr. Olsen responded that they have had to reduce the number of poll sites because of the available number of voting systems so that may reduce costs. He added that the district is concerned about voter turnout with the poll site reductions. Chairman Donaldson asked why the school districts cannot piggyback on the BOE's contract for poll book printing. Commissioner Turco responded that they have a contract with a vendor for a certain number of elections each year and stated that school districts are not bound by the same printing restrictions as the BOEs and could use a less expensive local vendor. Chairman Donaldson asked if schools could print their own books. Commissioner Dittus responded that some smaller districts print their own books, but was not sure if a district the size of Kingston could manage it.

Chairman Donaldson asked if there were any other questions and hearing none thanked Mr. Olsen for his time. He asked the Commissioners to remain to offer their opinion on Resolution No. 481 of 2018.

**Resolution No. 481 of 2018:** Establishing A Policy To Prohibit The Use Of Public Funds To Place The Likeness Or Name Of Elected Officials On All Ulster County Board Of Elections Material

**Resolution Summary:** This resolution establishes a policy to prohibit County elected officials from appearing by likeness, picture, or be named, or otherwise be identified or referenced on any Ulster County Board of Elections material, including but not limited to, signage, publications, mailings and the Board of Elections website.

Legislator Joseph Maloney stated that the former County Executive's image and news posts have since been removed from the BOE website. Commissioner Turco stated that the BOE had expressed concerns with the image of the County Executive on their web page, but informed the

members that they do not administer the website. He added that the BOE feels their website should be separate from the county. Legislator Heppner asked if the BOE has put in a budget request for a separate site. Chairwoman Bartels stated that she felt a separate site was a reasonable request. Legislator Joseph Maloney stated that he was willing to withdraw his resolution pending a successful resolution to the issue. Chairwoman Bartels suggested that Legislator Joseph Maloney leave his resolution on the table, because enactment would simply result in a temporary policy until and if the BOE is successful in securing a separate site.

The members discussed various ways to support the BOE's efforts to secure an independently administered site and asked the Commissioners to keep them apprised of conversations with the Information Services Department.

**Motion:** To draft a letter from the Committee supporting an independently maintained website for the Ulster County Board of Elections.  
**Motion by:** Legislator Ronk  
**Second by:** Legislator Rodriguez  
**Voting In Favor:** Legislators Bartels, Donaldson, Heppner, Roberts, Rodriguez & Ronk  
**Voting Against:** None  
**Votes in Favor:** 6  
**Votes Against:** 0

Chairman Donaldson asked if there were any other questions for the Commissioners. Legislator Maloney advised the members that he has concerns, and has spoken to people who share his concerns, about the Deputy Commissioner of the Board of Elections being an elected official and running for office. He asked Commissioner Dittus if she was concerned as it is her Deputy and asked Turco if he was comfortable with it. Commissioner Turco responded that he was not comfortable with it and would never allow it in his staff. Commissioner Dittus responded that she is not concerned and has checked with the State and County Attorney to verify it is allowable. She added that he will not be permitted to participate in any matter involving the Town of Rosendale.

Chairman Donaldson asked if the Deputy is running for office and stated that there would certainly be a perception of favoritism. Commissioner Turco expressed his agreement and said there would unquestionably be an effect on the workload of the staff as a result. Legislator Joseph Maloney stated that the Deputy's candidacy could very likely discourage individuals in the town from running. Legislator Ronk stated that, in theory, staff at the office reports to the Deputy which could add to the perception of a unfair advantage. Commissioner Turco stated that there will be checks and balances from the other side and offered his opinion that the state should change the law to prohibit it. Chairman Donaldson said that although it may be allowable, it shouldn't be the practice.

Legislator Joseph Maloney asked Chairwoman Bartels and Majority Leader Heppner for their thoughts on it. Legislator Heppner responded that this was the first time he was hearing the concern and stated that the practice is legal, adding that similar to Legislators recusing themselves when conflicts arise, the BOE should have the same ability. Chairwoman Bartels stated that she was not familiar with the way the state law is written and was not sure if there was action that could be taken at the county level. Legislator Joseph Maloney commented that, absent legislative action, the BOE should take it upon themselves to do the right thing and not allow the practice.

Chairman Donaldson asked if there were any other matters pertaining to the Board of Elections that the members wanted to discuss and hearing none, he thanked the Commissioners for their time.

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**Resolution No. 120:** Amending The Rules Of Order To Modify Resolution Deadline

**Resolution Summary:** This resolution amends the Rules of Order to modify Resolution deadline to require that Regular Resolutions be filed with the Clerk of the Legislature not later than 12:00 noon twelve days in advance of the first Regular meeting date of Committees.

Chairman Donaldson asked if there was any discussion on the resolution. Legislator Ronk informed the members that it was his understating that there was a compromise offered to move the date to Monday with an offer of a meeting with Department Heads, Committee Chairs and Deputy Chairs on the following Friday. Chairwoman Bartels explained that Legislator Archer was the one who did the leg work communicating with the Executive's Office. She added that Legislative staff would greatly benefit from the additional time and, while a meeting with Executive staff could be helpful, Legislators still need more time to review Resolutions and backup documentation before committee meetings begin. She stated that many counties have this amount of time and did not understand why one week was such a big ask. Chairman Donaldson suggested making the deadline based on the date of the Legislative meeting. The members discussed the possibility of moving committee meetings, changing the deadline day to seven days before the start of committee meetings, and changing to full day committee meetings. Legislator Ronk stated that he was opposed to full day committee meetings. Legislator Nolan expressed concern with the hardship that the change will create for the administration. She added that deadlines from the state and other entities outside county government would also be complicated and possibly jeopardized.

Legislator Rodriguez informed the members that his attempt the prior year to move the deadline up by two days was met with dramatic push back from the administration. He added that the Clerk has a lot of work to do in order to get the Resolutions in acceptable form with the appropriate back up. Legislator Heppner questioned the argument that a change in the deadline will create more work, rather just a shift in the work. He added that that the administration has a good number of staff who should be able to handle a shift in the work, compared to a small legislative staff. Legislator Ronk stated that he believed the change will create many more late resolutions, especially those based on the RFP process. The members discussed whether the RFP process could be amended to accommodate the new deadline.

Legislator Roberts commented that the Laws & Rules Committee used to get many late resolutions and questioned if the additional late resolutions created would meet the criteria. He also asked if there might be some benefit to having different deadlines based on the relevant committee's meeting date. Legislator Ronk commented that the Executive's office and Clerk do not always agree on the committee that should be reviewing a resolution. Legislator Nolan stated that a week change could result in a delay in the receipt of funds for organizations which provide services and would require the Administration's staff to work more. Legislator Ronk asked how many more questions would actually result with the change. He stated that he would be willing to move the deadline to Monday to start. He added that he felt the meeting with Executive's staff and Committee Chairs and Deputies was a good offer of compromise. Chairwoman Bartels stated that she was not convinced that RFP deadlines could not be moved and mentioned instances in the past when the Legislature

asked for changes in information sharing processes which were met with excessively dramatic excuses and pushback. She added that part time legislators who also work need the additional time to get in touch with Executive staff as well as each other. Legislator Rodriguez stated that the Legislature has a habit of shortchanging themselves and repeated the substantial pushback that he received when he asked for an extra day or two. Legislator Roberts asked if the Chair would be in favor of phasing in the change. The Chair responded that she would discuss with Resolution sponsor Legislator Archer.

Chairman Donaldson moved the discussion on to another proposed Rules change to change the authority to appoint legislative staff from the Clerk of the Legislature to the Chair of the Legislature. Legislator Ronk stated that the only reason to change the appointment authority is to bring politics back into the Legislative Office. Legislator Joseph Maloney stated that one of the ways to empower the Chair of the Legislature is to give him or her the power to make appointments. Legislator Ronk stated that the legislative staff works for all of the members of the body and each member should feel like they have the ability to work with staff. Chairwoman Bartels stated that the policy as written stipulates that hiring is to be based on skills and prohibits compelling staff involvement in politics or elections. Chairman Donaldson stated that he would like to see changes to empower the Chair more, but was not completely in favor of the proposal as is.

**Resolution No. XXX:** Amending The Rules Of Order In Relation Appointing Authority And Reporting Of Legislative Staff

**Resolution Summary:** This resolution amends the Rules of Order to change the appointing authority of legislative staff from the Clerk of the Legislature to the Chair of the Legislature.

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Chairman Donaldson advised the members that, in light of recent events surrounding the resignation of the County Executive, Legislative and Minority Counsel have been asked to review the language in the Charter regarding the calling of a Special Election. Legislator Roberts suggested following the State Election Law to have vacancies filled at the next General Election. Chairwoman Bartels stated that Counsel should also consider the section of the Charter governing vacancies in the Legislature as well.

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**Resolution No. 329:** Adopting Proposed Local Law No. 13 Of 2018, Establishing The Ulster County Electrical Licensing Board And Providing For The Qualifications, Examination, Licensing And Regulation Of Electricians In Ulster County, New York

**Resolution Summary:** This Resolution adopts Proposed Local Law No. 13 Of 2018.

Chairman Donaldson asked Legislator Rodriguez for an update. Legislator Rodriguez responded that the facilitation of the law will ultimately fall to the Executive and he has not yet heard back from them with their thoughts on implementing the law. He added that he would support postponement while he waits for a response from them.

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**Resolution No. 473:** Setting A Public Hearing On Proposed Local Law No. 23 Of 2018, A Local Law Entitled “Ulster County Ethics Law”, To Be Held On Tuesday, April 9, 2019 At 6:10 PM

**Resolution Summary:** This resolution sets a public hearing for Tuesday, April 9, 2019 At 6:10 PM to allow the public to offer comments on Proposed Local Law Number 23 of 2018.

Legislator Ronk, sponsor of the legislation stated that he was ready to move forward with the law. He added that Chairwoman Bartels had requested time to review and comment. Chairwoman Bartels said she didn’t know the law was going to be discussed at the special meeting and advised the members that she would mark up the law with her concerns for a future discussion. Legislator Joseph Maloney asked for a comparison of the Ulster County law and the Orange County law. Legislator Ronk said he would prepare a comparison before the regular committee meeting. He added that the main difference is the appointing authority of the members of the Ethics Board.

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**Resolution No. 281 of 2018:** Establishing A Policy To Prohibit The Use Of Public Funds To Place The Likeness Or Name Of Elected Officials On All Promotional And Informational Signage On County Owned Property

**Resolution Summary:** This Resolution establishes a policy prohibiting County elected officials from appearing by likeness, picture, or be named, or otherwise identified or referenced on any promotional and informational signage on County owned property, where same is paid for or produced in whole or in part with public funds of any kind including grant funds, excluding his or her official web page or the Ulster County Directory or during a declared state of emergency.

Legislator Joseph Maloney stated that the initiative has been discussed for some time. He added that it might be easier to adopt now that the county is between executives. Legislator Ronk commented that the goal of having a county executive is to have a single point of contact and single point of responsibility. He added that it is important that the public knows who that single point is. Legislator Joseph Maloney commented that hard-earned tax dollars should not be spent on advertising for elected officials. Chairman Donaldson stated that there may be exceptions, and that he would be open to hearing justifications as necessary.

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Chairman Donaldson reminded the members that a Special Meeting of the Committee was scheduled for the following Wednesday, March 13<sup>th</sup> at 6:00 PM for the primary purpose of discussing **Resolution No. 15:** Setting A Public Hearing On Proposed Local Law No. 1 Of 2019, A Local Law Amending The Code Of The County Of Ulster In Relation To Local Law No. 5 Of 1991 (A Local Law Adopting A Hotel And Motel Room Occupancy Tax) To Clarify The Tax Law’s Application To Short-term And Vacation Rentals, To Be Held On Tuesday, April 9, 2019 At 6:00 PM. He informed the members that a number of people from the hospitality industry have been invited and will be in attendance.

He added that, time permitting, the members would continue their discussion of changes to the Rules of the Legislature and Ulster County Charter.

He asked the members if there was any other business, and hearing none;

**Adjournment**

**Motion Made By:** Legislator Roberts  
**Motion Seconded By:** Legislator Rodriguez  
**No. of Votes in Favor:** 5  
**No. of Votes Against:** 0

**TIME:** 8:51 PM

**Respectfully submitted: Jay Mahler, Deputy Clerk**  
**Minutes Approved: April 15, 2019**