

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

DATE & TIME: April 15, 2019 – 6:30 PM
LOCATION: KL Binder Library, 6th Floor, County Office Building
PRESIDING OFFICER: Deputy Chair Roberts
LEGISLATIVE STAFF: Jay Mahler, Deputy Clerk
PRESENT: Legislators Bartels, Heppner, Rodriguez & Ronk
ABSENT: Legislator Donaldson
QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislators Joseph Maloney & Nolan, Legislative Counsel Gordon, Minority Counsel Pascale, Commissioner Iapoce – UC Department of Social Services, Cindy Bell – League of Women Voters, Carolyn Baker, Penny Coleman & Jeremy Russell - Citizens

Deputy Chair Roberts called the meeting to order at 6:30 PM.

Motion No. 1: Moved to **APPROVE** the Minutes of the March 6th, 13th and 18th meetings

Motion By: Legislator Ronk
Motion Seconded By: Legislator Heppner

Discussion: None

Voting In Favor: Legislators Bartels, Heppner, Roberts, Rodriguez & Ronk
Voting Against: None
Votes in Favor: 5
Votes Against: 0
Disposition: Minutes **APPROVED**

Resolutions for the April 16, 2019 Session of the Legislature

Deputy Chair Roberts advised the members that he would be taking Late Resolution No. 172 out of order as Department of Social Services Commissioner Iapoce was in attendance to answer any questions.

LATE Resolution No. 172: Authorizing The Chair Of The Ulster County Legislature To Execute Intermunicipal Agreements With The Town Of Saugerties And The Village of Ellenville To Provide The Services Of Domestic Violence Investigators To The Ulster County Family And Child Advocacy Center And Amending The 2019 Budget – Department Of Social Services

Resolution Summary: This resolution authorizes the Chair to execute intermunicipal agreements with the Town of Saugerties and Village of Ellenville to provide Domestic Violence Investigators to the County Family and Child Advocacy Center.

Motion No. 2: Resolution No. 172 MOVED FOR DISCUSSION

Motion By: Legislator Ronk

Motion Seconded By: Legislator Heppner

Discussion:

Deputy Chair Roberts recognized Commissioner Iapoce and asked him to speak about the Resolution. Commissioner Iapoce thanked the members for the opportunity to address the committee. He explained that the Resolution addresses staffing issues that have been encountered at the Family and Children Advocacy Center (FCAC). He informed the members that there was a shift from recruiting law enforcement personnel from the municipal police departments, because of a reduction in OCFS funding, to hiring retired law enforcement personnel through the District Attorney's Office. He stated that they have been operating under this model since 2014, but added that the retirees are being presented with other opportunities, many times in schools, and are no longer available. As a result, they have returned to the model of recruiting officers from municipal police departments. The agreement presented requires DSS to pay for a portion of the officer's salary with the rest made up by the local department. He informed the members that Saugerties and Ellenville have agreed to partner with DSS.

Legislator Ronk commented that the agreement is a great opportunity to partner with FCAC, adding that the officers receive valuable specialized training. He advised the members that the facility is set up to allow officers to interview child victims and/or witnesses in a non-traditional, less threatening setting. Commissioner Iapoce stated that Ulster's facility was one of the first established in the state and involves a multi-discipline approach.

Legislator Joseph Maloney asked if the law enforcement officer would be working full time for the FCAC. Commissioner Iapoce responded that they would be assigned to FCAC. He added that they had been spending on average \$75k per officer through the District Attorney's Office, and included that same amount in the current agreements. Saugerties and Ellenville have agreed to make up the differences to compensate the officers at their current salary and benefits. Deputy Chair Roberts asked if there were any other questions, hearing none he thanked Commissioner Iapoce for his time.

Motion No. 3: Motion to ADOPT Resolution No. 172

Motion By: Legislator Ronk

Motion Seconded By: Legislator Heppner

Discussion: None

Voting In Favor: Legislators Bartels, Heppner, Roberts, Rodriguez & Ronk

Voting Against: None

Votes in Favor: 5

Votes Against: 0

Disposition: Resolution ADOPTED

Resolution No. 473 of 2018: 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, May 14, 2019 At 6:10 PM

Resolution Summary: This resolution sets a public hearing for Tuesday, May 14, 2019 At 6:10 PM to allow the public to offer comments on Proposed Local Law Number 23 of 2018.

Motion No. 4: **Resolution No. 473 of 2018 MOVED FOR DISCUSSION**
Motion By: Legislator Rodriguez
Motion Seconded By: Legislator Ronk

Discussion:
Legislator Ronk advised the members that a summary of the main differences between the Orange County Law and the proposed law were sent to the members and is included in the materials. He added that Chairwoman Bartels sent along some comments and questions. He stated that he did not feel there was a rush to move forward since he and Counsel do not feel a referendum is required. He stated that he would be happy to sit down with Chairwoman Bartels to go through the law to address her concerns. Chairwoman Bartels stated that she would be happy to sit down with anyone interested to go through the law point by point. Legislator Rodriguez suggested a special meeting.

Motion No. 5: **Motion to POSTPONE Resolution No. 473 of 2018**
Motion By: Legislator Rodriguez
Motion Seconded By: Legislator Ronk

Discussion: None

Voting In Favor: Legislators Bartels, Heppner, Roberts, Rodriguez & Ronk
Voting Against: None
Votes in Favor: 5
Votes Against: 0
Disposition: **Resolution POSTPONED**

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.

Deputy Chair Roberts advised the members that some concerns were raised pertaining to language in the policy that may prohibit names of elected officials from appearing on ballots and asked for a motion to amend the policy to exclude being named on a ballot as a candidate for elected office.

Motion No. 6: Moved Resolution No. 481 of 2018 FOR DISCUSSION

Motion By: Legislator Heppner

Motion Seconded By: Legislator Rodriguez

Discussion:

Legislator Joseph Maloney advised the members that he has spoken with Deputy County Executive Rider a few times about the policy. He added that he estimated the cost for the Board of Elections to have an independently administered website could cost up to \$10k. He stated that he felt a policy would be more cost effective and will ensure compliance with state rules regarding publication of elected official's names. Deputy Chair Roberts advised the members that Commissioner Turco relayed that the Board of Elections is meeting with the Information Services Department the following Wednesday and would keep the members apprised.

Chairwoman Bartels stated that she supported moving forward with the policy the previous month, adding that the delay allowed them time to amend the policy to exempt certain election materials, such as sample ballots. The members discussed possible amendments and asked Counselors Pascale and Gordon for their recommendation for more comprehensive language. Legislator Nolan commented that the amendment language may require more time and consideration outside of the committee. She added that she did not support spending \$10k to fix a glitch. Deputy Chair Roberts stated that the resolution does not require the expenditure of \$10k or the use of an independent website. Chairwoman Bartels commented that she felt it was important to codify the policy.

Motion No. 7: Motion to AMEND the second to last Resolved to read as follows, "nothing herein shall be construed to prohibit that which is allowed, required or permitted by Federal and State Election Laws and/or regulations"

Motion By: Legislator Rodriguez

Motion Seconded By: Legislator Heppner

Discussion: None

Voting In Favor: Legislators Bartels, Heppner, Roberts, Rodriguez & Ronk

Voting Against: None

Votes in Favor: 5

Votes Against: 0

Disposition: Amendment ADOPTED

Motion No. 8: Motion to ADOPT Resolution No. 418 of 2018 AS AMENDED

Motion By: Legislator Rodriguez

Motion Seconded By: Legislator Heppner

Discussion: None

Voting In Favor: Legislators Bartels, Heppner, Roberts, Rodriguez & Ronk

Voting Against: None

Votes in Favor: 5
Votes Against: 0
Disposition: **Resolution ADOPTED AS AMENDED**

Resolution No. 93: Setting A Public Hearing On Proposed Local Law No. 2 Of 2019, 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 Amend The Term Of Office For Members Of The Ulster County Legislature, To Be Held On Tuesday, May 14, 2019 At 6:05 PM

Resolution Summary: This resolution sets a public hearing for Tuesday, May 14, 2019 At 6:05 PM to allow the public to offer comments on Proposed Local Law Number 2 of 2019.

Motion No. 9: **Resolution No. 93 MOVED FOR DISCUSSION**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Rodriguez

Discussion:

Legislator Ronk stated that he was asked by the members at the previous meeting to put together a schedule of how the various terms would line up with Presidential, Gubernatorial and Local Elections. He stated that he would prefer a 2 year term if the choice was between 2 or 3 years, adding that a 2 or 4 year term should be what the committee debates. Legislator Nolan commented that she supported a 3 year term. Legislator Rodriguez stated that any movement from a 2 year term will create issues with post-census redistricting. He added that Greene County has 3 year terms and asked Legislative Staff to find out how long that has been in effect. Legislator Ronk stated that including local elections with national elections clouds the local nature of the work of the County Legislature. Legislator Rodriguez stated that he was not as concerned with local elections lining up with national elections. Legislator Joseph Maloney commented that in Ulster County district lines would not shift drastically during a post-census redistricting. He added that he supports a 4 year term. Legislator Ronk expressed his concerns with Legislators representing people that did not elect him or her if district lines are changed in the middle of a term.

Chairwoman Bartels asked if Legislative Staff could research how and when the Orange County Legislature became a 4 year term. She added that she supports a 4 year term, especially if term limits is enacted. Legislator Heppner stated that he supports the Public Hearing, adding that he is hesitant to support a 4 year term. He commented that Ulster County Voters should have the ability to change their government every 2 years. Legislator Ronk stated that he would like to move forward with the Public Hearing.

Motion No. 10: **Motion to ADOPT Resolution No. 93**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Rodriguez

Discussion: None

Voting In Favor: Legislators Bartels, Heppner, Roberts, Rodriguez & Ronk
Voting Against: None
Votes in Favor: 5
Votes Against: 0
Disposition: **Resolution ADOPTED**

Resolution No. 124: Setting a Public Hearing On Proposed Local Law 15 Of 2018 As Amended, (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 Create Term Limits For Certain Ulster County Elected Officials, To Be Held On Tuesday, May 14, 2019 At 6:15 PM

Resolution Summary: This resolution sets a public hearing for Tuesday, May 14, 2019 at 6:15 PM to allow the public to offer comments on Proposed Local Law Number 2 of 2019.

Motion No. 11: **Resolution No. 124 MOVED FOR DISCUSSION**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Bartels

Discussion:

Legislator Ronk advised the members that he and Chairwoman Bartels had been discussing concerns raised with the term of office and how it would be calculated. The members discussed a number of concerns including failing to consider a hiatus between terms. Chairwoman Bartels stated that she favored the Dutchess County language “shall serve no more than three four year terms.” Legislator Ronk stated that the original language referenced full terms, but was amended to include the phrase “calculated.”

Legislator Rodriguez stated that he was not sure all of the scenarios could be addressed at the meeting and suggested postponing the resolution a month. Legislator Ronk stated that he believed he had some suggestions to remedy the issues. He suggested replacing consecutive with complete or full terms. He advised the members there will be an issue in instances where an individual is elected to fill a vacancy in an office. Discussion ensued on the inclusion or exclusion of years served during an unexpired term in the 12 year limit. Legislator Joseph Maloney stated that he was not opposed to excluding that time.

Legislator Ronk suggested the following language to remedy the issue, “No person shall serve as ... for more than 3 full terms. The filling of an unexpired term shall not apply as a full term pursuant to this Local Law.” Chairwoman Bartels stated her preference for the language in the Dutchess County Law and her support for passing the measure as a Local Law. She added that she supports asking the public for their thoughts at a Public Hearing. The members discussed whether the issue should or could be submitted as a permissive referendum. Legislator Rodriguez suggested holding off for a month to consider the changes. Legislator Heppner supported postponing the Resolution for a month to fully brief and discuss the changes to the law with their caucuses. Chairwoman Bartels agreed that the extra time would be helpful.

Legislator Joseph Maloney asked to be added as a main sponsor of the law. The members discussed enactment of term limits through a local law versus referendum and whether a referendum is legally allowable or possible. The members agreed that years served during an unexpired term should not be included in the 12 year limit. The members agreed that postponement would allow time to update the caucuses and allow Counsel to draft amendment language.

Motion No. 12: **TO POSTPONE Resolution No. 124**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Rodriguez

Discussion: None

Voting In Favor: Legislators Bartels, Heppner, Roberts, Rodriguez & Ronk
Voting Against: None
Votes in Favor: 5
Votes Against: 0
Disposition: **Resolution POSTPONED**

Resolution No. 128: Adopting Proposed Local Law No. 20 Of 2018 As Amended, A Local Law Requiring Restaurants And Fast Food Service Establishments Provide Plastic Beverage Straws Solely Upon Request

Resolution Summary: This resolution adopts Proposed Local Law No. 20 of 2018 As Amended

Motion No. 13: **Resolution No. 128 MOVED FOR DISCUSSION**
Motion By: Legislator Heppner
Motion Seconded By: Legislator Rodriguez

Discussion:
Legislator Ronk stated that he did not support a ban on straws and felt this law was worse than a ban. He added that the law puts a strain on local businesses. The members briefly discussed passive distribution of straws. Chairwoman Bartels commented that the law has the potential to significantly reduce waste and fundamentally alter peoples' habits. Legislator Joseph Maloney stated that businesses are already starting to limit straw distribution and those he has asked were supportive of the measure.

Motion No. 14: **TO ADOPT Resolution No. 128**
Motion By: Legislator Heppner
Motion Seconded By: Legislator Rodriguez

Discussion: None

Voting In Favor: Legislators Bartels, Heppner & Rodriguez
Voting Against: Legislators Roberts & Ronk
Votes in Favor: 3
Votes Against: 2

Disposition: Resolution ADOPTED

Deputy Chair Roberts moved on to Old Business on the agenda.

Resolution No. 212 of 2018: Setting A Public Hearing On Proposed Local Law No. 16 Of 2018, A Local Law Regarding Campaign Finance Reform in Ulster County, To Be Held On Tuesday, March 12, 2019 At 6:00 PM

Resolution Summary: This resolution sets a public hearing for Tuesday, March 12, 2019 at 6:00 PM to allow the public to offer comments on Proposed Local Law Number 16 of 2018.

Resolution No. 361 of 2018: Setting A Public Hearing On Proposed Local Law No. 21 Of 2018, A Local Law Regarding Campaign Finance Reform in Ulster County, To Be Held On Tuesday, March 12, 2019 At 6:00 PM

Resolution Summary: This resolution sets a public hearing for Tuesday, March 12, 2019 at 6:00 PM to allow the public to offer comments on Proposed Local Law Number 21 of 2018.

Discussion:

Legislator Heppner stated that the Campaign Finance Subcommittee is working on finalizing meeting dates. Ms. Penny Coleman expressed her support for Campaign Finance reform. The members advised those in attendance to give Legislative Staff their contact information so they can be advised of Subcommittee meeting dates and times.

Disposition: NO ACTION TAKEN

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.

Discussion:

Deputy Chair Roberts stated that a subcommittee was formed to discuss the policy but has not met yet.

Disposition: NO ACTION TAKEN

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.

Discussion:

Legislator Rodriguez stated that he has not yet received an opinion from the Office of the Executive. He added that Mr. Rider's plan was to give him something the following month.

Disposition: **NO ACTION TAKEN**

Deputy Chair Roberts asked the members if there was any other business, and hearing none;

Adjournment

Motion Made By: Legislator Heppner

Motion Seconded By: Legislator Ronk

No. of Votes in Favor: 5

No. of Votes Against: 0

TIME: 7:49 PM

Respectfully submitted: Jay Mahler, Deputy Clerk

Minutes Approved: May 20, 2019