

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

DATE & TIME: July 16, 2018 – 6:30 PM
LOCATION: KL Binder Library, 6th Floor, County Office Building
PRESIDING OFFICER: Chairman Roberts
LEGISLATIVE STAFF: Jay Mahler, Deputy Clerk
PRESENT: Legislators Donaldson, Haynes, Heppner, James Maloney & Ronk
ABSENT: None
QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislators Bartels, Joseph Maloney, Nolan & Woltman, Legislative Counselors Pascale & Barnett, Minority Counsel Ragucci, Deputy Director White – UC Planning Department, Tom Kadgen & Cindy Bell – League of Women Voters, Patricia Doxsey – Daily Freeman

Chairman Roberts called the meeting to order at 6:34 PM.

Motion No. 1: Moved to **APPROVE** the Minutes of the June 18, 2018 meeting

Motion By: Legislator Donaldson
Motion Seconded By: Legislator Ronk

Discussion: None

Voting In Favor: Legislators Donaldson, Haynes, Heppner, James Maloney, Roberts & Ronk
Voting Against: None
Votes in Favor: 6
Votes Against: 0
Disposition: **Minutes APPROVED**

Resolutions for the July 17, 2018 Session of the Legislature

Chairman Roberts advised the members that he would be taking the late Resolution out of order as Deputy Director White from the Planning Department was in attendance to answer any questions.

LATE Resolution No. 321: Authorizing The Chairman Of The Ulster County Legislature To Execute A Grant Agreement With The Dormitory Authority Of The State Of New York For The Hudson Valley Rail Trail West: Phase 4 Project

Resolution Summary: This resolution authorizes the Chairman to execute a grant disbursement agreement with the DASNY in the amount of \$50,000 for the construction of the Hudson Valley Rail Trail West: Phase 4 - Capital Project No. 451

Motion No. 2: Moved for **DISCUSSION**

Motion By: Legislator Donaldson
Motion Seconded By: Legislator James Maloney

Discussion:

Legislator Donaldson asked what was the purpose for lateness. Deputy Planning Director White informed the members that the grant was secured by Assemblyman Skartados before his passing. He added that he had advised the Legislature a year ago that the grant was applied for and that it took that long for the application to be reviewed and the grant awarded. He added that the passing of Assemblyman Skartados complicated the process, but a former staff member was contacted and assisted with the completion of the process. He informed the members that the project was going to be completed before the end of summer and the grant will position the county to be on or under budget for the trail on Route 299 in the Town of New Paltz.

Motion No. 3: **Moved to ADOPT Resolution No. 321**
Motion By: Legislator Donaldson
Motion Seconded By: Legislator James Maloney

Discussion: None

Voting In Favor: Legislators Donaldson, Haynes, Heppner, James Maloney, Roberts & Ronk
Voting Against: None
Votes in Favor: 6
Votes Against: 0
Disposition: **Resolution ADOPTED**

Resolution No. 212: 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, August 7, 2018 At 6:00 PM

Resolution Summary: This resolution sets a public hearing for Tuesday, August 7, 2018 At 6:00 PM to allow the public to offer comments on Proposed Local Law Number 16 of 2018.

Motion No. 4: **Moved for DISCUSSION**
Motion By: Legislator Ronk
Motion Seconded By: Legislator James Maloney

Discussion:

Chairman Roberts asked Legislator Donaldson to update the members on the progress of the subcommittee. Legislator Donaldson informed the members that the subcommittee met to set a meeting schedule and plan. Chairman Roberts asked if there was any common ground between the subcommittee and the current law as proposed. Legislator Nolan commented that she was not supportive of a postponement in order to start the clock on the number of times the resolution can be postponed without the sponsors consent.

Motion No. 5: Moved to **POSTPONE Resolution No. 212**

Motion By: Legislator Ronk

Motion Seconded By: Legislator James Maloney

Discussion: None

Voting In Favor: Legislators Donaldson, Haynes, Heppner, James Maloney, Roberts & Ronk

Voting Against: None

Votes in Favor: 6

Votes Against: 0

Disposition: Resolution **POSTPONED**

Resolution No. 275: Amending The Rules Of Order To Permit Memorializing Resolutions

Resolution Summary: This resolution amends the Rules of Order to allow for Memorializing Resolutions.

Motion No. 6: Moved for **DISCUSSION**

Motion By: Legislator Ronk

Motion Seconded By: Legislator James Maloney

Discussion:

Legislator Donaldson stated that he has discussed compromises with Legislator James Maloney as well as with his caucus. He informed the members that the only agreement was that the consideration of Memorializing Resolutions would be moved to the end of the meeting agenda. He added that the procedure should be formally added to the Rules. Legislator James Maloney stated that he wished there was room for more compromise and asked Legislator Donaldson to review the information provided by Legislative Staff on how Memorializing Resolutions are handled in other counties.

Legislator Joseph Maloney asked what other provisions the Republican caucus would like. Chairman Ronk stated that there have been a number of suggestions brought up previously, such as requiring at least eight sponsors with at least one from the other side of the aisle. He added that he felt Memorializing Resolutions were designed to reflect a sense of the body and issues with party line support or opposition do not reflect that. He stated that a Memorializing Resolution opposing the DEC's draining of Tillson Lake was a good example of an appropriate use of a Memorializing Resolution. He added that Memorializing Resolutions have been used to drive political agendas. Legislator Joseph Maloney agreed with Chairman Ronk but added that the members who may have abused them in the past are no longer in the Legislature. Legislator Woltman stated that Memorializing Resolutions have been used in the past to lock people into unpopular positions. He added that there are times when they can be used effectively, such as the resolution supporting Belleayre's addition to ORDA. Legislator Joseph Maloney said he understood the arguments but stated he would like to see a vote on the Resolution.

Legislator James Maloney suggested mirroring the Dutchess County criteria. The members discussed past instances where debate on Memorializing Resolutions took up a lot of time. Chairman Roberts suggested allowing Memorializing Resolutions but prohibiting debate. Chairman Ronk commented that was tried but was circumvented by requests for a long roll in order for Legislators to explain their vote. Chairman Ronk reiterated that he would like to see at least a majority of the body be co-sponsors for a Resolution to move forward.

Legislator Bartels stated that requiring relevance to the county is too subjective. She added that sometimes a Memorializing Resolution can give voice to minority groups in the county and restricting sponsorship to a majority of legislators removes that ability. Legislator Joseph Maloney stated that Memorializing Resolutions are going to be brought back and said he was supportive of requiring at least four sponsors.

Legislator Woltman questioned what was being accomplished by passing resolutions on issues over which the County Legislature has no authority to legislate. Legislator Nolan stated that Memorializing Resolutions have been effective in the past, sighting the statewide support on the county level for a fracking ban. Legislator Woltman commented that the current practice of memorializing letters was sufficient to communicate positions on state and federal issues. Chairman Ronk stated that he felt there should be a mechanism to weed out overtly political resolutions. He added that there is unrestricted public comment at session providing citizens the opportunity to speak on any issue they choose.

The members discussed the level of impact of a resolution versus a letter and the impact of unanimous support versus a slim majority. Legislator Joseph Maloney stated that Memorializing Resolutions can be eliminated again if they are abused. Legislator Donaldson asked Legislator Heppner for his thoughts. Legislator Heppner responded that he supports the resolution as is but would have a discussion with his caucus. Legislator Bartels agreed with Legislator Heppner.

Motion No. 7: Moved to POSTPONE Resolution No. 275

Motion By: Legislator James Maloney

Motion Seconded By: Legislator Ronk

Discussion: None

Voting In Favor: Legislators Haynes, James Maloney, Roberts & Ronk

Voting Against: Legislators Donaldson & Heppner

Votes in Favor: 4

Votes Against: 2

Disposition: **Resolution POSTPONED**

Resolution No. 281: 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 that no County elected official shall appear by likeness, picture, or be named, or otherwise be identified or referenced on any all

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 except in certain circumstances.

Motion No. 8: **Moved for DISCUSSION**
Motion By: Legislator Donaldson
Motion Seconded By: Legislator Ronk

Discussion:

Legislator Donaldson informed the members that this policy has been implemented in a number of places, but is usually done by Executive Order. He advised the members that he would like the committee to postpone the resolution to give him some time to answer questions that have been posed and to research if any issues have been encountered in places that currently have a policy.

Motion No. 9: **Moved to POSTPONE Resolution No. 281**
Motion By: Legislator Donaldson
Motion Seconded By: Legislator Ronk

Discussion: None

Voting In Favor: Legislators Donaldson, Haynes, Heppner, James Maloney, Roberts & Ronk
Voting Against: None
Votes in Favor: 6
Votes Against: 0
Disposition: **Resolution POSTPONED**

Resolution No. 282: Adopting Proposed Local Law No. 5 Of 2018, A Local Law Amending The Ulster County Charter, (Local Law No. 2 Of 2006), And Amending The Administrative Code For the County Of Ulster, (Local Law No. 10 Of 2008), To Clarify Budget Modification After Adoption

Resolution Summary: This resolution adopts Proposed Local Law Number 5 of 2018.

Motion No. 10: **Moved for DISCUSSION**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Donaldson

Discussion:

Legislator Donaldson advised the members that the resolution passed the Ways & Means Committee and added that the law simply clarifies what is allowable and reflects the original intention. Chairman Ronk said he supported the measure as it is subject to referendum and will ultimately be decided by the voters.

Motion No. 11: **Moved to ADOPT Resolution No. 282**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Donaldson

Discussion: None

Voting In Favor: Legislators Donaldson, Haynes, Heppner, James Maloney, Roberts & Ronk
Voting Against: None
Votes in Favor: 6
Votes Against: 0
Disposition: **Resolution ADOPTED**

Resolution No. 283: Adopting Proposed Local Law No. 10 Of 2018, A Local Law Promoting The Use Of Reusable Bags And Regulating The Use Of Plastic Carryout Bags And Recyclable Paper Carryout Bags

Resolution Summary: This Resolution adopts Proposed Local Law No. 10 Of 2018.

Motion No. 12: **Moved for DISCUSSION**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Heppner

Discussion:

Chairman Ronk stated that he respected the intent behind the law but had a concern with the fee for paper bags. He said he would be able to support the law if the fee was removed and if biodegradable bags were added as an alternative to paper. Legislator Donaldson stated that the fee is necessary to encourage the use of reusable bags. He added that people need to begin to change the way they think and shop.

Legislator James Maloney thanked Legislator Bartels for attending the meeting and acknowledged that plastic bags are an issue that need to be addressed. He asked a number of clarification questions, including which bags are banned and which bags are subject to a fee. He expressed concerns about difficulties complying with the law at farmer's markets and other more informal sales venues.

The members discussed various experiments and studies from around the country regarding charging fees and providing reusable bags for limited periods of time. Legislator James Maloney stated that he could not support the law with the fee. He added that the county should be providing reusable bags, especially to low income individuals. Legislator Joseph Maloney stated that a greater focus on waste reduction will only increase with time. Legislator Heppner stated that the Energy & Environment Committee has been vetting the law for a couple of years and added that a lot of research and case studies on the question of fees, etc. were shared. He added that there was extensive debate on the various issues in committee and numerous experts spoke. Legislator James Maloney asked why restaurants are exempted. Legislator Bartels informed the members that restaurants are exempted in many of the jurisdictions with the ban. She added that the most common argument was that food items from restaurants are often wet and would not be able to be transported in a paper bag. She added that she was not in favor of the exemption, but that a majority of the legislators who participated in drafting the law supported the exemption.

Legislator Woltman stated that his district includes the highest percentage of public housing in the county and that he is concerned about the effect of the fee on the lower income individuals who reside there. He added that a number of his constituents thought there should be a longer transition period. He informed the members that SNAP benefits will cover the fee, but WIC benefits do not. He advised the members that there were also concerns expressed to him regarding challenges posed with the use of public transportation as well as requests for the county to provide reusable bags free of charge. Legislator Donaldson stated that the reusable bags hold more and are more secure than plastic. He added that he expected that more and more bags will be distributed free of charge from many different businesses as time progresses.

Legislator Bartels advised the members that studies have shown that the fee is necessary for a number of reasons. She stated that without the fee the transition goes immediately to whatever is available for free. As a result, the use of paper bags would reach the previous use of plastic. The fee encourages the change of habit and protects businesses during the transition. She explained that small business have to eat the cost of the paper bags to compete with larger stores that can afford to give the bags away free. She informed the members that she was open to extending the implementation time frame to allow for more outreach and time to partner with not for profits for assistance in distributing reusable bags. Legislator Haynes asked if stores like Walmart are able to incorporate reusable bags into their checkout process. Legislator Bartels stated that big box stores have been able to accommodate similar laws elsewhere.

Legislator Joseph Maloney stated his support for the law and advised the members that people he has spoken to are overwhelmingly in favor of the ban. He added that other jurisdictions have reported full compliance almost immediately. Legislator Heppner commented that Sam's Club has successfully made a business model out of not providing any bags. Legislator Nolan stated that she believed there would be immense public support for the ban.

Chairman Roberts called the question.

Voting In Favor:	Legislators Donaldson, Haynes, Heppner,
Voting Against:	Legislators James Maloney, Roberts & Ronk
Votes in Favor:	3
Votes Against:	3
Disposition:	Resolution DEFEATED

Resolution No. 284: Adopting Proposed Local Law No. 14 Of 2018, 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

Resolution Summary: This Resolution adopts Proposed Local Law No. 14 Of 2018.

Motion No. 13:	Moved for DISCUSSION
Motion By:	Legislator Ronk
Motion Seconded By:	Legislator Heppner

Discussion:

Legislator Donaldson expressed his opposition to the law. He stated that a two-year term encouraged frequent contact with constituents and was sufficient. Legislator Heppner stated his concern with the four-year term and was hesitant to take away the voters' ability to change their representatives every couple of years if necessary. Legislator Joseph Maloney advised the members that he felt the term of the Legislature should match up with the term of other county officials. He added that the two-year term forces legislators into a position where they are campaigning for half of their term. He added that the law is subject to referendum and felt the public should decide the question. Legislator Donaldson reiterated his support for the two-year term and added that legislators should be in contact with their constituents constantly. Legislator Nolan expressed her opposition for the four-year term.

Chairman Roberts called the question.

Voting In Favor: Legislators Haynes & Ronk
Voting Against: Legislators Donaldson, Heppner, James Maloney & Roberts
Votes in Favor: 2
Votes Against: 4
Disposition: **Resolution DEFEATED**

Resolution No. 285: Adopting Proposed Local Law No. 15 Of 2018, 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

Resolution Summary: This Resolution adopts Proposed Local Law No. 15 Of 2018.

Motion No. 14: **Moved for DISCUSSION**
Motion By: Legislator Ronk
Motion Seconded By: Legislator James Maloney

Discussion:

Legislator Donaldson expressed his opposition to the law and reminded the members that there are eight new legislators which represents a turn-over of 1/3 of the Legislature. He added that he is still learning things after his many years in county services and the holding of election every two years is sufficient to limit service. Legislator Joseph Maloney stated that the law is subject to referendum and should be left to the voters to decide. He added that the current system favors incumbents. Legislator Nolan stated that elected officials who support term limits should limit their own terms.

Motion No. 15: **Moved to ADOPT Resolution No. 285**
Motion By: Legislator Ronk
Motion Seconded By: Legislator James Maloney

Discussion: None

Voting In Favor: Legislators Haynes, Heppner, James Maloney & Ronk
Voting Against: Legislators Donaldson & Roberts
Votes in Favor: 4
Votes Against: 2
Disposition: **Resolution ADOPTED**

Resolution No. 288: Reappointing – Commissioner Of Elections

Resolution Summary: This resolution appoints Thomas F. Turco as the Ulster County Republican Elections Commissioner for a term January 1, 2019 – December 31, 2020.

Resolution No. 289: Reappointing – Commissioner Of Elections

Resolution Summary: This resolution appoints Ashley Dittus as the Ulster County Democratic Elections Commissioner for a term January 1, 2019 – December 31, 2020.

Motion No. 16: **Moved to consider Resolutions 288 & 289 as a Block**
Motion By: Legislator Ronk
Motion Seconded By: Legislator James Maloney

Discussion: None

Voting In Favor: Legislators Donaldson, Haynes, Heppner, James Maloney, Roberts & Ronk
Voting Against: None
Votes in Favor: 6
Votes Against: 0
Disposition: **Resolutions BLOCKED**

Motion No. 17: **Moved to ADOPT Blocked Resolutions 288 & 289**
Motion By: Legislator Ronk
Motion Seconded By: Legislator James Maloney

Discussion: None

Voting In Favor: Legislators Donaldson, Haynes, Heppner, James Maloney, Roberts & Ronk
Voting Against: None
Votes in Favor: 6
Votes Against: 0
Disposition: **Resolutions ADOPTED**

Chairman Roberts asked the members if there was any new or old business, and hearing none;

Adjournment

Motion Made By: Legislator Ronk
Motion Seconded By: Legislator James Maloney
No. of Votes in Favor: 6
No. of Votes Against: 0

TIME: 8:06 PM

Respectfully submitted: Jay Mahler, Deputy Clerk
Minutes Approved: August 13, 2018

Albany		LM	518-447-7168
Allegany	No restrictions. Generally introduced by an entire committee and are few and far between.		585-268-9222
Broome	Permitted. No restrictions.		607-778-2131
Cattaraugus	Permitted. All reviewed by Finance Committee. Public Comment on big issues is restricted to 5 minutes.		716-938-2577
Cayuga	Permitted. No restrictions.		315-253-1498
Chautauqua	Permitted by motion. No voted on in committee. Need a majority of signatures to be brought to floor, needs super majority to pass.		716-753-4215
Chemung	Permitted. Seldom do them. Must go through Exec and Committee process and must be determined to be relevant to the county.		607-737-2066
Chenango	Not permitted		607-337-1430
Clinton	Permitted. No restrictions.		518-565-4600
Columbia	Permitted. No restrictions.		518-828-1527
Cortland	Permitted. No restrictions. Infrequent.		607-753-5049
Deleware	Permitted. No restrictions. Excessive debate on floor is handeled by Chair.		607-832-5110
Dutchess	Permitted. Criteria: at least 4 sponsors, must have direct impact on county, (as determined by Chairman, Committee Chair and/or Legislative Counsel,) must provide financial impact statement.		845-486-2100
Erie		LM	716-858-8738
Essex	Permitted. No restrictions. Infrequent and generally directly effects a town in the county		518-873-3353
Franklin			
Fulton		LM	518-736-5540
Genesse		LM	585-815-7818
Greene	Permitted. No restrictions.		518-719-3270
Hamilton		emailed	518-548-6651
Herkimer		LM	315-867-1108
Jefferson	Permitted. No restrictions.		315-785-3075
Lewis	Permitted. No restrictions.		315-376-5356
Livingston	Permitted. No restrictions. Floor debate is rare. Debate happens in committee.		585-243-7030

Madison	Permitted. No restrictions.		315-366-2201
Monroe	Permitted. No restrictions. Do not go through committee or to floor, but are circulated for sponsorship.		585-753-1950
Montgomery	Permitted. No restrictions. Haven't done them in a while.		518-853-8338
Nassau	Have not done them. Website describes Legislature's duty as "to draft and approve local laws that affect the County and its residents."		516-571-4010
New York City Council			212-788-7116
Niagra	Permitted. No restrictions. Note: Public Comment during session is restricted to Agenda items only, additional "For the Good of the County" public comment offered at the end of the session		716-439-7177
Oneida			315-798-5404
Onondaga			315-435-2070
Ontario			585-396-4447
Orange			845-291-4801
Orleans			585-589-7053
Oswego			315-349-8230
Otsego			607-547-4202
Putnam			845-808-1020
Rensselaer			518-270-2880
Rockland	Debate limited to 30 minutes unless extended by 2/3 vote of Legislature		845-638-5100
Saratoga			518-885-2240
Schenectady			518-388-4280
Schoharie			518-295-8421
Schuyler			607-535-8100
Seneca			315-539-1700
St. Lawrence			315-379-2276
Steuben			607-664-2243
Suffolk			631-853-4074
Sullivan			845-807-0435
Tioga			607-687-8240
Tompkins			607-274-5434
Ulster	Permitted - restricted		

Warren		518-761-7656
Washington		518-746-2210
Wayne		315-946-5403
Westchester		914-995-4604
Wyoming		585-786-8800
Yates		315-536-5150