

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

**DATE & TIME:** August 17, 2020 – 6:00 PM  
**LOCATION:** Powered by Zoom Meeting by Dialing (646) 558-8656  
Meeting ID: 977 1665 8020  
**PRESIDING OFFICER:** Chairwoman Bartels  
**LEGISLATIVE STAFF:** Jay Mahler, Deputy Clerk  
**PRESENT:** Legislators Gavaris, Heppner, Roberts & Ronk  
**ABSENT:** None  
**QUORUM PRESENT:** Yes

**OTHER ATTENDEES:** Legislators Archer, Petit & Walter, Legislative Counsel Ragucci & Gordon, Minority Counsel Pascale, Deputy County Executives Milgrim & Wright, Commissioners Turco & Dittus and Deputy Commissioner Quigley – Board of Elections, Commissioner Iapoce – Social Services Department, Deputy Director for Administration Kristin Carney \_ Department of Health/Mental Health, Tom Kadgen - LWV

Chairwoman Bartels called the meeting to order at 6:03 PM.

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**Motion No. 1:** Moved to **APPROVE Minutes & Transcript of the July 20, 2020 meeting**

**Motion By:** Legislator Ronk  
**Motion Seconded By:** Legislator Heppner

**Discussion:** None

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

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Resolutions for the August 18, 2020 Session of the Legislature

**LATE Resolution No. 296:** Amending The 2020 Ulster County Budget To Accept An Allocation Of Funds From The New York State Office Of Temporary And Disability Assistance To Support Activities Associated With Sheltering The Homeless During Inclement Winter Weather (Code Blue Plan) – Department Of Social Services

**Resolution Summary:** This Resolution amends the 2020 Ulster County Budget in the amount of \$371,221 in additional state revenue dollars from OTDA to support activities for sheltering homeless individuals and families during inclement weather.

**Motion No. 2:**                    **Resolution No. 296 MOVED FOR DISCUSSION**  
**Motion By:**                    Legislator Ronk  
**Motion Seconded By:** Legislator Heppner

**Discussion:**                    See attached transcript

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

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**Resolution No. 286:** Approving The Execution Of A Contract In Excess Of \$50,000.00 Entered Into By The County – Clear Ballot Group, Inc. – Board Of Elections

**Resolution Summary:** This Resolution approves the execution of a contract with Clear Ballot Group, Inc. in the amount of \$83,580.00 to provide software license agreement, installation and training for elections software from July 21, 2020 – July 21, 2024.

**Motion No. 3:**                    **Resolution No. 286 MOVED FOR DISCUSSION**  
**Motion By:**                    Legislator Ronk  
**Motion Seconded By:** Legislator Roberts

**Discussion:**                    See attached transcript

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

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**Resolution No. 7:** Adopting The Ulster County Code Of Conduct

**Resolution Summary:** This resolution adopts the Ulster County Code of Conduct

**Motion No. 4:**                    **Motion to POSTPONE Resolution No. 7**  
**Motion By:**                    Legislator Ronk  
**Motion Seconded By:** Legislator Roberts

**Discussion:**                    See attached transcript

**Voting In Favor:**            Legislators Bartels, Gavaris, Heppner, Roberts & Ronk  
**Voting Against:**            None  
**Votes in Favor:**            5  
**Votes Against:**            0

**Disposition: Resolution POSTPONED**

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**Resolution No. 237:** Setting A Public Hearing On Proposed Local Law No.9 Of 2020, A Local Law Amending Various Sections Of The Ulster County Charter And Ulster County Administrative Code To Reduce The Ulster County Legislature To 21 Members, To Be Held On Tuesday, September 8, 2020 At 6:15 PM

**Resolution Summary:** This resolution sets a Public Hearing on Tuesday, September 8, 2020 at 6:15 PM to allow the public to offer comments on Proposed Local Law No. 9 of 2020.

**Motion No. 5: Resolution No. 237 MOVED FOR DISCUSSION**

**Motion By:** Legislator Ronk

**Motion Seconded By:** Legislator Heppner

**Discussion:** See attached transcript

**Motion No. 6: Motion to POSTPONE Resolution No. 237**

**Motion By:** Legislator Heppner

**Motion Seconded By:** Legislator Bartels

**Discussion:** See attached transcript

**Voting In Favor:** Legislators Bartels & Heppner

**Voting Against:** Legislators Gavaris, Roberts & Ronk

**Votes in Favor:** 2

**Votes Against:** 3

**Disposition: POSTPONEMENT DEFEATED**

**Discussion:** See attached transcript

**Voting In Favor:** None

**Voting Against:** Legislators Bartels, Gavaris, Heppner, Roberts & Ronk

**Votes in Favor:** 0

**Votes Against:** 5

**Disposition: Resolution DEFEATED**

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**Resolution No. 284:** Adopting Proposed Local Law No. 4 Of 2020, A Local Law Establishing Certain Consumer Protection Practices In Ulster County And Penalties For Violating Same

**Resolution Summary:** This resolution adopts Proposed Local Law No. 4 Of 2020

**Motion No. 7: Resolution No. 284 MOVED FOR DISCUSSION**

**Motion By:** Legislator Ronk

**Motion Seconded By:** Legislator Heppner

**Discussion:** See attached transcript  
**Voting In Favor:** Legislators Bartels, Gavaris, Heppner, Roberts & Ronk  
**Voting Against:** None  
**Votes in Favor:** 5  
**Votes Against:** 0  
**Disposition:** **Resolution ADOPTED**

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**Resolution No. 285:** Adopting Proposed Local Law No. 7 Of 2020, 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

**Resolution Summary:** This resolution adopts Proposed Local Law No. 7 Of 2020

**Motion No. 8:** **Resolution No. 285 MOVED FOR DISCUSSION**  
**Motion By:** Legislator Ronk  
**Motion Seconded By:** Legislator Heppner

**Discussion:** See attached transcript  
**Voting In Favor:** Legislators Bartels, Gavaris & Heppner  
**Voting Against:** Legislators Roberts & Ronk  
**Votes in Favor:** 3  
**Votes Against:** 2  
**Disposition:** **Resolution ADOPTED**

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**LATE Resolution No. 295:** Approving The Execution Of A Contract In Excess Of \$50,000.00 Entered Into By The County – Health Research, Inc. – Department Of Health

**Resolution Summary:** This resolution approves the execution of a contract with Health Research, Inc. in the amount of \$1,477,048.00 to provide funding to hire new personnel to increase capacity for COVID-19 case investigations and contact tracing.

**Motion No. 9:** **Resolution No. 295 MOVED FOR DISCUSSION**  
**Motion By:** Legislator Gavaris  
**Motion Seconded By:** Legislator Ronk

**Discussion:** See attached transcript  
**Voting In Favor:** Legislators Bartels, Gavaris, Heppner, Roberts & Ronk  
**Voting Against:** None  
**Votes in Favor:** 5  
**Votes Against:** 0  
**Disposition:** **Resolution ADOPTED**

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**LATE Resolution No. 297:** Approving The Execution Of A Contract In Excess Of \$50,000.00 Entered Into By The County – Capital Market Advisors, LLC – Legislature

**Resolution Summary:** This resolution approves the execution of a contract with Capital Market Advisors, LLC in the amount of \$55,200 to provide external analysis of the Ulster County Executive 2021 Recommended Budget for the period September 1, 2020 – December 31, 2020.

**Motion No. 10:**                    **Resolution No. 297 MOVED FOR DISCUSSION**  
**Motion By:**                    Legislator Gavaris  
**Motion Seconded By:** Legislator Heppner

**Discussion:**                    See attached transcript

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

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**Old Business:** Discussion regarding the consideration of changes to the Rules of the Legislature.

See attached transcript

**New Business:** Discussion on proposed amendments to the Ulster County Human Rights Law

See attached transcript

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**Adjournment**

**Motion Made By:**                Legislator Ronk  
**Motion Seconded By:** Legislator Heppner

**No. of Votes in Favor:** 5  
**No. of Votes Against:** 0

**TIME:**     6:47 PM

**Respectfully submitted: Deputy Clerk Mahler & Confidential Secretary Lichtenstein (transcript)**  
**Minutes Approved: September 14, 2020**

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

**DATE & TIME:** August 17, 2020 – 6:00 PM  
**LOCATION:** Powered by Zoom Meeting by Dialing (646) 558-8656  
Meeting ID: 977 1665 8020  
**PRESIDING OFFICER:** Chairwoman Bartels  
**LEGISLATIVE STAFF:** Jay Mahler, Deputy Clerk  
**PRESENT:** Legislators Gavaris, Heppner, Roberts & Ronk  
**ABSENT:** None  
**QUORUM PRESENT:** Yes

**OTHER ATTENDEES:** Legislators Archer, Petit & Walter, Legislative Counsel Ragucci & Gordon, Minority Counsel Pascale, Deputy County Executives Milgrim & Wright, Commissioners Turco & Dittus and Deputy Commissioner Quigley – Board of Elections, Commissioner Iapoce – Social Services Department, Deputy Director for Administration Kristin Carney – Department of Health/Mental Health, Tom Kadgen - LWV

Chairwoman Bartels called the meeting to order at 6:03 PM.

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<https://otter.ai/s/SQldtY8LRx-PYwIb1EiCTg>

**Chairwoman Bartels:** All right, great. I'm going to call the meeting of Laws and Rules and Government Services to order. Jay, do you mind taking attendance?

**Deputy Clerk Mahler:** Sure thing. Chairwoman Bartels.

**Chairwoman Bartels:** Here.

**Deputy Clerk Mahler:** Deputy Chair Roberts.

**Legislator Roberts:** Here.

**Deputy Clerk Mahler:** Legislator Gavaris.

**Legislator Gavaris:** Present.

**Deputy Clerk Mahler:** Legislator Heppner.

**Legislator Heppner:** Here.

**Deputy Clerk Mahler:** And Legislator Ronk.

**Legislator Ronk:** Present.

**Deputy Clerk Mahler:** You have five present and zero absent.

**Chairwoman Bartels:** Great. Hopefully everyone's had a chance to look at the meeting minutes and the transcript. I'll entertain a motion to approve them.

**Legislator Ronk:** So moved.

**Chairwoman Bartels:** Okay. That's Legislator Ronk, and a second, Legislator Heppner. All in favor?

**Committee Members:** Aye.

**Chairwoman Bartels:** Any opposed? Okay passes unanimously.

I'd like to take a couple things out of order because we do have quite a few guests. If we could start with resolution, on our list, number seven. Late Resolution Number 296, which is Amending The 2020 Ulster County Budget To Accept An Allocation Of Funds From The New York State Office Of Temporary And Disability Assistance To Support Activities Associated With Sheltering The Homeless During Inclement Winter Weather (Code Blue Plan) – Department Of Social Services.

We have Commissioner Iapoce joining us.

**Legislator Ronk:** I'll move it.

**Chairwoman Bartels:** Do I have a second?

**Legislator Heppner:** Second.

**Chairwoman Bartels:** Okay. That was again, Legislators Ronk and Heppner. And Commissioner Iapoce, welcome and thank you for joining us. You're on mute.

**Commissioner Iapoce:** Hello, everyone. Thank you for the invitation.

**Chairwoman Bartels:** Great. Do you want to give us a little background about the resolution?

**Commissioner Iapoce:** Sure. The Code Blue Plan is a plan that every Department of Social Services in each county across New York State is required to arrive at. And it's basically focused on making provisions during the winter season, to ensure that we have facilities available for anybody who may need some kind of housing or other related supports. And we have been participating in this program since the Code Blue Plan was required via the Governor's executive order. So, it basically spans 1920. And we submit a plan normally in the fall of the year, and it goes through a review process up at Office of Temporary and Disability Assistance. And usually there's some back and forth with regard to specific items in the plan.

The contract with this provider, which is Catholic Charities. So, we arrived including, again, an array of items we currently include in our Code Blue Plan, a warming center. And that warming center is located at the Iglesias church on Elmendorf Avenue and Kingston, New York. Part of what is included in the plan are the costs and expenditures associated with what are activations. And the activations are basically 12-hour periods, they can be from 7pm to 7am, or 7am to 7pm.

And basically, the Governor's executive order around Code Blue requires that a county have facilities available to house person when the temperature is at 32 degrees or lower. So, our plan, basically, arrives at setting forth parameters that we're going to comply with, that meet those requirements. And also we have the discretion to have activations during other kinds of weather conditions.

Obviously, the size of Ulster County and the weather that we experience can be challenging. So, that while it might be warm in one part of the county, it could be colder temperatures in other parts of the county. So, we usually want to be prepared for activations between October 1 and April 30.

And basically, the plan that we submitted for the 1920, winter season was approved by OTDA (Office of Temporary and Disability Assistance ) for the amount set forth in the resolution. I believe I appeared at one of last year's committee meeting as when we were submitting the plan. As the resolution set forth, that's 100% reimbursed by OTDA. All of the expenditures that we've projected and predicted, had been approved. So, at this point, we're really once this resolution, hopefully, is approved, we'll be in the process of transacting the invoices from our service providers to cover the expenditures that were incurred.

I can report that our expectation is that we're actually going to come in a little bit below what the approval is for, because the number of activations that we contemplated were actually fewer than what occurred in 1920. And we basically predict our activations based on the prior winter, so it was a little bit more of a mild winter. So, we actually had the plan approved for the entire amount that we submitted. But when the final numbers are arrived at and all the invoices are transacted, we're going to be claiming for a little bit less than what's in the resolution. So, that's a summary.

**Chairwoman Bartels:** Thank you. Thank you very much. Does anyone have any questions? Legislator Ronk.

**Legislator Ronk:** Thank you just to pertain to lateness I read the late memo. I definitely see that the award letter came after resolution deadline. When is the, when is the, you know, signed agreement due to the state? Is it due before the next legislative meeting?

**Commissioner Iapoce:** This signed agreement accepting has already been submitted. So, we're seeking this to be able, we submitted the acceptance on 7/20 in terms of their approval...

**Legislator Ronk:** Yeah.

**Commissioner Iapoce:** ... of the amount. So, we can't actually receive or start transacting any of the invoices until this resolution passes. But the plan itself that we submitted to OTDA has been approved, and we acknowledged their approval, but we have not transacted any funds yet.

**Legislator Ronk:** Just from a procedural standpoint, the state won't release any funds until we pass this resolution. Is that accurate?

**Commissioner Iapoce:** That's accurate.

**Legislator Ronk:** Okay. Thank you.

**Chairwoman Bartels:** Okay. Does anyone else have any questions? Okay, then on the resolution, No. 296. All in favor?

**Committee Members:** Aye.

**Chairwoman Bartels:** Opposed? Okay. Unanimous vote. Thank you, Commissioner.

**Commissioner Iapoce:** Okay. Thank you, Chairwoman. Appreciate the invitation.

**Chairwoman Bartels:** Yes, have a great evening.

**Commissioner Iapoce:** Stay well, stay safe. Thank you.

**Chairwoman Bartels:** Okay, now I'm going to I'm going to take No. 286. We have Commissioners Dittus and Turco, and Deputy Commissioner Quigley here. And that is: Approving The Execution Of A Contract In Excess Of \$50,000.00 Entered Into By The County – Clear Ballot Group, Inc., for the Board Of Elections.

**Legislator Ronk:** I'll move it.

**Chairwoman Bartels:** Legislator Ronk moves it. Legislator Roberts seconds it.

Okay. Commissioners, do you want to give some background?

**Commissioner Turco:** Hello everyone.

**Commissioner Dittus:** Go ahead, Tom.

**Commissioner Turco:** Go ahead Ashley, go ahead.

**Commissioner Dittus:** So, we're preparing this equipment to help us with the influx of absentee ballots that we expect to have returned to us for the Presidential Primary. In June, we had over, we had 11,617 ballots to count which took us the better part of two weeks. This equipment will let us count faster. It can also help us out with the recount efforts. And it's completely reimbursable to our grant that we got in June, our HAVA (Help America Vote) CARES grant. And we budgeted for it then. It's one of our allowable expenses. And it's going to help us out with not just timeliness, with certification, but also in extra staff time and bringing in part time work. So, looking forward to it.

**Chairwoman Bartels:** Thank you. Commissioner Turco, did you want to add anything?

**Commissioner Turco:** I'll just say that we've been thinking about this type of equipment for a while. And the opportunity arose this year with the grant. So that we didn't have to spend county funds. And I think we should take advantage of it. So, that's all I'll add.

**Chairwoman Bartels:** Legislator Ronk, I saw your hand up.

**Legislator Ronk:** Yeah, thank you. I just a). I want to, you know, express my gratitude for the Board of Elections that, you know, this one came in on time. I know I've been kind of a pain about it in the last couple months, and I know that you took extra effort to make sure that this one came in on time. So, I just want to extend my appreciation.

I've got a couple of questions about the machine itself, because in my, you know, election experience around other counties that have these machines. I found that the absentee ballot, you know, counters can tend to miss poorly marked ballots. And a lot of ballots come in from elderly folks, nursing homes, things of that nature where they might not be marking them, you know, 100% according to the way some of these counters are going to be able to, you know, read. So, in other counties, they have certain internal protocols, for hand counts of ballots that might not be read by the machine. Is there a plan to implement policies and procedures such as that for cases like I just mentioned?

**Commissioner Turco:** Well, first off, it doesn't really change the process. So, even before we use the equipment for our absentees, any close elections, campaigns, challengers, attorneys will have the right to still look at envelopes, compare the signatures, etc., etc. And as with any close election, once the absentees are scanned and tabulated, if that variance falls within all the guidelines, I mean, we currently have a state guideline. The hand count comes into play. The equipment doesn't eliminate the hand count.

**Legislator Ronk:** No, I understand. I'm talking about ballots. Because I've seen this happen in Dutchess County, just use one example where a ballot will come in, that clearly is marked, but it's not necessarily in the box or it's not you know, it's, um, you know, it could be considered an extraneous mark, but it's obvious that the, you know, that the vote is there. The Commissioners in Dutchess County, that I've been privy to, have had a policy where cases like that, the ballot are put aside, not put through the machine, because they won't be properly counted, necessarily. I'm not talking about hand counting the machine ballots on Election Day. I'm talking about the absentee ballots that are tabulated through this machine.

**Commissioner Turco:** Well don't forget, in a close election, those ballots are going to be set aside because that too will be viewed and challenged by whatever parties involved so this...

**Legislator Ronk:** Could be set aside.

**Commissioner Turco:** Yeah.

**Legislator Ronk:** Could potentially be set aside. They're not necessarily going to be set aside.

**Commissioner Turco:** No, no. I mean, you know, if the election to be honest, if the election is not close, and there's no way of overturning it, we will count every ballot like we usually do. But just like the voting machines in use out in the, at the poll sites, the ballots are fed through. There could be an extra tenuous mark on them, but nobody cares, because nobody sees them, right. So, the tabulation is done. The election is not close. But keep in mind every ballot will be seen before being scanned, every absentee ballot. So, the opportunity is there to set it aside, hand count it, challenge it, etc.

**Legislator Ronk:** Understood.

**Chairwoman Bartels:** Are there any other questions? Okay, hearing none on Resolution 286, all in favor?

**Committee Members:** Aye.

**Chairwoman Bartels:** Opposed? Okay, unanimous. Thank you, Commissioners and Deputy Commissioner for joining us.

And now we will go back to the start of our agenda. Resolution...

**Commissioner Turco:** Thank you all, good night.

**Chairwoman Bartels:** Thank you. Thank you.

Resolution No. 7: Adopting The Ulster County Code Of Conduct.

**Legislator Ronk:** I'll move it.

**Chairwoman Bartels:** Do I have a second for discussion? Okay, that's Legislators Ronk and Roberts. Legislator Ronk.

**Legislator Ronk:** I've, after a lot of soul searching... I just I'm willing to support this as it sits right now, with the understanding that, you know, we'll work together to try and amend it, either through the ethics law, or, you know, through adding penalties to this. I just, I don't want to hold it up anymore. I just I haven't gotten there with how the

penalties would work out yet. And so, that's, I'm just going to throw up my hands and say, let's, let's, let's move forward on this and then just commit to continue to work on it.

**Chairwoman Bartels** Okay, I'm, I'm grateful. I'm surprised but grateful. So, on the resolution...

**Legislator Ronk:** It's Christmas in August. That's...

**Chairwoman Bartels:** Thank you. Is there any discussion? Legislator Gavaris, is that discussion or did you want to...? Okay, so all in favor of the resolution?

**Committee Members:** Aye.

**Chairwoman Bartels:** And opposed? Okay, passes unanimously, thank you. And we will continue to work. Let's pick that up very shortly.

Resolution No. 237: Setting A Public Hearing On Proposed Local Law No.9 Of 2020, A Local Law Amending Various Sections Of The Ulster County Charter And Ulster County Administrative Code To Reduce The Ulster County Legislature To 21 Members, To Be Held On Tuesday, September 8, 2020 At 6:15 PM.

**Legislator Ronk:** I'll move it.

**Chairwoman Bartels:** Legislator Ronk moves it. Legislator Heppner seconds it. On the resolution. Is there discussion? Legislator Ronk.

**Legislator Ronk:** Thanks. Our caucus is not supportive of this at this time. We had a long discussion about it at caucus. We're already, because of the state legislature changed the dates for referenda to be on the ballot, there's not time to have this on the ballot this year.

This is going to be our only public hearing in September. And I just think at a time when we can't be in the room with the public to have them be able to speak to us. You know, I think it seems foolish and a waste of the taxpayers' time and money to have a public hearing on something that wouldn't even be able to be implemented until after next year.

I just, you know, we don't support moving forward on it. I think that changing the size of the Legislature is a laudable discussion, and I think that it's a discussion that we should have. I'm not sure 21 is the answer. I have never been sure. Even when Fred Wadnola proposed it back in 2009. I wasn't sure that 21 was the answer. So, I would prefer to either defeat this or to postpone it. But I'll be voting no.

**Chairwoman Bartels:** Does anyone else want to speak to it? Legislator Heppner.

**Legislator Heppner:** Since the sponsor's not here, I don't know if. You know, I'm just, for now, would move that we postpone.

**Chairwoman Bartels:** I agree, before you make that motion, Legislator Roberts, you had your hand up. Did you want to speak on the merit or...?

**Legislator Roberts:** Yeah, you know, judging by the timeline we're on, and I didn't get a call from Chairman Donaldson about a postponement. And I think he knows what we're up against timelines and stuff. So I'm going to vote no on this too, and vote no on a postponement.

**Chairwoman Bartels:** Okay. I agree with a lot of what Legislator Ronk said in terms of, and I've, I've said before that I'm not really sure what the number is. I do want to have a conversation about downsizing, but I'm not sure about 21. And then I think the most salient point is that right now, there is no rush to move this tonight because it's not going to go on a ballot this year. So, I'd like to give Legislator Heppner, again the opportunity to move for a postponement, and ask that we support a postponement, and hear from the Chairman and have further conversations about that. So, Legislator Heppner, did you want to actually make that motion?

**Legislator Heppner:** Yeah, I'll move to postpone.

**Chairwoman Bartels:** Do I hear a second to postpone? I'll second to postpone. Okay. All in favor of postponement?

**Committee Members:** Aye. (Bartels, Heppner)

**Chairwoman Bartels:** Opposed? (Gavaris, Ronk, Roberts)

**Legislator Ronk:** I'm a no on postponement.

**Chairwoman Bartels:** Okay, so Jay, did you see that the postponement positives: Bartels and Heppner? I'm just saying it so it'll be in the transcription easily. And the noes, Gavaris, Ronk, and Roberts. The resolution fails.

**Legislator Ronk:** The postponement fails.

**Chairwoman Bartels:** The postponement fails. Yes. So on the resolution, sorry. Thank you. On the resolution. All in favor? Opposed.

**Committee Members:** Aye. (All opposed)

**Legislator Ronk:** Just for the record that was all opposed.

**Chairwoman Bartels:** Just for the record that was all opposed. And just for the record, that was because I was not prepared to vote on it tonight. It needs further discussion.

**Legislator Heppner:** Same.

**Chairwoman Bartels:** And that "same" came from Legislator Heppner.

**Chairwoman Bartels:** Resolution No. 284: Adopting Proposed Local Law No. 4 Of 2020, A Local Law Establishing Certain Consumer Protection Practices In Ulster County And Penalties For Violating Same.

**Legislator Ronk:** I'll move it.

**Chairwoman Bartels:** Legislator Ronk moves it, Legislator Heppner seconds it. On the resolution? Discussion? Legislator Ronk.

**Legislator Ronk:** I just want to commend Legislator Lopez and everybody on this committee, and Ways and Means, in the Democratic caucus and the Republican caucus that worked together, I think, to craft something that we could all live with, it's going to protect people in Ulster County. I think it's a good example of collaboration leading to the best laws.

**Chairwoman Bartels:** I agree. And I want to specifically acknowledge, not just Legislator Lopez, but Legislator Gavaris for...

**Legislator Ronk:** Of course, I tried to include everybody.

**Chairwoman Bartels:** No, you did include everyone. I just wanted to make sure that I recognized him by name too since he did a lot of the legwork in reaching out to Legislator Lopez. So, I thank them both, but I thank everyone as well. On the resolution, all in favor?

**Committee Members:** Aye.

**Chairwoman Bartels:** Opposed? Okay, that's unanimous. Okay.

Resolution No. 285: Adopting Proposed Local Law No. 7 Of 2020, 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 .

**Legislator Ronk:** I'll move it.

**Chairwoman Bartels:** Legislator Ronk moves it, Legislator Heppner seconds it. On the resolution, discussion?

Deputy Executive Evelyn Wright.

**Deputy Executive Wright:** I think you've all heard our concerns on this, but just at the risk of being redundant, I hope you've all had a chance to take a look at the memo that the County Attorney's Office prepared on this. We're really concerned about the language in this law that requires the County Executive to execute an agreement without any criteria, without any room for negotiation, without any time windows for negotiation, anything like that. We just think that this could set up a situation, in the future, where, you know, folks who weren't party to creating this legislation, come to the conclusion that we have to do something that is not in the county's best interests, and we would just urge you to reconsider the way it is stated.

**Chairwoman Bartels:** Legislator Ronk, you had your hand up?

**Legislator Ronk:** Thanks. You know, I'm going to be a no on this tonight. You know, I've had numerous conversations with our minority counsel, Nick Pascale. You know, our position on this has not changed since the first time it was put in. You know, we don't have, under our authority, you know, from the state to collect it occupancy tax, the authority to collect it from a third party. I think that the County Attorney's memo today somewhat, you know, validated those concerns. Again, I believe he's the third County Attorney to weigh in with the same opinion on that. And, you know, for those reasons, along with a host of other ones, including the opposition from the Hospitality Association in the county, at a time, you know, you know, concerned it's going to harm them at a time when they can ill afford to be, you know, further harmed. You know, because if there's one industry that's been decimated by COVID, it's the tourism industry in general. And you know, in Ulster County, tourism is a huge part of our economy. So, you know, for those reasons, the Town Supervisor's Association is against it, for those reasons I'll be a no, and I believe that our entire caucus will be a no.

**Chairwoman Bartels:** Legislator Walter.

**Legislator Walter:** Thanks, I just want to make sure everyone was able to see the email today from County Counsel basically affirming the legality of this resolution. I would also add being, having extensive conversation with tourism

and the town supervisors, their concerns about this are completely separate and different. The supervisors were led to, some of them and not all of them, to be under the impression to support Evelyn's argument that us passing this resolution would harm their negotiation skills. It's not for any other reason. And again, it's not unanimous among the supervisors.

Tourism has, other kinds of concerns, including finding that counties who had these agreements in the past, were finding trouble getting out of their agreements. So, but I'm trusting that our... when we do get to the level of a contract, we're not going to find ourselves pigeonholed in, in some, you know, 10-year agreement. So, I just want to make sure that that's out there for the sake of clarity. And I do not believe that the Republican side is a unanimous no.

**Chairwoman Bartels:** Okay, just confirming a memo from the County Attorney was circulated to members of this committee, along with minority counsel, today. So you should have gotten that. That was in a n email because it was marked privileged and confidential. So you should have all gotten it via email.

**Chairwoman Bartels:** Legislator Roberts and then I have Ronk.

**Legislator Roberts:** I did. I did receive the email at 3:37. I didn't get a chance to go through it. I'm sure it says what you're saying it says. But again, I didn't get a chance to look at it yet.

**Chairwoman Bartels:** I'm sorry. I'm sorry for the delay in getting it to you. It came on, I want to say, Friday, but it was missing the attachment until today. So, I wanted to make sure that it was clear to circulate. Legislator Ronk had his hand up, oh, there you are.

**Legislator Ronk:** Okay, I'm just making sure my dog doesn't eat something he shouldn't.

So, I going to be as nice about this as I can. Just, you know, from what Legislator Walter said about the contents of the County Attorney's memo. I won't speak to things that are in it because it was marked privileged and confidential. And you know, I choose not to break attorney client privilege. I think that Legislator Walters comments on its, on its contents, you know, just proved that, you know, you can, you can read anything into what a lawyer writes. Because I don't read it the way that she said that it affirms our ability to collect the tax.

**Chairwoman Bartels:** It is interesting in that front because I had, when you said when you characterize it differently, my take on it was differently, as well, so.

**Legislator Ronk:** I believe it was a carefully worded opinion. But I don't believe that it affirms that we have the authority to collect the tax. I believe that it affirms we have the authority to collect some taxes.

**Chairwoman Bartels:** Okay, Legislative Counsel Ragucci.

**Christopher Ragucci, Esq.:** Yeah, I mean, I'd be happy to just again reiterate my own opinion, which in my view, is similar, if not identical to the County Attorney's opinion. And that's that the New York tax law permits us to collect this tax, and to collect it from a third party.

And I'm very confident, particularly in the case law that has recently come out of the third department, which is where we are obviously, that is guiding on this principle. And I would also speak again to the same issue we addressed last week, with respect to the negotiation power of the Executive. My reading again, I do not see any limitation on the Executive's power to negotiate a good deal on behalf of the County. There was no restriction whatsoever that he, you know, engage in negotiations that would render a bad deal. There's no limit in time to his ability to enter into an

agreement. There's no requirement or mandate that he accept a bad agreement. So, I just don't see that argument with any merit whatsoever.

**Chairwoman Bartels:** Deputy Executive Wright, was that your hand up?

**Deputy Executive Wright:** Yes. If I could just follow up on what Legislative Counsel just said. I'm wondering if you can, if you can envision what would happen in the event that Vrbo, or some other platform that might come along and gain market share in the future, came to us with a contract to collect this tax, and we could not reach agreements on a provision that we thought was problematic. The language in the law says the County Executive will execute a contract with every hosting company that offers one. What's the out there if the County Executive comes back to the legislature and says we think what they've offered is unacceptable and they're not moving? I don't see the out in there. And that's the scenario we're concerned about.

**Chairwoman Bartels:** Legislative Counsel Ragucci.

**Christopher Ragucci, Esq.:** And I certainly appreciate the position. But with all respect, that's not what the law says. It just says that the Executive shall enter into an agreement. It doesn't mandate that the executive accept the first agreement, or the second agreement or the third agreement that's presented. It says that the Executive shall enter into an agreement, the Executive, with that language, is certainly empowered to reject a bad agreement. So again, I just don't see it as a requirement that we accept the first agreement through the door.

**Chairwoman Bartels:** And also, I just want to follow on in terms of clarity sake, the debate about whether or not we have the authority to collect taxes. It's my understanding that the Executive's Office is looking to enter into an agreement, in which case the Executive's Office is intending to enter into an agreement to have Airbnb collect taxes.

Legislator Ronk.

**Legislator Ronk:** That point right there is why I would say that the opinion was carefully worded. You know, because I believe that the opposition to this, and support of another contract, was a consideration when that was written.

I will oppose the contract when the Executive brings it forward that they're attempting to negotiate now, as well. The proper way to do this is to go to the state and obtain home rule authority to be able to change our occupancy tax authorizing law. Which I tried to do several years ago, and was not supported by the state legislature. The majorities in the Senate and Assembly did not bring it forward because of intense lobbying by a New York City Hotel-Motel Trade Union. You know, I feel strongly about doing things right. Not the easy way, not the quick money grab way, but the right way, and the legal way. And that's what I've been, you know, that's what I've been attempting to do this entire time. So.

**Chairwoman Bartels:** Are there any other comments? Okay, seeing none, on the resolution All in favor?

**Committee Members:** Aye. (Bartels, Heppner, Gavaris)

**Chairwoman Bartels:** That's... and opposed?

**Committee Members:** Opposed. (Ronk, Roberts)

**Chairwoman Bartels:** Okay. Legislators Ronk and Roberts are opposed. The resolution passes.

**Chairwoman Bartels:** Resolution No. 295: Approving The Execution Of A Contract In Excess Of \$50,000.00 Entered Into By The County – Health Research, Inc. – Department Of Health.

On the resolution, Legislator Gavaris moves it.

**Legislator Ronk:** Second.

**Chairwoman Bartels:** Legislator Ronk seconds it. I don't know if anyone is here to be able to speak to it. Deputy Executive Milgrim was here. Deputy Executive Wright, is this something you can speak to at all?

**Deputy Director Kristin Carney:** This is Kristin Carney

**Chairwoman Bartels:** Oh, Kristin. Okay. Yes. Thank you. Go ahead.

**Deputy Director Kristin Carney:** Yeah, I'm calling in on behalf of Dr. Smith. She had the day off today.

**Chairwoman Bartels:** Oh, thank you. Okay,

**Deputy Director Kristin Carney:** So, this agreement came to us through New York State DOH through Health Research, Inc. and it is to provide money for increased staffing capacity to conduct contact tracing and case investigations related to COVID.

**Chairwoman Bartels:** Okay. And it's a revenue.

**Deputy Director Kristin Carney:** It's a revenue contract. It is for two years. The current reimbursable amount is \$357,000. But depending on cases and how things eb and flow, there is additional funding that could be released. The maximum amount on the agreement is \$1.477 million. We only heard from the state regarding this contract on July 30. They've asked that we return it by August 28. Hence why we worked with Contract Management to submit the resolution to enter into the agreement late.

**Chairwoman Bartels:** Okay, are there any questions?

Okay, hearing none. All in favor of Resolution 295

**Committee Members:** Aye.

**Chairwoman Bartels:** Opposed? Okay. passes unanimously. Thank you very much for joining us.

**Deputy Director Kristin Carney:** Thank you.

**Chairwoman Bartels:** Okay. Resolution No. 297: Approving The Execution Of A Contract In Excess Of \$50,000.00 Entered Into By The County – Capital Market Advisors, LLC – Legislature.

So, we moved the resolution Legislator Gavaris moves it, Legislator Heppner, seconds it. Are there any questions or comments on the resolution? All in favor?

**Committee Members:** Aye.

**Chairwoman Bartels:** Opposed. Okay, that passes unanimously. Okay, now I'm under... Is there any old business that anyone would like to discuss? Legislator Ronk.

**Legislator Ronk:** At some point we had discussed having a subcommittee on the rules. I just wanted to just bump that back up as old business and revisit it soon.

**Chairwoman Bartels:** You know, I was thinking about that today. And if the committee is not opposed, rather than having a subcommittee, I'd like us just to have a special meeting, which I'll try to schedule through Jay, shortly, depending on everyone's schedule. And then give enough lead time so that everyone could come, with the rules, and their notes, and let's just work through it as a committee. I mean, we're just five of us. And that's, that's my opinion. That's the way that Legislator Roberts did it as Chair of the committee, and I thought it worked really well.

**Legislator Roberts:** Well, we did try a subcommittee that lasted it seemed like for a year, and we finally threw in the towel.

**Chairwoman Bartels:** That's why I figure we'll skip that step and we'll just go right to working through it. So, what I'll do is I'll have Jay reach out to everybody. We'll suggest a couple dates, probably in the month of September. And if everyone at that point could take... Jay can send a copy of the rules to everybody to mark up or take notes on. And then if we come together, and we just start at the beginning and work through each section, I think that's the best approach. Thank you for bringing it up for revisiting.

Under new business we had discussion of the proposed amendments to the Human Rights Law which were submitted by the Executive's Office. I spoke to Marc, Deputy Executive Rider about it. He was going to have Jennifer Clark here to discuss their proposed amendments but I don't see her present.

Legislator Ronk.

**Legislator Ronk:** Thank you. When I was told about this, I was discouraged at best, disgusted at worse. Because I don't think myself, or, I'm not going to speak for him, Legislator Heppner, who co-chaired the, you know, Human Rights Law Task Force were consulted, discussed, or at all, you know, apprised of the fact that this was going to be introduced or, or was going to be put forward, or even proposed.

You know, there were a lot of community members that were involved in this, including the NAACP, and the LGBTQ Community Center, the Human Rights Commission itself, the County Legislature. I just, you know, if something like this is being worked on in the Executive's Office to a law that was passed by the Legislature, and include all these stakeholders, I would expect at the very least, hey, we're working on this. Even if they don't want to discuss the details with us. So, this was very discouraging, I guess I'll say is how I felt about it.

**Chairwoman Bartels:** And if I can respond, I mean, I anticipated that discouragement. Which is why when I saw the resolution with my name, I said it was not going to go in this month, with my name. But said that we could discuss it at committee in advance of putting it in. Because I have a lot of respect for the work that commission, committee did. You all spent a long time, and as you, as I'm aware, even though I didn't attend, you had many early morning meetings, with community members, etc. And so, I did not feel comfortable moving forward a resolution with my name, and springing it on the two of you, much less the whole body. So, I expected them to be here today to discuss it so that it wasn't... so, that we had advance notice and it was something that we would work through. But I, I don't see them. Legislator Heppner.

**Legislator Heppner:** I'll just add to what Legislator Ronk said in terms of, you know, the community involvement that really went into the process and the amount of effort from all, you know, different organizations and groups and

representations from the county. One of the things, why it was such a long process too is because the legislation was strongly vetted by then, County Executive Hein's administration, as well as the county attorney at that time, before it was even brought to the floor. And you know, there was changes made around that. So, I was kind of surprised by the sudden legal proposals. Obviously, I'm willing to have a conversation. I want the best human rights law there are, there can be. But I was surprised based on the well documented history these changes just recently went through.

**Chairwoman Bartels:** Yeah, and I just want to respond to that, and then I'll hand it over to you, Legislator Ronk. And on that front when I spoke to Deputy Executive Rider about it, he stated that many of the changes were technical changes that were required to have the committee run smoothly. On my read. I did not feel comfortable with that explanation. Which again, is why I wanted to begin a conversation, in advance of having a resolution before us, and submitted before us. So, it looks like that's going to have to happen next month, at the soonest.

Legislator Ronk.

**Legislator Ronk:** Thanks. Yeah, I don't agree that the changes, as far as I was able to look at, are just technical. In fact, there are several sections... Honestly, one of the one of the changes, you know, was one that I was, you know, not I would have not necessarily been against if it had come up in the, you know, in the commission itself, or the taskforce itself, because they... this draft and Legislator Heppner's smiling... I think he knows what I'm going to say. This draft eliminates money damages. I mean, and, you know, as far as I saw, that are able to be dealt out by the Human Rights Commission and the Administrative Hearing Officer. You know, and only leaves in non-monetary damages. You know, again, that was I think one of the biggest pieces of contention among committee members was how much to make the money damages, not to eliminate them altogether.

It also eliminates any references to Section 12D, which, which, again, is how we all agreed that we could legally do this. So, not only does it really eliminate some of the things that were most important to many of the members of the taskforce, including especially the community members. It also removes the specific sections that our attorneys had said we needed to have in there in order to make it legal under our construction of the Human Rights Commission. So, to say that the changes are technical, I think, is a stretch at best.

**Chairwoman Bartels:** So what I'm going to ask... I will reach out again, Deputy Executive Rider is on vacation, I believe this week. So, when he's back, I will reach out to him about attending our next meeting. I also believe we circulated proposed changes from Chairman Donaldson, which have to do with term limits of members. Something that we're running up against currently, given that we have we have members that are exceeding their term limits, but that want to stay. I know, this is something that we ran into before with the EMC having interested volunteers who want to stay longer. So, that's a, that should be a subject of debate moving forward.

I'm going to also ask that Legislative Counsel, and through Minority Leader Ronk, that Minority Counsel, have a look at the proposed changes from the Executive's Office, so that we can have a robust discussion about that with Jennifer Clark from the County Attorney's Office and Deputy Executive Rider, hopefully next month.

Legislator Ronk, your hand is up.

**Legislator Ronk:** Thanks. Yeah, I mean, you know, just so you know, Chairwoman Bartels, we, we had those discussions at length in the taskforce on, you know, the term limit. And we actually changed the term limit because it was an absolute term limit previously. We changed it. And I think both, I think also in the code. Where, after a brief hiatus, after a brief break from the commission, they could go back on. But that was a desire to try and get more people involved. And also, you know, the old idea that, the old thought process that you want to rotate people in and out on a regular basis because ideas and whatnot can get stale. You're not thinking about the new ideas. So, that was

discussed. And Legislator Heppner has that same recollection, that was what I believe that the Commission had come up with on the on the term limit for members.

**Legislator Heppner:** Yeah, that's how I remember it.

**Chairwoman Bartels:** Okay, so we'll include Chairman Donaldson in that discussion. Also probably have a look at the list of members in terms of those that have exceeded that stay. It's my understanding that some have.

**Legislator Ronk:** Mm hmm.

**Chairwoman Bartels:** So, that'll be on our agenda next month. Is there anything else anyone would like to discuss this evening?

**Chairwoman Bartels:** All right, seeing none, I'll entertain a motion to adjourn.

**Legislator Ronk:** I'll move we adjourn.

**Chairwoman Bartels:** Okay, Legislator Ronk and Legislator Heppner seconds. All in favor of adjournment.

**Committee Members:** Aye.

**Chairwoman Bartels:** Okay, and none opposed. So, thank you all very much. Have a great evening and I will see you all tomorrow.