

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

DATE & TIME: August 19, 2019 – 6:30 PM
LOCATION: KL Binder Library, 6th Floor, County Office Building
PRESIDING OFFICER: Chairman Donaldson
LEGISLATIVE STAFF: Jay Mahler, Deputy Clerk
PRESENT: Legislators Bartels, Heppner, Roberts, Rodriguez & Ronk
ABSENT: None
QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislator Archer, Greene, Haynes & Nolan, Legislative Counsel Gordon, Minority Counsel Pascale, Deputy County Executives Milgrim & Rider – UC Executive’s Office, Deputy Commissioner John Quigley – UC Board of Elections, Cindy Bell – League of Women Voters, Mike Tiano – citizen

Chairman Donaldson called the meeting to order at 6:30 PM.

Motion No. 1: Moved to APPROVE the Minutes of the July 15, 2019 Regular meeting

Motion By: Legislator Roberts
Motion Seconded By: Legislator Ronk

Discussion: None

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

Motion No. 2: Moved to APPROVE the Minutes of the August 1, 2019 Special meeting

Motion By: Legislator Rodriguez
Motion Seconded By: Legislator Ronk

Discussion: None

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

Resolutions for the August 20, 2019 Session of the Legislature

Chairman Donaldson advised the members that he would be taking the two Late Resolutions out of order in deference to Deputy Board of Elections Commissioner Quigley who was in attendance to answer any questions.

LATE Resolution No. 376: Authorizing The Chair Of The Ulster County Legislature To Execute An Agreement With The New York State Board Of Elections For Expenses Related To The Purchase Of Equipment And Services Necessary For Early Voting In Ulster County And Amending The 2019 Ulster County Budget – Ulster County Board Of Elections

Resolution Summary: This resolution authorizes the Chair to execute an agreement with the NYS Board of Elections for the period beginning April 12, 2019 and ending December 31, 2020 in the amount of \$223,991.00 for costs associated with the implementation of the Early Voting Act.

Motion No. 3: **Resolution No. 376 MOVED FOR DISCUSSION**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Heppner

Discussion:
Deputy Commissioner Quigley explained that the state was providing some funding to assist counties with the implementation of the Early Voting Act. He advised the members that the county would be looking at about \$70,000 - \$80,000 in annual maintenance expenses. He added that the initial outlay for equipment, training, etc. would be upwards of \$400,000 which would be mostly covered by the state funding. He explained that the rest would be made up with existing grant funds, and some county dollars.

Motion No. 4: **Motion to ADOPT Resolution No. 376**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Heppner

Discussion: None

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

LATE Resolution No. 377: Approving The Execution Of A Contract In Excess Of \$50,000.00 Entered Into By The County – KNOWiNK, LLC D/B/A KNOWiNK – Board Of Elections

Resolution Summary: This resolution approves the execution of a contract with KNOWiNK in the amount of \$301,595 to provide software, hardware, maintenance, support and training for Poll Pad and Poll Print tablet based electronic ballot system from August 15, 2019 through August 14, 2022.

Motion No. 5: **Resolution No. 377 MOVED FOR DISCUSSION**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Heppner

Discussion:

Deputy Commissioner Quigley explained that the company will provide the licenses and training for the poll pads which were purchased through an OGS contract with Verizon. Legislator Ronk asked if the vendor is the same that other counties are using. Mr. Quigley responded that there are three vendors who provide the service, but KNOWiNK is the only one currently approved by the State Board of Elections. He added that Dutchess County is using them, and Orange County is leaning towards using them. Legislator Ronk recommended purchasing more than the minimum number of required software licenses to allow for breakdowns, etc. Mr. Quigley stated that the Board of Elections was maximizing poll pad purchases. He briefly explained the early voting process and stated that the Board expected to learn a lot over the next year.

Motion No. 6: **Motion to ADOPT Resolution No. 377**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Heppner

Discussion: None

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

Legislator Rodriguez requested Resolution No. 373 be considered next.

Resolution No. 373: Setting A Public Hearing On Proposed Local Law No. 7 Of 2019, A Local Law Amending Local Law No. 3 Of 2019, A Local Law Establishing The Ulster County Electrical Licensing Board And Providing For the Qualifications, Examination, Licensing And Regulation Of Electricians In Ulster County, New York, To Be Held On Tuesday, September 10, 2019 At 6:25 PM

Resolution Summary: This resolution sets a public hearing for Tuesday, September 10, 2019 At 6:25 PM to allow the public to offer comments on Proposed Local Law Number 7 of 2019.

Motion No. 7: **Resolution No. 373 MOVED FOR DISCUSSION**
Motion By: Legislator Rodriguez
Motion Seconded By: Legislator Heppner

Discussion:

Legislator Rodriguez explained that the members had technical amendments before them which clarified sections in the adopted law. He added that additional amendments were drafted earlier in the day and suggested the members postpone the Resolution to provide adequate time to review the

amendments. Chairwoman Bartels asked if the proposed amendments could be incorporated into the current law so the members could more easily see how the existing law would be changed. Legislator Rodriguez responded that he would have the current law marked up. Chairwoman Bartels expressed her concern that the proposed new definitions could require that cable and telephone installers might be required to become licensed electricians. She also commented that solar system installers are not required to be electricians and the law as written may contradict that. Legislator Ronk asked that suggestions on changes be directed to Legislator Rodriguez, adding that further amendments to fees and reciprocity were also being considered. Legislator Greene echoed concerns about requirements for solar system installers and questioned if IBEW was consulted. Legislator Rodriguez responded that Mr. Fratto from IBEW has been consulted throughout the development of the existing law as well as the proposed amendments.

Motion No. 8: Motion to POSTPONE Resolution No. 373

Motion By: Legislator Rodriguez

Motion Seconded By: Legislator Heppner

Discussion: None

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

Voting Against: None

Votes in Favor: 6

Votes Against: 0

Disposition: Resolution POSTPONED

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, September 10, 2019 At 6:10 PM

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

Motion No. 9: Resolution No. 473 of 2018 MOVED FOR DISCUSSION

Motion By: Legislator Ronk

Motion Seconded By: Legislator Heppner

Discussion:

Legislator Ronk informed the members that the draft law before them contains all changes discussed during the previous months. He stated that there were only a couple of outstanding discussion points, including collective bargaining agreements and fines. Legislator Ronk stated that the Orange County Law is equally written in regards to collective bargaining. Chairman Donaldson stated that he did not feel there would be a conflict to vote on a contract that was negotiated on behalf of a group of employees and said there would also be a conflict with voting on the budget. Legislator Ronk stated that there is court precedent on the absence of conflict when voting on omnibus budget bills.

The members discussed fines for violations of the law. They agreed that language should be developed which will prevent the levying of multiple fines for an action on the same topic/item

repeated in more than one instance, ie: a vote on the same Resolution in more than one legislative meeting. The members agreed to reinstate the County Executive's ability to remove members for cause as well as provide the Legislature with the ability to recommend members for removal. Legislator Ronk commented that he believed that the change would allay the argument that a referendum would be required. Lastly, the members agreed that the effective date of the law should be January 1, 2020.

Motion No. 10: **Motion to POSTPONE Resolution No. 473 of 2018**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Heppner

Discussion: None

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

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

Resolution Summary: This resolution requires resolutions be submitted to the Clerk of the Legislature twelve days in advance of the first Regular meeting date of Legislative Committees.

Motion No. 11: **Resolution No. 120 MOVED FOR DISCUSSION**
Motion By: Legislator Heppner
Motion Seconded By: Legislator Ronk

Discussion:
Chairman Donaldson asked the Resolution Sponsor to update the members on discussions with the Executive's Office. Legislator Archer stated that the Executive's Office is supportive of the amendments, adding that the change is also supported by the Clerk of the Legislature. She explained that the proposed amendments changed the deadline date and allows for late filed Resolutions to be considered, when possible, by committees of original jurisdiction.

Motion No. 12: **Motion to AMEND Resolution No. 120 in the form as presented**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Heppner

Discussion: None

Voting In Favor: Legislators Bartels, Donaldson, Heppner Roberts, Rodriguez & Ronk
Voting Against: None
Votes in Favor: 6
Votes Against: 0
Disposition: **Amendment ADOPTED**

Motion No. 13: **Motion to ADOPT Resolution No. 120 AS AMENDED**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Heppner

Discussion:

Legislator Ronk stated that part of the agreement reached with the Executive's Office included pre-committee meetings with Committee Chairs and requested that Deputy Committee Chairs be invited as well. He added that there would need to be a couple sets of meetings to avoid creating a quorum of the Legislature. Chairwoman Bartels stated that they would work with him on it.

Voting In Favor: Legislators Bartels, Donaldson, Heppner Roberts, Rodriguez & Ronk
Voting Against: None
Votes in Favor: 6
Votes Against: 0
Disposition: **Resolution ADOPTED AS AMENDED**

Resolution No. 355: Setting A Public Hearing On Proposed Local Law No. 6 Of 2019, A Local Law Increasing The Salary And Hours Of The Commissioner Of Social Services, To Be Held On Tuesday, September 10, 2019 At 6:20 PM

Resolution Summary: This resolution sets a public hearing for Tuesday, September 10, 2019 At 6:20 PM to allow the public to offer comments on Proposed Local Law Number 6 of 2019.

Motion No. 14: **Resolution No. 355 MOVED FOR DISCUSSION**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Heppner

Discussion:

Chairman Donaldson commented that it is generally expected that Department Heads work as much time as necessary for the salary that is negotiated. He added that he felt raises should be considered and approved through the budget process which is only a couple of months away. He suggested the Local Law be amended to have a January 1st effective date. Legislator Ronk stated that he expressed the same concerns in the Ways & Means Committee. Deputy County Executive Rider stated that this was not a raise but changing of the Commissioner's hours from 35 to 40. He added that a portion of the Commissioner's salary is partially paid with state funds. Legislator Rodriguez said that, in this instance, an increase in hours is essentially an increase in salary.

Motion No. 15: **Motion to AMEND Resolution No. 355 to change the Public Hearing time to 6:10 PM**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Heppner

Discussion: None

Voting In Favor: Legislators Bartels, Donaldson, Heppner, Robert, Rodriguez & Ronk

Voting Against: None
Votes in Favor: 6
Votes Against: 0
Disposition: **Amendment ADOPTED**

Chairman Donaldson called for a vote on the Resolution as amended.

Voting In Favor: Legislators Bartels, Donaldson, Heppner, Robert, Rodriguez & Ronk
Voting Against: None
Votes in Favor: 6
Votes Against: 0
Disposition: **Resolution ADOPTED AS AMENDED**

Resolution No. 272: Setting A Public Hearing On Proposed Local Law No. 5 Of 2019, A Local Law Amending The Code Of The County Of Ulster To Include Mandatory Food Scraps Composting By Large Generators, To Be Held On Tuesday, September 10, 2019 At 6:15 PM

Resolution Summary: This resolution sets a public hearing for Tuesday, September 10, 2019 At 6:15 PM to allow the public to offer comments on Proposed Local Law Number 5 of 2019.

Motion No. 16: **Resolution No. 272 MOVED FOR DISCUSSION**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Rodriguez

Discussion:

Legislator Greene informed the members that the law was developed in consultation with stakeholders beginning last fall. She added that another stakeholder meeting was scheduled for a few days before the Public Hearing. She advised the members that because legislation was stalled for years in Albany there was a will to take action locally, adding that the local law was crafted to be in line with the state legislation passed in June. She advised the members that the local law is more restrictive, and includes schools and health care facilities. Legislator Ronk commented that he would prefer to hold off on the Public Hearing until after the stakeholder meeting. He added that the County Attorney's Office, and others were still discussing the question of whether the state has preempted the field on this issue. Legislative Counsel Gordon briefly spoke to the issue of field preemption.

Motion No. 17: **Motion to POSTPONE Resolution No. 272**

Motion By: Legislator Ronk
Motion Seconded By: Legislator Roberts

Discussion: None

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

Votes Against: 4
Disposition: Postponement **DEFEATED**

Chairman Donaldson called for a vote on the Resolution.

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

Resolution No. 374: S Establishing A Policy To Prohibit Appointees Of Ulster County Elected Officials And Board Of Elections Staff From Holding Any Elective Public Office Of Any City, Town or Village Within Ulster County

Resolution Summary: This resolution establishes a policy prohibiting the holding of any elective public office of any City, Town or Village within Ulster County by any appointed members of the County Executive's staff, including Deputy County Executives, Department Heads, and all other assistants, officers, and employees of the County Executive's office; the Commissioners of the Board of Elections and all employees of the Board of Elections; and any appointees of the Comptroller, County Clerk, District Attorney, Sheriff and Ulster County Legislature.

Motion No. 18: **Resolution No. 374 MOVED FOR DISCUSSION**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Roberts

Discussion:

Legislator Ronk informed the members that he would be asking for postponement, but advised them that he would be making an amendment in the future to exclude members of unpaid Boards and Commissions. Chairman Donaldson expressed concerns with eliminating an individual's ability to run for local elected office. He added that he agreed that the policy should apply to Board of Elections employees, but possibly not to individuals at the Department of Public Works. Legislator Ronk stated that the policy is intended to target policy makers and those who advise policy makers. He added that he has agreed to work with the County Executive on language which is why he was asking for postponement. Legislator Nolan recommended prohibiting an elected official from making an appointment rather than prohibiting an individual from running for office, adding concerns with infringements on free speech. Legislator Rodriguez responded that the Legislature has put limitations on offices in the past and disagreed that the prohibition was an infringement on free speech.

Motion No. 19: **Motion to POSTPONE Resolution No. 374**

Motion By: Legislator Ronk
Motion Seconded By: Legislator Heppner

Discussion: None

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

Chairman Donaldson moved on to Old Business on the agenda. Legislator Heppner advised the members that the Campaign Finance subcommittee is meeting later in the week and is close to completing their work.

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, July 9, 2019 At 6:05 PM

Resolution Summary: This resolution sets a public hearing for Tuesday, July 9, 2019 At 6:05 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, July 9, 2019 At 6:05 PM

Resolution Summary: This resolution sets a public hearing for Tuesday, July 9, 2019 At 6:05 PM to allow the public to offer comments on Proposed Local Law Number 21 of 2018.

Disposition: **NO ACTION TAKEN**

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

Adjournment

Motion Made By: Legislator Heppner
Motion Seconded By: Legislator Roberts
No. of Votes in Favor: 6
No. of Votes Against: 0

TIME: 8:13 PM

Respectfully submitted: Jay Mahler, Deputy Clerk
Minutes Approved: September 16, 2019