

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

**DATE & TIME:** October 18, 2023 – 2:30 PM  
**LOCATION:** KL Binder Library, 6<sup>th</sup> Floor, County Office Building, Kingston  
**PRESIDING OFFICER:** Chair Heppner  
**LEGISLATIVE STAFF:** Jay Mahler, Deputy Clerk  
**PRESENT:** Legislators Bartels, Gavaris, Levine & Ronk (arrived 2:50 PM)  
**ABSENT:** Legislator Roberts  
**QUORUM PRESENT:** Yes

**OTHER ATTENDEES:** Legislator Erner; Legislative Counsel Ragucci and Gordon (arrived at 3:15 PM) and Minority Counsel Pascale; Deputy County Executive Kelly; Comptroller Gallagher & Deputy Comptroller DiMarco

Chair Heppner called the meeting to order at 2:42 PM.

He advised the members that his plan was to continue to go through the CRC’s recommendations and then return to subjects/sections that were pinned at the last meeting. The members agreed.

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- § C-61. Personnel Director.
  - § C-62. Commissioner of Social Services.
  - § C-63. Commissioner of Public Works.
  - § C-64. Acting Commissioner of Public Works.
  - § C-65. Engineering Division.
  - § C-66. Rules and Regulations.
  - § C-67. Director of Transportation.
  - § C-68. Rules and Regulations.

The members accepted the CRC’s recommendations.

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- § C-69. Appointment and qualifications.

Chair Heppner advised the members that the CRC’s recommendation is to require Legislative confirmation of the Executive’s County Attorney appointment. Legislator Ronk stated his agreement.

- § C-70. Powers and Duties.

The members accepted all of the CRC’s recommendations in Article XIV – County Attorney

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Article XV – Department of Information Services

The members accepted all of the CRC’s recommendations in Article XV – Department of Information Services

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Article XV – Department of Information Services  
Article XVI – Department of Purchasing  
Article XVII – Department of Economic Development  
Article XVIII – Department of Public Defender  
Article XIX – County Clerk  
Article XX – Sheriff  
Article XV – Department of Information Services  
Article XXI – District Attorney  
Article XXII – Fire Coordinator and Fire Advisory Board  
Article XXIII – Office for the Aging

The members accepted all of the CRC’s recommendations in the Articles above.

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Article XXIV – **Department of Weights and Measures** ~~Consumer Fraud Bureau~~

Legislator Ronk commented that he and Legislator Roberts had attempted to dissolve the Consumer Fraud Bureau for a number of years. The members accepted of the CRC’s recommendations.

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Article XXV – Veteran’s Service Agency  
Article XXVI – Department of Probation  
Article XXVII – Board of Elections  
Article XXVIII – County Jury Board; Commissioner of Jurors  
Article XXIX – **Reserved** ~~Department of Residential Health Care Facilities~~

The members accepted all of the CRC’s recommendations in the Articles above.

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Article XXX – ~~Commission~~ **Department** of Human Rights

Legislator Ronk mentioned that amendments will need to be made to the Human Rights Law. Chair Bartels requested that the word will be changed for shall in § C-101. She further requested that the entire document be searched for use of the term will and make the same change.

The members accepted the CRC’s recommendations with the additional change.

Chair Bartels requested that counsel identify what changes require referendum on the 2024 ballot and those that do not. Legislator Ronk stated his preference for one referendum question. Chair Bartels agreed.

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Article XXXI – County Historian

§ C-101. Appointment; powers and duties

Chair Heppner pointed out that there was a shift in appointment authority. Chair Bartels stated it was likely pursuant to state law. The members accepted the CRC’s recommendation.

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## Article XXXIV – Periodic Compensation Review Committee

### § C-101. Establishment; membership; compensation.

Legislator Ronk opposed the change to prohibit service by persons previously employed by the county for a period of four years from cessation of employment. He stated that having that recent knowledge is an asset. Chair Bartels noted that when former Legislators served on the committee the voted to raise all salaries but their own. Comptroller Gallagher advised the members that the CRC had a concern that a former Legislator on the committee had a development project tied to county funds which might sway his decisions. Legislator Ronk that the committee members are bound by the Ethics Law and are required to file disclosure statements.

Legislator Erner asked if the members would consider his proposed changes to the committee. He explained that his proposal would eliminate the board and either tie countywide elected salaries to AMI, adjusting for family size, or setting salaries on a sliding scale based on the Legislators' household need, which he added may not be constitutional. Legislator Ronk stated that A and B are likely not legal, and that A1 may or may not be. Legislator Gavaris mentioned that his attempt to tie salary at the Village to attendance was deemed illegal. The members continued discussing the proposals and whether a permissive referendum was allowable. Counsel advised that it was not. The members briefly discussed what the salary would be under option A1, around \$56,000. Legislator Erner commented that he felt Legislators should be paid more to allow working class people to run for the office. Legislator Ronk thanked Legislator Erner for giving thought to changing the PCRC, adding that he didn't particularly like the committee and agreed that increasing the salary would increase the poll of candidates. Chair Bartels asked what other counties do.

The members agreed to strike the four year ban for service on the committee.

### § C-110. Duties.

The members agree to strike the CRC's proposed language on incorporation into the County Executive's budget. Chair Heppner stated that he did not believe the committee was authorized to mandate items in the budget. Chair Bartels commented that by having the PCRC's salary recommendations included in the budget it provide the Legislature an opportunity to remove them through the budget process if they chose but shields them from being forced to amend the budget to include them. Legislator Ronk commented that the legislature has to adopt a local law in order to change the salaries.

The members agreed to strike the CRC's recommendation.

The members requested a note be made to continue discussing changing the method by which salaries are determined.

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### § C-111. Membership; terms of office; limits of service.

The members accepted the CRC's recommendation.

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### § C-113. Director Emergency Communications/Emergency Management; Office of Civil Defense.

B. (3) The members accepted the CRC’s recommendation per previous discussion.

Legislator Gavaris commented that the term Civil Defense was outdated and not used. The members suggested asked Director Erichsen if the term should be changed. Legislator Ronk suggested it may be something in state law. Deputy CE Kelly directed the members to Article III of New York State Law. He offered to research it more.

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Article XXXVIII – Director of Employment and Training.

Article XXXIX – Department of Tourism

Chair Bartels advised the members that she proposed to the CRC to brined Tourism under Economic Development. Legislator Ronk commented that Tourism should be a stand-alone department and opposed the proposal. The members briefly discovered the proposal. Legislator Gavaris stated he supported the idea and emphasized the importance of branding across county departments to create a unified message.

Article XL – Traffic Safety

The members accepted all of the CRC’s recommendations in the Articles above.

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Article XLI – Youth Bureau.

~~Article XLII – Department of Community Corrections.~~

The members accepted the CRC’s recommendations as previously discussed.

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Article XLII – Department of the Environment.

§ C-124. Director, Department of Environment

A. Legislator Ronk asked if the sections were copied and pasted from the Code, adding that he believed the department appeared in the code but not the charter. Legislator Gavaris brought the members attention to the last sentence of the first paragraph pointing out that the language indicated policy approval by the Executive. Legislator Ronk suggested adding and approval by the Legislature to the sentence as indicated in bold and underlined font below.

“The Director of the Department of the Environment shall execute environmental policy for the County and shall be responsible for the development of environmental policy subject to approval by the County Executive **and adoption by the Legislature.**”

The members briefly discussed the term approval by the County Executive and requested Counsel develop the language.

B. 8) Legislator Ronk suggested the term budget request should be changed to budget estimate as that is the term defined. He added that Deputy CEs have repeatedly advised Legislators that the Executive

develops the budget, not the departments. A note was requested for Counsel to review the entire document to ensure consistent use of the term budget estimate.

The members accepted the CRC recommendations with the noted changes above.

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Chair Heppner advised the members that the remaining CRC recommendations were already agreed to in other sections and that they had completed the initial review. And would now revisit the pins from the October 12<sup>th</sup> meeting.

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§ C-5. Amendment or revision of Charter.

B. The members agreed to have Counsel insert language stipulating that “nothing shall preclude the convening of the CRC by Local Law should the need arise”. The members discussed how the CRC would be convened and when the CRC’s term ends.

The members agreed to the change.

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§ C-6. Definitions.

READ-ONLY ACCESS. Chair Heppner asked Counsel if they needed additional time on the definition. Counsel responded they may need more time. The members were reminded the concern was with the county’s financial systems not using that classification for access and the definition may need to be expanded to cover the terminology.

Comptroller Gallagher explained that the CRC developed the term out of a concern that the Comptroller has access to outside depository institutions, and that access should be limited to the ability to view statements and online account, but not the ability to make any changes. The members briefly discussed the definition and decided to accept the language as proposed by the CRC.

GEOGRAPHIC DIVERSITY. The members revisited the proposal requiring 30 miles separation, the complications that poses and whether reducing the miles would remedy the issues. Legislator Erner commented that he was also concerned with geographic diversity and suggested that the County Legislative Districts be used as the division, giving the example of no two are held in adjacent legislative districts or two legislative districts from each other. The members discussed the sections the requirement applies to. Chair Heppner suggested grouping the Legislative Districts into regions and requiring the hearing be held within the region. The members discussed challenges including: adequate facilities and amenities to host the meeting and including the county seat. Legislator Gavaris suggested “shall be at least two legislative districts away from the county seat and at least three legislative districts apart from each other.” The members discussed scenarios. Counsel stated that when in litigation matters the reference has always been in radius and suggested graduated miles. Legislator Levine suggested a rotational schedule so that there would be once in every municipality every ten years. Chair Bartels commented they should keep it simple.

The members agreed to the language suggested by Legislator Gavaris and asked Counsel to finalize it. Chair Bartels requested a list of municipalities precluded.

WET SIGNATURE. Chair Heppner asked if counsel had an opportunity to discuss. Counselor Ragucci advised the members that they did discuss and preferred the term ORIGINAL SIGNATURE which appears in language used in the Appellate Division which identifies original signature “It's an autograph in ink on the original of the paper that is filed.” The members briefly discussed whether the current process for obtaining original signatures and digital options.

The members accepted counsel’s definition of ORIGINAL SIGNATURE.

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§ C-11. Powers and duties of Legislature.

K. The request was for counsel to review language in parentheses and ensure access to digital records is stipulated. Counsel stated they were working on it.

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§ C-21. Filling membership vacancies.

The request was for Counsel to review entire document to ensure all references to clerk clarified Clerk of the Legislature or County Clerk. They are completing.

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§ C-23. Election and qualifications.

The request was for Counsel to review use of terminology “taking office” vs. nomination and election”

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§ C-25. Powers and duties of the County Executive.

P. Noted that Chair Bartels requested removal but CRC did not accept recommendation. Chair Bartels acknowledged it was a big move and accepted the CRCs decision.

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§ C-27. Deputy County Executive(s).

The pin was to continue the discussion on whether a Deputy County Executive needs to be a qualified elector of Ulster County. Chair Heppner stated that he did not think it was necessary. Legislator Ronk stated that he felt strongly that they should, adding they are very involved in policy and make high salaries. Chair Heppner hesitated to put in restriction that limit the pool of potential candidates, noting many county residents commute out of county for work. Chair Bartels reminded the members that Deputy County Executives must be a qualified elector to be named on the order of succession. Legislator Gavaris stated that there should be a short period of time for an appointed Deputy to move into the county. Deputy CE Kelly stated he understood the requirement for the line of succession but felt the requirement for all deputies is restrictive. Chair Bartels stated that the Charter says the deputy county executives shall have the authority to act generally for and in place of the county executive. The members continued the discussion and agreed on a one year time to relocate to the county. Chair Heppner suggested exempting current deputies from the provision. The members decided not to include exemption language.

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§ C-29. Acting County Executive.

A. Counsel was directed to insert language requiring Legislative approval of order of succession. Chair Bartels noted that language was included in new section G. She commented that G. was an odd place to have it and preferred it appear in A. Counsel was asked to look at logical flow in the subsections.

B. The members briefly discussed mirroring the residency requirement for County Executive for the Acting Executive and decided not to pursue it.

D-H. The members continued the discussion of filling a vacancy of the County Executive and concerns with the length of time a non-elected individual could serve in elected office. The members agreed they did not have a better suggestion and agreed to the CRC's recommendations.

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§ C-33. Departmental, agency, office or unit estimates.

Note indicated that counsel would insert language providing that the "departmental estimates" be furnished to the Comptroller after the submission of the "proposed operating and capital budget" by the County Executive. They stated they were working on it.

The members briefly revisited requiring the estimates be submitted simultaneously to the Comptroller. Chair Bartels suggested the language be reinstated and questioned it was removed. Deputy CE Kelly commented that the budget is an Executive and Legislative function and that any audit of the contents or department estimate would come after the adoption of the budget. Comptroller Gallagher stated that there may be times that the legislature would want her office's opinion on a department that she has been auditing, adding that the information could be supplied when her opinion was requested. Legislator Ronk stated that he supported removing the CRC's recommendation. Chair Bartels noted that the word simultaneously will need to be stricken. The members agreed to the change.

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The members revisited the definition of geographic diversity, but made no changes.

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§ C-41. Commissioner of Health or Public Health Director.

The members continued the discussion of the CRC's recommendation to remove the requirement that the Commissioner of Health or Public Health Director be a licensed physician in addition to possessing a MPH. Legislator Ronk stated that state law requires for counties over 50,000 they be a doctor. Chair Bartels stated there were many counties that did not have a doctor serving. Legislator Ronk stated he felt strongly about requiring a medical license. The members continued the discussion while the state requirement was researched which confirmed they must be a physician. NYS Title 10, Article 11. The members agreed to leave the recommendation by the CRC to strike the language.

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The members confirmed that counsel was reviewing the document to apply the same provisions for all departments heads throughout the document directing that the department head shall perform such other and related duties as required by the County Executive or County Legislature.

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§ C-46. Appointment of Planning Director.

The pin requested counsel redraft the section to provide for appointment of the Planning Director in the same manner as other department heads. The members agreed to the change. Counsel indicated they were working on it.

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## Article IX – Comptroller

Chair Heppner reminded the members that § C-57 subsection G&H are on the November Election ballot and may change section amendments.

### § C-59. Acting Comptroller.

Chair Heppner reminded the members that they agreed and asked counsel to insert language subjecting the order of succession to confirmation by the Legislature. Comptroller Gallagher advised the members that her succession plan would not be viable because as written in the CRC’s recommendation individuals had to be qualified electors at the time the plan is filed. She added that she had no problem with someone being required to move into the county to take office but objected to the requirement to be on the list of succession.

Chair Bartels restated her reasons for supporting a shorter residency requirement for Comptroller than for the Executive. Legislator Ronk commented that four years, which is the term of office, was not an unreasonable requirement. The members discussed a shorter residency requirement and took an informal vote of their preference:

2 years: Bartels, Heppner & Levine

4 years: Gavaris & Ronk

The members agreed to amend the section to require a 2 year residency requirement.

The members continued the discussion of qualification for Acting County Executive. Comptroller Gallagher questioned the requirement that the person be incumbent in county government. Legislator Ronk stated that as long as they were a county resident, he did not feel they needed to be incumbent in county government. The members agreed to the change. Comptroller Gallagher stated that the qualified elector requirement at the time the line of succession is filed makes it challenging and will force her to change her succession plan. She added that she understood requiring the person to relocate to the county upon taking the office. Chair Bartels stated that the incumbent in county government was less important to her than the qualified elector requirement. The Comptroller offered that there is a difference between moving for a temporary time to fill an office and permanently relocating. Legislator Ronk commented that he did not see the difference. The members continued to discuss the qualified elector requirement. Legislator Gavaris commented that the conversation has moved to a situation where they are talking about the people and not the position, adding he supports the qualified elector language.

Chair Heppner asked for the will of the committee. Legislator Ronk stated that he offers removing the incumbent in county government requirement but leaves the qualified elector provision. Chair Bartels stated she was inclined to agree. They agreed to give it some more thought.

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Counselor Pascale advised the members a zoom meeting was scheduled for the next day to go over the comments and continue drafting changes.

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Chair Heppner asked if there was any other business, and hearing none;

**Adjournment**

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

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

**TIME:** 4:33 PM

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Chair Heppner reconvened the meeting at 4:34 PM to discuss additional amendments to the Charter being proposed by Legislator Erner.

Legislator Erner thanked the members for their time and reviewed additional Carter changes he was seeking. She stated that he no longer cared about a suggestion prohibiting the Executive from appointing one person as the head of multiple departments or serving as a department head themselves and the previously discussed elimination of the Periodic Compensation Review Committee and suggested changes in the way salaries are determined. The members briefly discussed the proposals noting that the Legislature has confirmation authority of department head appointment.

He stated that he is also: proposing to extend the geographic diversity requirement to boards and commissions, adding a preamble to the Charter to explain what the government is for, and a resignation to run requirement. He added that he believed the changes proposed did not require referendum. The members briefly discussed legal allowability of the resign to run proposal. Chair Bartels thanked him for all of his work. Legislator Erner thanked the members for their time.

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Chair Heppner asked if there was any further discussion, and hearing none;

**Adjournment**

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

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

**TIME:** 4:47 PM

**Respectfully submitted:** Deputy Clerk Mahler  
**Minutes Approved:** December 18, 2023