

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

**DATE & TIME:** November 16, 2020 – 6:00 PM  
**LOCATION:** Powered by Zoom Meeting by Dialing (646) 558-8656  
Meeting ID: 939 4002 6959  
**PRESIDING OFFICER:** Chairwoman Bartels  
**LEGISLATIVE STAFF:** Jay Mahler, Deputy Clerk  
**PRESENT:** Legislators Gavaris, Heppner, Roberts & Ronk (left 7:05 PM)  
**ABSENT:** None  
**QUORUM PRESENT:** Yes

**OTHER ATTENDEES:** Legislators Haynes & Petit, Legislative Counsels Ragucci & Gordon and Minority Counsel Pascale, Deputy County Executives Milgrim & Rider, Commissioner Dittus and Deputy Commissioner Quigley – UC Board of Elections, Mid-Hudson News reporter

Chairwoman Bartels called the meeting to order at 6:01 PM.

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**Motion No. 1:** Moved to **APPROVE Minutes & Transcript of the October 19<sup>th</sup> 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 November 16, 2020 Session of the Legislature

**Resolution No. 300:** Setting A Public Hearing On Proposed Local Law No. 12 Of 2020, A Local Law Amending Local Law No. 4 of 2018, A Local Law Establishing An Ulster County Human Rights Law, To Be Held On Tuesday, December 8, 2020 At 6:00 PM

**Resolution Summary:** This resolution sets a Public Hearing on Tuesday, December 8, 2020 at 6:00 PM to allow the public to offer comments on Proposed Local Law No. 12 of 2020.

**Motion No. 2:** **Resolution No. 300 MOVED FOR DISCUSSION**

**Motion By:** Legislator Gavaris

**Motion Seconded By:** Legislator Roberts

**Discussion:** See attached transcript

**Motion No. 3:** **Motion to POSTPONE Resolution No. 300**

**Motion By:** Legislator Heppner  
**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 POSTPONED**

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**Resolution No. 345:** Setting A Public Hearing On Proposed Local Law No. 13 Of 2020, A Local Law Amending The Ulster County Charter, (Local Law No. 2 Of 2006), And Amending The Administrative Code For The County Of Ulster, (Local Law No. 10 Of 2008) To Further Clarify Budget Modification after Adoption, To Be Held On Tuesday, December 8, 2020 At 6:10 PM

**Resolution Summary:** This resolution sets a Public Hearing on Tuesday, December 8, 2020 at 6:10 PM to allow the public to offer comments on Proposed Local Law No. 13 of 2020.

**Motion No. 4:** **Resolution No. 345 MOVED FOR DISCUSSION**  
**Motion By:** Legislator Ronk  
**Motion Seconded By:** Legislator Gavaris

**Discussion:** See attached transcript

**Motion No. 5:** **Motion to POSTPONE Resolution No. 345**  
**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. 383:** Setting A Public Hearing On Proposed Local Law No. 14 Of 2020, A Local Law Amending Local Law No. 17 Of 2007, A Local Law To Create The Department Of The Environment And The Office Of Coordinator Of The Department Of The Environment For The County of Ulster, To Be Held On Tuesday, December 8, 2020 At 6:15 PM

**Resolution Summary:** This resolution sets a Public Hearing on Tuesday, December 8, 2020 at 6:15 PM to allow the public to offer comments on Proposed Local Law No. 14 of 2020.

**Motion No. 6:** **Resolution No. 383 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. 425:** Setting A Public Hearing On Proposed Local Law No. 15 Of 2020, A Local Law Amending Article XXX Of The Ulster County Charter And Article XXX Of The Ulster County Administrative Code To Eliminate The Term Limit Imposed On Commissioners, To Be Held On Tuesday, December 8, 2020 At 6:00 PM

**Resolution Summary:** This resolution sets a Public Hearing on Tuesday, December 8, 2020 at 6:00 PM to allow the public to offer comments on Proposed Local Law No. 15 of 2020.

**Motion No. 7:** **Resolution No. 425 MOVED FOR DISCUSSION**  
**Motion By:** Legislator Ronk  
**Motion Seconded By:** Legislator Heppner

**Discussion:** See attached transcript

**Motion No. 8:** **Motion to POSTPONE Resolution No. 425**  
**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 POSTPONED**

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**Resolution No. 427:** Authorizing And Appropriating A One-Time Compensatory Time Payment To Certain Employees Of The Ulster County Board Of Elections

**Resolution Summary:** This resolution authorizes a one-time payout of all accrued compensatory time, including compensatory time for hours worked over 105, accrued as of November 21, 2020 for certain Board of Elections Employees.

**Motion No. 9:** **Resolution No. 427 MOVED FOR DISCUSSION**  
**Motion By:** Legislator Ronk  
**Motion Seconded By:** Legislator Heppner

**Discussion:** See attached transcript

**Motion No. 10:** **Motion to AMEND Resolution No. 425 to include the following: "The Ulster County Legislature hereby extends the deadline to use comp time**

for the Board of Elections employees, who accrue comp time, to December 31 of 2021. And also hereby eliminates the cap of 105 hours of comp time until December of 2021.”

**Motion By:** Legislator Ronk

**Motion Seconded By:** None

**Discussion:** See attached transcript

**Motion No. 11:** **Motion to AMEND Resolution No. 427 to include the two Deputy Commissioner positions in the one-time payout**

**Motion By:** Legislator Ronk

**Motion Seconded By:** Legislator Roberts

**Discussion:** See attached transcript

**Voting In Favor:** Legislators Heppner, Roberts & Ronk

**Voting Against:** Legislators Bartels & Gavaris

**Votes in Favor:** 3

**Votes Against:** 2

**Disposition:** **Amendment ADOPTED**

**Discussion:** See attached transcript

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

**Voting Against:** Legislators Gavaris & Ronk

**Votes in Favor:** 3

**Votes Against:** 2

**Disposition:** **Resolution ADOPTED AS AMENDED**

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Old Business – Continuation of Rules Change Discussion. Chairwoman Bartels advised the members that she would like to schedule a Special Meeting before the next Regular Meeting. See attached transcript.

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### Adjournment

**Motion Made By:** Legislator Gavaris

**Motion Seconded By:** Legislator Heppner

**No. of Votes in Favor:** 4

**No. of Votes Against:** 0

**TIME:** 7:08 PM

**Respectfully submitted: Deputy Clerk Mahler & Confidential Secretary Lichtenstein (transcript)**

**Minutes Approved: December 14, 2020**

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

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Meeting ID: 939 4002 6959  
**PRESIDING OFFICER:** Chairwoman Bartels  
**LEGISLATIVE STAFF:** Jay Mahler, Deputy Clerk  
**PRESENT:** Legislators Gavaris, Heppner, Roberts & Ronk (left 7:05 PM)  
**ABSENT:** None  
**QUORUM PRESENT:** Yes

**OTHER ATTENDEES:** Legislators Haynes & Petit, Legislative Counsels Ragucci & Gordon and Minority Counsel Pascale, Deputy County Executives Milgrim & Rider, Commissioner Dittus and Deputy Commissioner Quigley – UC Board of Elections, Mid-Hudson News reporter

Chairwoman Bartels called the meeting to order at 6:01 PM.

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**Chairwoman Bartels:** Right. I'm going to call tonight's Laws and Rules Government Services Committee Meeting to order. Today's November 16, at 6:01 pm. Jay, can you take the roll, please?

**Deputy Clerk Mahler:** Absolutely. 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 members present; zero absent.

**Chairwoman Bartels:** Thank you. So, we'll go ahead. And I'll ask for, hopefully everyone's had a chance to look at the meeting minutes and the transcript, and I'll entertain a motion to approve of them.

**Legislator Ronk:** So moved.

**Legislator Heppner:** Second.

**Chairwoman Bartels:** Is there any comment on the minutes and the transcript? Anyone have any comments, changes? Right. Thank you again, Jay, for your hard work.

All those in favor of approval of the minutes?

**Committee Members:** Aye.

**Chairwoman Bartels:** Opposed? Passes unanimously.

Okay. I see Commissioner Dittus is here. We'll, we'll give it a few more minutes. I know Commissioner Dittus is driving and we'll get into Resolutions if that's okay for a moment? Just in case, your counterparts, to give your counterparts a moment to get on the line.

So, moving into Resolutions Resolution Number 300. Setting A Public Hearing On Proposed Local Law No. 12 Of 2020, A Local Law Amending Local Law No. 4 of 2018, A Local Law Establishing An Ulster County Human Rights Law, To Be Held On Tuesday, December 8, 2020 At 6:00 PM.

**Legislator Gavaris:** I'll make a motion.

**Chairwoman Bartels:** Thank you.

**Chairwoman Bartels:** Second. Okay, Legislator Heppner, is that your hand raised?

**Legislator Heppner:** Yep. At this point I move to postpone. I played phone tag with Legislative Counsel Ragucci this afternoon. Unless Legislator Ronk has any updates on possible conversations that Counsel Pascale's had. I currently don't have any more updates based on the conversations our counsel would have had with the County Attorney's Office.

**Chairwoman Bartels:** Legislator Ronk.

**Legislator Ronk:** Thanks. Yeah. First off, I'll second that motion to postpone.

And I believe that Counsel Pascale has submitted his comments, I guess, you know, our, the Minority's comments on the Human Rights Law Amendments that were put in to the County Attorney's Office. The way I, the way I remember it, and I could be wrong...so, Nick can correct me if I am, but I thought that we were sort of waiting on... The, he just joined... Counsel Ragucci to, yeah, weigh in with the Majority's comments.

**Chairwoman Bartels:** Counsel Ragucci, are you are you able to hear us?

**Christopher Ragucci, Esq.:** Yes, I can hear you. Okay, sorry. I'm on my phone today. Can you hear me?

**Chairwoman Bartels:** Yes. No problem.

We were discussing the proposed changes to Local Law No. 12, the Human Rights Law. Last we left it, Legislator Ronk had sent Minority counsel's comments, and Nick is on the phone line as well. And we were waiting for ... Legislator Heppner said that he played some phone tag with you today. Legislator Ronk was waiting to get feedback with Majority comments. There's a motion to postpone on the table. Is there anything you want to add at the moment?

**Christopher Ragucci, Esq.:** So, I am in receipt of Nick's email from of several weeks ago now, at this point. And he and I, I believe have discussed it on a call, as well. And I actually concur with his comments. So, I don't really have any additional substantive changes that I think are appropriate at this time.

**Chairwoman Bartels:** Okay, so, if I can just add, since there's a motion to postpone, why don't we circulate those comments, through Jay, to the entire committee, one more time. And to the County Attorney's Office through Deputy Executive Rider, just so we're all on the same page. And let's make a commitment to work this, with the postponement, if the postponement passes, let's make a commitment to work this through so that we can move toward passage of whatever changes we're accepting next month. Does that sound fair?

**Legislator Ronk:** Sounds fine to me,

**Chairwoman Bartels:** Deputy Executive Rider.

**Deputy Executive Rider:** Can I just ask that you Cc Clint Johnson on those because the attorney that was working on those changes is out on leave. So, just make sure Clint gets them and he can reassign.

**Christopher Ragucci, Esq.:** Sure. I'll make sure that he gets him as well. And I'll follow up with a call.

**Legislator Ronk:** Yeah. And I think that they, I think that both Minority and Legislative Counsel have talked to the County Attorney about this in Counsels Meeting as well.

**Christopher Ragucci, Esq.:** We have, Ken, that's correct.

**Chairwoman Bartels:** And just for my clarification, the attorney that was working on this was Jennifer Clark, is that correct?

**Deputy Executive Rider:** Yes. Yes

**Chairwoman Bartels:** She's out on leave right now. Okay. Great. So, we'll do that. Jay, you have all that. So, on the postponement? All those in favor?

**Committee Members:** Aye.

**Chairwoman Bartels:** Aye. Opposed? Okay. Passes unanimously.

Okay, moving to Resolution Number 345. Setting A Public Hearing On Proposed Local Law No. 13 Of 2020, A Local Law Amending The Ulster County Charter, (Local Law No. 2 Of 2006), And Amending The Administrative Code For The County Of Ulster, (Local Law No. 10 Of 2008) To Further Clarify Budget Modification after Adoption, To Be Held On Tuesday, December 8, 2020 At 6:10 PM.

This was postponed in Ways and Means. I'll take a motion for discussion.

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

**Legislator Gavaris:** Second

**Chairwoman Bartels:** That's Legislators Ronk and Gavaris. Legislator Ronk.

**Legislator Ronk:** Thanks. I believe, you know, and Chairwoman you and I spoke earlier in the day, I believe that Legislator Archer was hoping to have this come up after the... after we finished with the budget cycle. So, with that in mind, I make a motion that we postpone it.

**Chairwoman Bartels:** Yes, I can confirm that's accurate.

**Legislator Heppner:** I'll Second.

**Chairwoman Bartels:** Okay. Legislator.... so, Legislator Roberts' hand first. Legislator Roberts, we're raising your hand to second?

**Legislator Roberts:** Yes, ma'am.

**Chairwoman Bartels:** Okay, so, Legislator Roberts seconds.

**Chairwoman Bartels:** Does anyone want to speak on the postponement? Okay, all those in favor of postponement?

**Committee Members:** Aye.

**Chairwoman Bartels:** Opposed? Okay, that passes unanimously.

Okay, Resolution number 383. Setting A Public Hearing On Proposed Local Law No. 14 Of 2020, A Local Law Amending Local Law No. 17 Of 2007, A Local Law To Create The Department Of The Environment And The Office Of Coordinator Of The Department Of The Environment For The County of Ulster, To Be Held On Tuesday, December 8, 2020 At 6:15 PM.

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

**Legislator Heppner:** I'll second it.

**Chairwoman Bartels:** That's Legislators Ronk and Heppner. Discussion? Okay, all those in favor of Resolution number 383. Aye. Opposed? Passes unanimously.

Okay, Resolution Number 425: Setting A Public Hearing On Proposed Local Law No. 15 Of 2020, A Local Law Amending Article XXX Of The Ulster County Charter And Article XXX Of The Ulster County Administrative Code To Eliminate The Term Limit Imposed On Commissioners, To Be Held On Tuesday, December 8, 2020 At 6:00 PM.

Motion for discussion? Legislator Ronk

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

**Chairwoman Bartels:** And second for discussion, Legislator Heppner, okay. Legislator Ronk.

**Legislator Ronk:** Thank you. Chairman Donaldson who is the sponsor of this. He and I had a conversation earlier in the day. He told me that he would be consenting to a postponement tonight. I feel strongly that this should be discussed in the same vein as the earlier local law that we postponed with the amendments to the Human Rights Commission.

You know, Jonathan and I co-chaired a Human Rights Task Force. And my recollection, among all of the task force members was that even though we didn't want there to be a hard and fast term on it, like there used to be, there was consensus that everybody wanted there to be sort of a cooling off period to try and move new blood in and out of the Commission. I think it's a discussion that we can have on whether or not two terms is too short before a cooling off period. But I would be against eliminating any term limit on the board to begin with, because, you know, it was important to the Task Force.

John, I don't know, if you have anything to add there.

**Legislator Heppner:** I'm comfortable for further discussion if Chairman Donaldson is good with the postponement, so am I.

**Chairwoman Bartels:** I can add that I spoke with Chairman Donaldson today as well. He was, he did consent to a postponement. I expressed Legislator Ronk's concerns just because he and I had gone through the Resolutions for tonight as well. But I do have to say on the record that Legislator... Chairman Donaldson feels extremely strongly that we're committed to moving this next month. He feels very strongly about this.

He was... he did show some openness to a discussion. While he was originally just opposing term limits, he did show some openness to a discussion about maintaining term limits, but not... he definitely feels that two terms is too short. So...

**Legislator Ronk:** Agreed.

**Chairwoman Bartels:** So in the interim of this to next month, I think we need to... I'm committed to, to make sure we get this off our agenda before the end of the year, along with the other Human Rights Resolution. So, we have this one-month postponement, but we have to commit to getting it done.

So, do I hear a motion to postpone?

**Legislator Ronk:** I'll make that motion.

**Legislator Heppner:** Second.

**Chairwoman Bartels:** Legislators Ronk and Heppner. All those in favor of the postponement?

**Committee Members:** Aye.

**Chairwoman Bartels:** Moving along. Opposed. None. Unanimous.

Okay. Resolution Number 427: Authorizing And Appropriating A One-Time Compensatory Time Payment To Certain Employees Of The Ulster County Board Of Elections.

Motion for discussion?

**Legislator Ronk:** I'll move for discussion.

**Chairwoman Bartels:** Okay, Legislator Ronk. Second. Okay, Legislator Heppner. On the Resolution, Legislator Ronk.

**Legislator Ronk:** Thanks. I've had deep concerns about this ever since it, you know, was brought up in discussion. You know, there's, I want to say, and I could be wrong about the number, but there's about 160-165 management, confidential, non-union employees in the county employ. I have deep concern about providing special compensation to only eight of them. Everybody else in, you know, who is able to earn comp time, has to use it within the appointed time and cannot accrue more than a certain number of hours.

I understand that there are special circumstances involved here. I feel strongly that the proper way to handle a situation like this, if we were going to do something, would be to extend the time when you can use the comp time, as well as, you know, eliminating, you know, temporarily, the cap on the number of hours. I just don't know how you... I don't know how you provide a special, you know, compensation, to what turns out to be, you know, less than 10 employees,

all of whom are political appointments of the, you know, of people appointed by the Legislature. I just, I think, I think it is concerning from a policy perspective, and I think it looks bad from a public relations perspective.

**Chairwoman Bartels:** Legislator Gavaris.

**Legislator Gavaris:** I share a lot of the same concerns Legislator Ronk had stated, but also, I mean, we've already been saying for months now we're in a financial crisis in the county. To expend additional funds that we didn't budget for, that's just more money. I'd rather see us extend that the allowable time that they can use it into next year and come up with a reasonable timeframe that they would have. But to spend additional money that we didn't already plan for. We just can't afford to do it.

**Chairwoman Bartels:** Legislator Heppner.

**Legislator Heppner:** I know Legislator Bartels and Legislator Roberts, you worked together with the BOE, so... And so... but I was under the impression that this money is already currently budgeted. I just want to confirm that.

**Chairwoman Bartels:** It is it's coming out of grant money within the department. It's already in this year's budget.

**Legislator Heppner:** Thank you.

**Chairwoman Bartels:** I have Legislator Roberts first and then Legislator Ronk, and then I'll...

**Legislator Roberts:** Thank you, Madam Chair. This we put a lot of time and effort into coming up with a solution. We could extend the comp. And the Board of Elections stepped up to the plate during the last month or so, when we needed them most. It was a very important election. A lot of absentee ballots had to be filed, and applications. I think it's only right that we compensate them instead of extending the comp time.

**Chairwoman Bartels:** Legislator Ronk I have a comment, but if you want to

**Legislator Ronk:** No, you go first.

**Chairwoman Bartels:** You sure?

**Legislator Ronk:** Yeah.

**Chairwoman Bartels:** Okay. Yeah, I want to thank Legislator Roberts, we did... we put a lot of time into trying to work out a way to deal with this situation. Which the comp time and the department had been drawn down from nearly all employees to almost nothing back in February.

So, I think its evidence that it was due to the extraordinary nature of this election cycle. Tremendous amount of response in terms of absentee applications. The early voting. The incredible public response in terms of calls to the office and sort of a drain on, on resources in day to day. And, you know, I think that, independent of party lines, the Board of Elections did an amazing job, and is continuing to do amazing job as they're even counting. I mean, we're going to talk to them shortly. They're in the process of a count, currently.

This is an extraordinarily difficult election in terms of the workload with a tremendous amount of hours. And the way that, I realize we're talking about a very small number in terms of management, so called management, which is that's a whole another debate, because personnel policy etc. But employees within the management classification, that said, this department has... is unique already. I mean, it's one of two that allowed to accrue to 105.

And I'm concerned that if that if we don't actually do this, to get everyone to zero, we'll continue to see these kinds of pressures in drawing down the hours as we move forward. I think moving forward, we.... there are things we need

to address. And I'm absolutely committed to doing that. But I think that this is the right thing. And the money is there, in the budget, in the grant that they received.

I have Legislator Ronk. And then Legislator Heppner.

**Legislator Ronk:** Thanks, you know, in the budget is a relative term, because I'm sure that that grant money could be used for, you know, equipment items or other items that could benefit the Board of Elections and help, you know, ease some of the, you know, problems we've had perhaps an automated telephone service that, you know, not every one of our Board of Elections employees would need to be answering a live telephone, if it's just a question that could be answered by an automated system. I mean, there's a lot of things that the quote, budgeted money could be used, just because we received money in a grant doesn't mean that well, you know, it's what \$23,000 we, you know, we have it, we have it in grant money, so we might as well use it for these plum payouts.

I just again, you know, I have deep concern about using this money this way. And I just want to make sure I put it on record that, you know, I don't believe that because we have the grant money, it means it's in the budget. You know, the these comp time payouts were not budgeted items.

**Legislator Heppner:** I just wanted to confirm too that I read it right. And so it's the neither the Commissioners nor the Deputy Commissioners on both sides will be seeing any type of payments strictly the staff below them, correct?

**Chairwoman Bartels:** That's correct.

**Legislator Roberts:** Correct.

**Legislator Heppner:** Thank you.

**Chairwoman Bartels:** Legislator Gavaris

**Legislator Gavaris:** Can you confirm what Legislator Ronk had stated that the grant could be used for other purposes as well? Or is it, if we don't have it for the salaries... we don't... we lose it?

**Chairwoman Bartels:** Well, we have the commissioners on the line, but I can say, I would assume he is correct. I mean, I would assume because it was an unexpected. I think it's for unexpected expenses. So, I would assume, this is this is an unexpected expense. But I would assume that could be for other expenses.

Deputy Executive Milgrim are you able to confirm that?

**Deputy Executive Milgrim:** Sorry, what was the... what fund were we talking about using?

**Chairwoman Bartels:** From the grants.

**Legislator Ronk:** I think it was through CARES.

**Chairwoman Bartels:** CARES? Yep.

**Deputy Executive Milgrim:** Oh, that's, Ashley, I would refer to Ashley about the use of that grant funding for that item.

**Commissioner Dittus:** I don't believe it's in HAVA CARES. Because we've drawn that one down already. Those were all too today. We submitted them on Friday. We have other... two, three other funding streams to pull from. And only one of them allows for staff payment. And we actually have so much money right now that we're looking for things to spend it on. So, that's not so much a factor for us. I don't know if that helps. But that's the situation.

**Deputy Executive Milgrim:** Yeah, as of now, I know that Burt feels that we do have the money to cover this. It was approximately, Tracy, tell me if you heard differently, but I think was about \$23,000 that we were...

**Chairwoman Bartels:** Yeah, it's in that ballpark. I mean, it's proposed to close with the close of this payment cycle. Which I believe closes on the 21st, this coming Saturday. So, it could still be accruing. I don't know if any comp time is accruing currently. So, the numbers could change slightly between now and then.

I just... I do feel very strongly that it's a matter of fairness. Legislator Ronk.

**Legislator Ronk:** Thanks. Just, I guess, to you and to Deputy Chairman Roberts, what was the, you know, what was the mindset behind limiting it to everybody below Deputy Commissioners, since Deputy Commissioners accrue comp time as well. I believe that either at least one, if not both of them, have more than maxed out on their comp time as well. I'm just curious what metric was used to decide that they were not deserving of such fairness?

**Chairwoman Bartels:** Legislator Roberts do you want to respond?

**Legislator Roberts:** I'll take it. If I if I blow the answer, maybe you could take over for me. But we did talk about that at least compensating the Deputies. But to, the deputies, are probably considered management. And that would open up a can of worms that, you know, would bring us to who knows where.

**Chairwoman Bartels:** That was very much. I think it was perfectly said. I mean, Legislator Ronk, when I spoke to you earlier, you talked about setting a precedent. And very much when we talk about management, as a conceptual issue, like management, decision makers, policymakers. I think a strong argument could be made that both the commissioners and their deputies are management, small m positions. And therefore, and there are many, you know, small m managers across the county. That then we'd be opening up the proverbial can of worms that Legislator Roberts referred to.

Legislator Ronk.

**Legislator Ronk:** I mean, due respect, I don't think that, you know, our personnel policy and our own, you know, bargaining units, and management units, as they're set up, don't... just don't distinguish between a decision maker, or a policymaker, or anything like that. I think you're introducing, you know, things that, that our management situation and Ulster County doesn't, you know, foresee and perhaps we should. Perhaps we should decide, you know, we do have department heads, which would be the Commissioners, which don't earn comp time.

I just think if we're going to use a word like fairness to, you know, to compensate eight individuals out of 160 something in the same unit, you know, then it should be everybody in the office and not just, you know, some of the ones who earn comp time. I just, you know, the Deputies may have even worked more comp hours than some of the Registrar Clerks and Machine Techs that are that are getting this payout.

I just, you know, I don't think, I don't think fairness is the right way to put it. And I am concerned about setting a precedent. But if we're going to do this, I think that we have to do it. And if and, you know, I think that rushing it through, with one month, you know, when there's obviously some disagreement over whether we should do it or not, it's not the right way to go. I again, you know, do we know that the employees would rather have a payout then be able to accrue more comp time and have to use next year? Has this been broached with them? Or is this just kind of, you know, top down, you know, decision.

**Chairwoman Bartels:** Legislator Roberts and then, then Deputy Executive Milgrim?

**Legislator Roberts:** Yes, I did talk to one of the Deputy Commissioners today. And he felt, in his opinion, that the employees would rather take the payout. I don't know if he did a poll or not, but that was his opinion.

**Chairwoman Bartels:** Deputy Executive Milgrim, you had your hand up.

**Deputy Executive Milgrim:** Just respectfully, in terms of Deputies versus department heads. In most of departments, we do consider Deputies management position. In regards to they do have decision making power over who gets comp time. They can pick one person versus another. When the Commissioner is not, in the Deputy becomes the Commissioner. And that's essentially where the delineation in our mind is... so.

**Chairwoman Bartels:** Legislator Ronk.

**Deputy Executive Milgrim:** You're muted.

**Chairwoman Bartels:** Legislator Ronk.

**Legislator Ronk:** Thank you. Sorry, due respect to Deputy Executive Milgram, I mean delineation in their minds isn't necessarily a ,you know, legally binding thing, that you know, I mean, you know, is there, is there something on paper somewhere that distinguishes inside the management, confidential, non-union, you know, unit? Between a Deputy Commissioner of the Board of Elections, or a Registrar Clerk at the Board of Elections, or a Machine Tech at the Board of Elections, in terms of compensation? In terms of what they can and can't accrue?

**Deputy Executive Milgrim:** On paper I'm not familiar with it.

**Legislator Ronk:** Thank you.

**Chairwoman Bartels:** Okay, Legislator Heppner.

**Legislator Heppner:** Yeah. So I mean, I definitely hear some of the concerns from Legislator Ronk. Even as well as, Legislator Gavaris. Especially in these, you know, difficult budgetary, you know, times we're in.

I think this is very, you know, different in a sense, though, because we're not talking about the discussions, we've had in other meetings regarding a pay raise here, or the creation of new pay raise there. We're talking about essentially making right, and paying county workers who, because of unprecedented times, have had to work very differently. And essentially have been asked, and have, worked... been working for free. And, you know, at the end of the day, we're employers and as an employer, you know, in the way we, you know, take care of our workers. I think this is an extraordinary circumstance. That's why it is one time. But I think it's absolutely, I think morally, the right thing to do is to compensate these people for the work they have done. And so that's why I've come to the point where I'm comfortable with voting for this.

**Chairwoman Bartels:** Legislator Ronk.

**Legislator Ronk:** Thanks. And I'll close on this. I don't think any of us are changing any minds here. But I'll just say this, that, you know, I, I would, I would be interested to find out, and again, this is one of those areas where a postponement for a month might not be the worst thing in the world to gather more information on something, you know, as important as and, you know, possibly as precedent setting as this.

But I'd be interested to find out how many employees, in a given year, turned back in comp time, in a 12-year period. And then so, if we're talking about employees working for free, and not getting what's entitled, what they're entitled to, or, you know, you know, I think that, you know, I wonder why we don't pay out employees for unused comp time in the whole organization, at that point.

Again, this looks to me like a, you know, a deviation from our personnel policy, for eight political appointees, and that's disappointing.

**Legislator Bartels:** Legislator Gavaris.

**Legislator Gavaris:** Again, I don't want to delay it either. But I think Legislator Ronk brings up a good point. Delaying may not be a bad thing, because another question pops in my head. So this is an unprecedented event. What was last year's comp time, like, what was the year before? Well, I mean, how off from the norm, are we on this and, and to, you know, Majority Leader Heppner's point, though, I appreciate all the work they do.

But when you work for certain departments in certain jobs, you understand that part of your job is going to be heavier at times of the year, and maybe a little lighter at others. The Highway Departments, they're killing themselves in the wintertime. And it's a little... lacks more in the fall and springtime, perhaps. It's just part of the job that you do you anticipate, you know, going into it. This is not something that just happened to them completely out of the blue and they didn't expect it. Was it was more severe than normal, probably. But I don't know how far off we are from a normal year. Unless, you know, Deputy Milgrim knows, or somebody else knows, it is.

**Chairwoman Bartels:** Well, Commissioner and the Deputy Commissioner on the line, I don't know if you want to weigh in on how difficult this election cycle was in terms of the work, the workload, and accruing comp time.

**Commissioner Dittus:** So, yeah, to put into some perspective, I'm just looking at absentee ballot processing as one metric. There's many metrics that I could cite, but I'll cite that one first. Our absentee processing for the primary was over 17,000 pieces, all treated the same, always having to be looked up, and audited by both sides of the aisle. Compared to other primaries, that's three times as many. For the general election, same thing, the most we've ever issued was th 7000 we issued over 24,000 all done by hand, there's no automation, it's a clerical job. So, exponentially larger.

Factoring in that this is our second year. Second metric would be that we have early voting for the second year. Which is why last year, I asked for, for more staffing, because with the additional election days, because every day of early voting is the same as an election day.

It's just becoming... where we cannot manage this comp time issue. They are at a higher ceiling than other departments at 105. They will all maxed out after the June primary, meaning everybody had to take time. We tried to manage the time in August, which then put us behind for the November election.

With us going into 2021, is it going to be lighter? Yes. But a lot of these circumstantial issues are, because of changes in legislation, not going to even go away and local years. So, the comp time stacks up. And then because of our limited amount of staff, we can't do our processes: registration, absentee. We can't adequately prep for the elections because the staff has to manage their comp time, or they lose it.

So, even just in the last two years, with last year being a local with early voting, and this year being a presidential, we're seeing how the changes to the election law are creating a huge burden to the staff, where they're going over this comp time ceiling above and beyond at 50 hours above, hundred hours above.

I don't know, as manager when I can let them take this time, that's not going to impact our ability to function the way that the law is written. So, it's becoming arduous.

And also with the grant funding, they have deadlines. So, if you want to postpone this, I'm going to have to check the deadlines, but we might miss the opportunity to bill it back. So, that's something that we're going to have to check ASAP for you all tomorrow morning. But I just want to flag that.

Number one, as a Commissioner, I don't see this issue going away. And number two, this year was extremely extraordinary, for a lot of reasons. And number three, our funding stream might not be available if you postpone it. We're going to have to double check.

**Chairwoman Bartels:** Legislator Heppner, Legislator Ronk.

**Legislator Heppner:** I'll just use the one point you know, in understanding the position and the work that goes into it. You know, this is you know, again, a unique circumstance. And again, this is why this is a one-time payment. And, again, why it took you know, Legislator Roberts and Legislator Bartels, you know, sitting down, and really working through this, as well as with the Executives Office, and you know, both Commissioners of the Board of Elections to really try and solve this problem. Because if we didn't solve it, we essentially were getting free... essentially not paying our workers for free work.

You know, it's not the same as DPW and an extreme winter, where, you know, they're, correct me if I'm wrong, to the two Deputy Executives, but I believe in an extreme winter when, you know, the, on their plow routes, you know, much more, they're entitled to the union contract time-and-a-half.

**Deputy Executive Rider:** Yeah. They get time and a half.

**Legislator Heppner:** So, they are being compensated. They're not making that sacrifice, knowing or not knowing it's going to be extreme winter. And again, I do believe this was an extraordinary time and I think during this time, our democratic process was crucial. And there's nothing, you know, more important than that. And their work is important.

And again, the choices do we say yes, thank you for stepping up to the plate but you're not being compensated. Or, do we step in, this one time, with a revenue stream through grant funding, and make sure that our workers, who we are responsible, as their employer, are being compensated fairly for work?

**Chairwoman Bartels:** Legislator Ronk and Legislator Gavaris.

**Legislator Ronk:** Thanks. due respect to Legislator Heppner, his comment about Department of Public Works employees, you know, these jobs are of a higher paying nature than most of the jobs that you're talking about where you're getting time-and-a-half.

And, you know, sometimes when you're deciding what employment to go into, you're taking a cost-benefit approach to it. You know, um, you know, I would be willing to bet you that if we, let's say, took, you know, the Board of Elections Registrar Clerks, and said, I'll tell you what, we'll knock your base salary down to, you know, the same salary as a CEO1, because you know, you know, Construction Equipment Operator 1 at the Department of Public Works, but you're going to get time and a half for overtime, I bet you that they wouldn't want to take that deal.

So, you know, I don't think that you can compare, you know, jobs in CSEA that pay significantly less than these jobs and management confidential. I mean, you know, it's a, it's a, you know, it's a tradeoff. That, you know, you're not entitled to overtime, you know, when you take the job, that you're not entitled to overtime, you know, but you take it anyway.

You know, with that having been said, you know, you know, as as futile as a, you know, an attempt this may be, I make a motion that at this point that we amend the Resolution to remove the two resolveds. And add a resolved that the Ulster County Legislature hereby extends the deadline to use comp time to December 20, December 31st of 2021 and eliminates the cap of 105 hours, is it?

**Legislator Bartels:** Yes.

**Legislator Ronk:** 105 hours until December 31 of 2021.

**Legislator Bartels:** Can you reread that?

**Legislator Ronk:** Sure. The Ulster County Legislature hereby extends the deadline to use comp time for the Board of Elections employees, who accrue comp time, to December 31 of 2021. And also hereby eliminates the cap of 105 hours of comp time until December of 2021.

**Chairwoman Bartels:** Is there a second for that motion? Legislator Gavaris, I know you had your hand up but since Legislator Ronk just made a motion, we'll deal with that first. Is there a second for that motion?

Okay, hearing none.

**Legislator Ronk:** Fair enough

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

**Legislator Gavaris:** Yeah. So, two things. One, you're telling me that these employees do not accrue comp time at time-and-a-half for overtime?

**Chairwoman Bartels:** No. It is one to one.

**Legislator Gavaris:** Really?

**Chairwoman Bartels:** Yes.

**Legislator Gavaris:** Okay. That's unusual. But okay.

The second part to what Legislator Heppner had said, and he repeated it several times, but it does not correspond with what Deputy or the Commissioner Dittus had said. This is not a one-time thing. She's telling us that this is going to continue to happen. So, we're going to be right back here again next year. Until this process gets resolved, until we figure out a plan and a solution to the department, then this is just going to keep happening.

So, that's why, while I understand what Legislator Ronk was trying to do, and I would probably support it, it doesn't really help because you're going to accrue time next year, we're just going to be just this is going to be a cycle over and over again. We've got to find a better way of doing this so this doesn't happen to them, or anybody.

But I agree we should be paying our employees. I didn't realize that they were not gaining, they weren't accruing comp time at the same rate as if they were getting time-and- a-half, so...

**Chairwoman Bartels:** Okay, Legislator Heppner and then Legislator Roberts and then I'm going to jump in. I comment on that as well.

**Legislator Heppner:** I 100 percent agree with Legislator Gavaris. This is exposed an issue that we do have to address. I know in the past in this very same committee, and in other forums, we have discussed adding additional support, especially, this really came on when we were discussing the impact of early voting, when that was passed. So, I absolutely... you know, and that might be what we need to look at is, you know, greater support. Because obviously, long term, you know, one-time payouts isn't the issue. And I totally, 100 percent agree with Legislator Gavaris.

My vote today is just simply to make right on the work that they have done this year. But I do agree that we do need to look at, you know, changes, you know, aside from moving the BOE, to staffing, and how we look at that there's, I think a very large and important conversation that needs to be had regarding making sure that we have the most functional and successful BOE we can have.

**Chairwoman Bartels:** Legislator Roberts.

**Legislator Roberts:** Yes, I like to echo Legislator Heppner, he had my thoughts very eloquently. But if it comes down to next year, and we're in the same boat, this going to be on us.

We have a couple of months to solve this problem, whether we hire staffing full time, part time, or other avenues. We're going to discuss those. Take a good look at the hours, when they peek, and come up with a plan with input from the Board of Election Commissioners.

**Chairwoman Bartels:** Yeah, and Legislator Ronk. If I could just jump in, and then I'm going to go to you. Yeah, I just want to echo, Legislator Roberts and I have spoken about this pretty extensively. And we're, I mean, I'm speaking on, on behalf of both of us, I know that we're committed, through this committee, to doing that work, with the Commissioners to analyze the spikes. And to really think through how we can approach this. This process has alerted me to a lot of things, including issues within the personnel manual, as well. And that's something else we'd like to talk about moving forward.

Again, I'm just really, you know, we went into a meeting of concern about this pressure on comp time to, to a... and Legislator Haynes was there, as well, to a pretty giant wake up call, two weeks before an election... where, you know, at the end of that, and thankfully, you know, future Commissioner Quigley's on the phone and Commissioner Dittus is on the phone. And after the meeting, I spoke to both of them offline, concerned about even getting through the work. And they, and their staff, stepped up, worked through the weekend. Worked extended extraordinary hours, to put us in this place where there's a pressure that they, even could have gone beyond the 105 hours, within one time period. So, to be losing hours as they're working.

So, I think this is really just a matter of equity. But I absolutely acknowledge we need to move forward, prepared to make whatever changes we need to make. And those changes need to be informed by facts.

Legislator Ronk.

**Legislator Ronk:** Thanks. You know, just I wanted to point out, just as a point of information to Legislator Gavaris, that as employees of the State Legislature, both John and I, and John, you can confirm if it's true in the Senate, but I think it is that, you know, you know, if we earn comp time, we earn a half an hour for every hour worked. So, we actually for every hour a comp time, we lose a half hour. You know, again, comp time differs from place to place.

You know, I've got one more comment, I'm going to make one more amendment, and then I'll be done. You know, I promise.

I, my one last comment is that, you know, I think of all of the management, non-union folks who staffed the EOC, during the height of the coronavirus pandemic, you know, who don't earn up to 105 hours of comp time, and, you know, started giving back time almost immediately. You know, when you're operating a 24 hour EOC, I think of people like Steve Peterson and others who, you know, who were there during that who are not getting a payout because they're not, you know, a, you know, a political appointee, who has, you know, folks, that have the ear of folks on this committee, I guess. I just again, you know, I think that, that what we're doing is wrong.

But if we're going to do something for equity, I think that we should make it equitable. So, I'd like to make a motion that we include the Deputy Commissioners who earn the same comp time as the, as the other eight employees. If you'd like that in a, in a word for word motion, you would just remove the words "Deputy Commissioners" in the exception, in the resolves.

**Chairwoman Bartels:** Legislator Roberts.

**Legislator Roberts:** I'll second that for discussion.

**Chairwoman Bartels:** On the on the issue of the amendment, Legislator Heppner.

**Legislator Heppner:** I'm just curious, because... but as has been mentioned, Legislator Bartels and Legislator Roberts, you know, had a very long talks with the Commissioners. You know, obviously, the Commissioners were in agreement with this. On both sides, is my understanding. So I mean, I would like to know their thoughts on this.

And also, in terms of what that looks like money-wise. In terms of what is available through the grant that allows for spending on salaries. And what that would mean for that. And, you know, those kinds of details.

**Deputy Commissioner Quigley:** This is Deputy Commissioner Quigley. I can comment on that if you'd like.

**Chairwoman Bartels:** Go ahead, Deputy Commissioner Quigley.

**Deputy Commissioner Quigley:** So, the Facebook grant does allow for us to use any emergency, or over... unbudgeted allocations to be used for this. So, any emergency payments for people who may be may be considered as some sort of COVID emergency payment or reimbursement to the employees. All that is covered. And we have well into next this year to resolve the timing of that because we've actually already received that money directly from that grant. That grant just has to have an expenditure report submitted back to them, by I believe, March of next year. That would be the gist of that.

My only comment is, I'm just trying to understand this Resolution as a whole. Is this paying everybody out for the 105, or anything over the 105?

**Chairwoman Bartels:** My understanding is that this is paying out, up until the November 21 end of pay period, which is next Saturday. Someone correct me if I'm wrong about November 21, it might be November 22. Whatever the end of the pay period is. That it's paying out the comp time accrued, even if it's over 105.

**Deputy Commissioner Quigley:** Okay. And just to summarize, my two cents, as I become Commissioner on January 1, I lose my 105-comp time. Just put that in perspective. So, I don't even get to carry that in as Commissioner.

**Chairwoman Bartels:** Legislator Roberts.

**Legislator Roberts:** Yeah, I did not know that about Deputy Commissioner Quigley, that he'd be losing his comp time. That sheds a new light on it, at least for me. I think we should be taking a good hard look to include the Deputies with that said.

**Chairwoman Bartels:** I mean, I could I didn't know that either, until right now. But I mean, though, the thinking behind not including the Deputies was the precedent that it would set for other Deputies across the organization who may have put in, exceeded their comp time, in the word, it creates such confusion, but management small m, management roles throughout COVID. So, I don't, yeah... but I didn't know about losing the comp time on January 1. Legislator Heppner.

**Legislator Heppner:** Yeah, I just had a question. And, you know, I fully trust what Commissioner Elect Quigley is saying, but I just want to verify because on the state, at least in the Senate, you know, I know that we lose our comp time on January 1. So, county employees are able to carry their comp time over year to year?

**Deputy Executive Rider:** Actually their... county employees carry over their comp time from their anniversary date. But because Deputy Commissioner Quigley is becoming Commissioner Quigley on January 1, that's why he's losing his comp time then.

I actually think, technically, he doesn't lose his comp time. That his comp time will be out there and that if he ever is not a department head again, it would be reinstated. He just can't use it or get paid out for it because we don't typically pay out comp time in the county anyway.

But I seem to remember when I was an Assistant County Attorney and I got comp time, I had some when I became the Director of Purchasing and then that carried over. I couldn't use it as Director of Purchasing. And then... it was still there though.

**Legislator Bartels:** Legislator Heppner.

**Legislator Heppner:** Yes. I mean, so Legislator Ronk wants to include the Deputies. I know both Deputies have worked very hard through this last year, Fuentes and Quigley. I'm fine with that. If he wants, if he wants to do that. I'll support that. As long as that, you know, we got clarity on the funding mechanism with that grant. I'm okay with it.

**Chairwoman Bartels:** Do we have number.... does anybody have a number? Because I don't have the number. I don't know how many hours Deputy Commissioner Quigley or Deputy Commissioner Fuentes have worked, as of this moment, in terms of comp time.

Legislator Ronk, do you have an answer to that?

**Legislator Ronk:** No. But I have a I have a comment related to that, if I could.

**Chairwoman Bartels:** Go ahead.

**Legislator Ronk:** In the Resolution, there's no mention of dollars or hours. So, I don't I don't know. You know, I mean, we've used this \$23,000 number as a number that's been thrown out there that's on-or-about. But again, I you know, I struggled to find out how that's relevant to the question if it's about fairness, and the fact that there's no other numbers in the Resolution, and we're prepared to vote on it anyway.

**Chairwoman Bartels:** Legislator Roberts.

**Legislator Roberts:** Yeah. I have a question for Deputy Commissioner Quigley. If we did include your cop and Deputy Commissioner Fuentes' comp, would there be enough money in the grant to cover it?

**Deputy Commissioner Quigley:** That'd be a yes. Yes.

**Legislator Roberts:** Would you have a number on the entire package?

**Deputy Commissioner Quigley:** Our whole grant for that specific grant that is would be utilized, hasn't been budgeted necessarily for completely. We have \$100,000 in there. How it gets allocated, I don't think we've even tried spending more than \$20,000 of it, because we just spent down our other two grants first.

**Legislator Roberts:** Right. My question is, how much total money are we talking about with all the employees, including the two Deputies? Do you have that number?

**Deputy Commissioner Quigley:** I wouldn't know that, because I haven't gotten numbers from payroll in order to calculate that for you.

**Legislator Roberts:** Thank you.

**Deputy Executive Rider:** It currently is \$23,000-ish. I mean, that was the number, up to 105, for the three that have gone over 105. I'm just trying to look at the...

**Legislator Heppner:** And that's for eight employees?

**Deputy Executive Rider:** That was for eight employees. Hold on, I'm just doing some math.

**Chairwoman Bartels:** Last I saw, there were five that were at 105. And it was going to be a little harder pull to get the numbers where they exceeded 105. Just in this last period. From the you know, the last zero out.

Legislator Ronk. Can I ask a question of clarification, while Deputy Executive Rider is working on it. Like so, you're making this amendment, does this mean you're going to support it or are you just making this amendment and then you're going to vote against it?

**Legislator Ronk:** I'm... to be honest with you, I'm probably making this amendment and I'm probably still going to vote against it. But I think that it was incumbent, you know, if we're going to talk about fairness, to make it fair. If that's... if that's what this... if this is about fairness, then we ought to make it fair.

**Chairwoman Bartels:** I appreciate your honesty and Legislator Roberts, and then I'll...

**Legislator Roberts:** Yes. Another quick follow-up to Legislator Ronk. Are you are you at least going to vote for your own amendment?

**Legislator Ronk:** Yes.

**Legislator Roberts:** Okay.

**Chairwoman Bartels:** Yeah, I mean, my only concern is the potential. I mean, this was in the conversations that we had. About the potential of this creating a precedent with other deputies. Who, again, when you use the example of Department Heads or Deputies, across the, across the county, certainly, there are Deputies that... including the one sitting in front of us, who probably exceeded their comp time, and burned out their comp time repeatedly. If you have come time. But, but yeah, I don't... I don't know this...

Who just raised their hand? Legislator Heppner? Oh, no, Deputy Executive Rider. Go ahead.

**Deputy Executive Rider:** So, assuming that they each earned about 105 hours, it would be an additional \$3,780 apiece. So, you're looking at \$7,200

Yeah, and... bringing it up to \$30,000.

**Chairwoman Bartels:** I would expect that both of them exceeded the 105. Just based on when I last saw their... I mean, I saw more recently updated, but I definitely believe that both of them were at 105, weeks ago.

So, I don't know. Deputy Commissioner Quigley. Do you know where your hours are at?

**Deputy Commissioner Quigley:** I lost track when I hit the 105 mark and started getting time taken away from me because I wasn't able to use it.

**Chairwoman Bartels:** Yeah. And then therein is the issue, for sure. Legislator Gavaris.

**Legislator Gavaris:** All these employees punch a time clock or some method of tracking time?

**Chairwoman Bartels:** Yes.

**Deputy Executive Rider:** Yes.

**Chairwoman Bartels:** Does anyone else have any thoughts on this? Legislator Gavaris, what are your thoughts?

**Legislator Gavaris:** To Legislator Ronk's amendment, I'm going to be a no on that. I think, now that I know, they didn't get time-and-a-half and that they're really not getting paid for it. I'm just very concerned about this happening again. I think there needs to be a real commitment from... even if they want to be a separate group that looks at this. But we've got to have a commitment to have this address by February, March, at the latest. There's got to be a plan in place that this doesn't happen.

And where this goes back to what I spoke with Deputy Exec. Milgrim before, about resources. Redeploying, at times of need, from different county departments that have excess capacity to take on work. Redeploy it to assist the Board of Elections. Because we know there's a window of time where they're going to be the busiest. And, you know, this is where we can really shift things around and make things more efficient. But I don't know....

**Chairwoman Bartels:** Legislator Ronk

**Legislator Ronk:** Thanks. You know, I agree with Legislator Gavaris wholeheartedly that I want there to be a real discussion on this. I want it to happen in public, because all the conversations that led to this Resolution happened in private and they're meetings that I was excluded from, whether rightly or wrongly so, because of quorum problems, because it would have created a public meeting. So, I think that these are conversations that need to happen in public, because I think private meetings that have, you know, the end result of, you know, payments that are not typical, going to political appointees, are very concerning.

**Chairwoman Bartels:** We can absolutely work through this in a public forum, it's just going to mean additional meetings, but I'm fine with that. And I'm sure the Commissioners are willing to sit down and, and go through sort of the pinch points of looking at the record over the last couple of years of where these hours come in. But also the acknowledgement that, you know, this year was far from typical. And changes in regulations, in terms of the state, are changing what is typical. So I do think we're going to have to address this in terms of how we staff moving forward.

Legislator Ronk.

**Legislator Ronk:** Thanks. I also think that, you know, there, there needs to be a discussion with the current Democratic Commissioner, and the incoming Republican Commissioner on using comp time. And, you know, requiring use to be within a certain period of time, you know, that's how our Clerk of the Legislature gets through, you know, you know, working with our employees in the Legislature on comp time, even though a lot of our responsibilities are, you know, a lot of our staff are, you know, later in the evening, or, you know, late into the evening, when we can get kind of, you know, long winded, as I tend to, on the floor and in committee meetings. So, you know, I think that that needs to be a conversation as well.

You know, you can't staff, you can't staff this problem the way. The same way, we couldn't add more sites, or hours, to early voting to, you know, make, you know, to make the long lines and early voting go away. I think that there's a lot of, you know, there's a lot of things that go into this conversation that need to be talked about. And management, you know, of the time, at the Board of Elections, on the Commissioner level needs to be one of them.

**Chairwoman Bartels:** And if I can just jump into the queue here. You know, on that subject, I did pull the comp time report. And as I said, at the start of this, in February, the comp time was drawn down for nearly every employee to zero.

So, you know, this is a this was a particular circumstance, and both Legislator Roberts and Legislator Haynes could attest that we were sitting at a meeting, where, you know, we had two weeks to an election, many employees were already at significant comp time, approaching the 105. And there was discussion at that meeting of working, you know, 10 hour days, and through the weekend, I believe it was Deputy Commissioner Quigley who told me that was going to be their first, you know, Sunday working, in addition to, in addition to a Saturday. So, you know, it was it's an extraordinary circumstance.

I don't think this has... I think this doesn't have to do with politics. It doesn't have to do with the fact that these are political appointees. These are county employees, who worked extraordinarily hard through a very difficult election cycle, and built up many comp time hours, exceeding even the 105. Legislator Heppner.

**Legislator Heppner:** Per Legislator Ronk's comments, you know, I believe there's an amendment on the floor, by him, to add an additional political appointed position to this. So, I say we call the question.

**Chairwoman Bartels:** Okay. On the on the amendment?

**Committee Members (Heppner, Roberts & Ronk):** Aye.

**Chairwoman Bartels:** And I'm going to be a no, for reasons I've said, a concern about setting a precedent. But the amendment passes. So, and that's what Ronk, Roberts, and Heppner.

So, on the Resolution, as amended? Do we want to talk about it anymore or, okay. On the Resolution as amended.

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

**Chairwoman Bartels:** Opposed?

**Legislator Ronk:** I'm opposed.

**Chairwoman Bartels:** And that's Ronk and Gavaris. So, you saw that Jay? Okay.

**Chairwoman Bartels:** The Resolution....

**Legislator Ronk:** Excuse me, I need to jump off. But Have a good evening, everyone.

**Chairwoman Bartels:** Thank you. You too. Okay. Thank you for hanging out through all this, Commissioner Dittus. I think, did Deputy Commissioner Quigley just jump off? Argh.

Okay. So, Commissioner Dittus, since you're still on, can you give us an update on what's happening with the count?

**Commissioner Dittus:** Sure. We started counting on Thursday, of last week, using our new central counter. We got through the two senate districts that are not part of litigation, the 39th and the 51st, were completed last week, Thursday and Friday. So, those are done.

This morning, we started counting in the 42nd District, that was scheduled by the Judge, because that is one of our two races that are in, in litigation. So, we started that this morning. We got through the Town of Wawarsing, the Town of Denning, and we began the town of New Paltz. So, we'll be back at it again tomorrow. We're going to try to work through, as late as we can, to finish that district. And then start up on Wednesday morning with the 46th.

So, we have found that our new central counter, that we applied HAVA CARES money to, is very helpful in making this process go a lot more quickly. We also were able to run our 3% audit of our voting system ballots through the central counter. And that process took about three hours. In the past, doing those by hand count, the amount of

ballots that we pulled for 3%, that would have taken the better part of two days, if not three days. And we were able to complete it in three hours.

The slowness that we're experiencing, today, is just due to being part of a lawsuit. And by nature, there's representatives there from either sides of the aisle, and they're there looking at some things, but that even... even with that it's going pretty fast, because they all had to bring their objections forth relatively quickly. So, so far, so good. I expect we'll be done before Thanksgiving, at least with our first group.

I hope that we're done with all of the counting, outside of the objections, by Friday, maybe into Monday. Maybe I'm being more optimistic than I should be. But on this scale, we're doing, we're doing pretty well.

And then we'll see what happens in hearings on the objections. And if they get withdrawn, fine, we'll go and count them. If not, we'll, we'll take it from there. So so far, so good, that investment what is proving to be great and very helpful to us. So... If you have any questions, let me know, we have about 140 ballots that have been objected to. That's all part of the order. Also, those are all being logged and recorded. And yeah, so far, so good.

**Chairwoman Bartels:** Great. Thank you for the update. Can I just... I want to ask a follow-on question. Are you doing the counting primarily during regular business hours? Or does it extend beyond? Are you counting on the weekend. How is that working?

**Commissioner Dittus:** So, we had, a part of the lawsuit was documents, and discovery of documents. So, we've been bringing in a lot of part time work in addition to our own staff. So, there was a little bit of extra hours worked. But we were able to get all of the documents uploaded to the ShareFile without having to work on the weekend, which was really nice. We thought the judge was maybe going to mandate us work through the weekend, the weekend after the election. But we didn't have to. So, everybody was able to have one weekend off. They haven't... before that they haven't had a weekend off for eight weeks. So, that was nice.

So far, we haven't had to work on the weekends. Our counting hours have been 9:30 to 5:30. That's what we did today. That's what we'll do tomorrow. We might have to work a little bit extra, especially if we get, we can see the finish line for the 42nd. We'll push it so that we can finish that one out. Otherwise, we'll be encroaching into our allotted time for the 46th, which we're trying to avoid. But sometimes it's unavoidable, especially when, you know we get, we're in towns right now where we're seeing a lot more objections.

The Town of New Paltz, First District had 44 objections. The Second District had about 30 objections. So, those take a little bit longer to log in. And then they're looking at things a little bit more deeply. So, New Paltz we'll take a little bit slower.

And then when we get to Shawangunk, I expect that we won't have a lot of delays. Gardiner will have some delays and Rosendale will have some delays. And then we'll, we'll be finished.

**Chairwoman Bartels:** Okay, thank you very much. Does anyone have any questions for the Commissioner? Okay, thank you. Thank you very much, Commissioner Dittus. And thank you for making it through the whole meeting with us. I appreciate it.

**Commissioner Dittus:** Not a problem.

**Chairwoman Bartels:** Okay. All right. Moving on. We have old business. We have a continuation of the Rules change discussion. I believe Clerk Mahler circulated the latest marked draft. I'd like to, not tonight, but I would like to schedule a special meeting, another special meeting for this, just to get through it. I think rather than put it on one of the regular meetings. So, we'll see if we can get that done, ideally, before the end of the year, you know, maybe just following on another... maybe the week prior to our regular meeting. So, we'll see how we can get through that.

Does anyone have any comments on the rules they want to bring up right now?

Okay, new business. Is there any new business? Anyone want to raise any issues?

Okay, so I will entertain a motion to adjourn.

**Legislator Heppner:** So moved.

**Legislator Roberts:** Second.

**Chairwoman Bartels:** Okay. Fabulous. I don't even know who said it.

**Legislator Heppner:** John and John

**Chairwoman Bartels:** All in favor of adjournment.

**Committee Members:** Aye.

**Chairwoman Bartels:** Opposed? Kevin, I know you want to stay. (Laughter) All right. Thank you all, a unified adjournment. Have a great night. Thank you, everybody.