

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

DATE & TIME: May 12, 2022 – 5:30 PM
LOCATION: Powered by Zoom Meetings, Meeting ID: 890 5691 8410
By Phone (646) 558-8656
PRESIDING OFFICER: Chairman Heppner
LEGISLATIVE STAFF: Jay Mahler, Deputy Clerk
PRESENT: Legislators Bartels (by phone, on camera at 6:12 PM,) Gavaris, Levine, Roberts, & Ronk (left 5:55 PM)
ABSENT: None
QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislators Erner & Uchitelle, Legislative Counsel Ragucci, Minority Counsel Pascale, Ulster County Clerk Postupack, S. Deacon Bill Mennenga – Redeemer Lutheran Church, New Paltz, Confidential Secretary to Legislative Chair Laurie Lichtenstein

Chairman Heppner called the meeting to order at 5:33 PM

Motion No. 1: Moved to APPROVE Minutes of the April 14th Meeting

Motion By: Legislator Ronk
Motion Seconded By: Legislator Roberts

Discussion: See transcript

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

Resolutions for the May 17, 2022 Session of the Legislature

Resolution No. 281: Amending The 2022 - 2027 Capital Improvement Program - Establishing Capital Project No. 627 - Digitization And Electronic Conversion Of Ulster County Clerk's Land Records – Amending The 2022 Capital Fund Budget – Ulster County Clerk's Office

Resolution Summary: This resolution established Capital Project No. 627 for digitization and electronic conversion of land records and amends the 2022-2027 Capital Program to provide \$607,532 for professional services for the project.

Motion No. 2: Resolution No. 281 MOVED FOR DISCUSSION
Motion By: Legislator Ronk
Motion Seconded By: Legislator Roberts

Discussion:

Chairman Heppner thanked County Clerk Postupack for attending the meeting and asked her to give a brief overview of the project. Clerk Postupack summarized the project and thanked the members for their support. Chair Heppner asked if there were any grants available to help reduce the project cost. Clerk Postupack responded that there are grants available and that her office would be pursuing them. Chair Heppner and Legislator Levine complimented Clerk Postupack on the great work of her office, especially the DMV.

Chair Heppner asked if there were any other questions, and hearing none called the question.

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

Resolution No. 14: Authorizing The Termination Of A Lease Agreement With CPR Kingston, LLC Bank For Space Used By The Board Of Elections

Resolution Summary: This Resolution authorizes the Chair to mail written notice of termination of the lease agreement with CPR Kingston, LLC effective April 30, 2022 TBD for office space currently occupied by the Board of Elections located at 284 Wall Street, Kingston.

Motion No. 3: MOTION TO POSTPONE Resolution No. 14
Motion By: Legislator Gavaris
Motion Seconded By: Legislator Ronk

Discussion:

Deputy County Executive Rider advised the members that Commissioner Dittus informed him that the BOE was on schedule to be out of the current office space by the end of July.

Legislator Ronk expressed his frustration that the committee was repeatedly warned in the summer of 2021 that failure to adopt the new lease would delay the BOE’s relocation and potentially force a move during an election cycle. He pointed out that the new projected move will fall in between two hectic primaries.

Chair Heppner asked if there were any further comments and hearing none called the question on the postponement.

Voting In Favor: Legislators Gavaris, Heppner, Levine, Roberts & Ronk
Voting Against: None
Votes in Favor: 5
Votes Against: 0
Disposition: Resolution POSTPONED

Resolution No. 15: Setting A Public Hearing On Proposed Local Law No. 1 Of 2022, A Local Law Amending The Code Of The County Of Ulster, Chapter 131, Vehicles, County, Article I, Sustainable Green Fleet Policy, In Relation To Strategies And Goals, To Be Held On Tuesday, June 21, 2022 At 7:00 PM

Resolution Summary: This resolution sets a public hearing on Tuesday, June 21, 2022 at 7:00 PM to provide members of the public the opportunity to offer comments on Proposed Local Law No. 1 of 2022.

Motion No. 4: **Resolution No. 15 MOVED FOR DISCUSSION**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Gavaris

Discussion: None

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

Resolution No. 198: Setting A Public Hearing On Proposed Local Law No. 5 Of 2022, A Local Law Amending Various Sections Of The Ulster County Charter And Ulster County Administrative Code To Reduce The Ulster County Legislature To 17 Members, To Be Held On Tuesday, June 21, 2022 At 7:15 PM

Resolution Summary: This resolution sets a public hearing on Tuesday, June 21, 2022 at 7:15 PM to provide members of the public the opportunity to offer comments on Proposed Local Law No. 5 of 2022.

Motion No. 5: **Resolution No. 198 MOVED FOR DISCUSSION**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Roberts

Discussion:

Legislator Ronk reaffirmed his longstanding support for a reduction in the size of the Legislature but stated that the timing may not be right as the county and state were in the midst of redistricting. Legislator Levine concurred with the timing concern because of redistricting and ongoing court cases. He added that he was concerned about the potential effect larger districts may have on minority representation and would like to hear from community organizations. Legislator Roberts stated that he felt that 23 members was working and he was not hearing that the public felt there were too many Legislators in the County. He added that the members may want to consider setting up a special committee to fully consider and research a future reduction.

Chair Heppner stated that the members points were well taken. He added that the sponsor was not present and recommended postponement.

Motion No. 6: **MOTION TO POSTPONE Resolution No. 198**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Roberts

Discussion:

Legislator Ronk requested confirmation of sponsor consent to postponement by the Clerk's Office.

Voting In Favor: Legislators Gavaris, Heppner, Levine, Roberts & Ronk
Voting Against: None

Votes in Favor: 5
Votes Against: 0
Disposition: **Resolution POSTPONED**

Resolution No. 199: Setting A Public Hearing On Proposed Local Law No. 6 Of 2022, A Local Law Amending Section C-101 B. Of The Ulster County Charter, Section A30-2 B. Of The Ulster County Administrative Code, And Section 216-5 Of The Code Of The County Of Ulster In Relation To Appointments To The Commission Of Human Rights, To Be Held On Tuesday, June 21, 2022 At 7:20 PM

Resolution Summary: This resolution sets a public hearing on Tuesday, June 21, 2022 at 7:20 PM to provide members of the public the opportunity to offer comments on Proposed Local Law No. 6 of 2022.

Motion No. 7: **Resolution No. 199 MOVED FOR DISCUSSION**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Gavaris

Discussion:

Resolution sponsor, Legislator Erner, advised the members that the legislation was introduced at the request of Human Rights Commissioner Wilson as a result of long-standing vacancies. Legislator Ronk stated his opposition to the legislation, adding that it is not always easy to find people to serve in voluntary capacities that are also qualified for the commission or board. Chair Bartels agreed with Legislator Ronk on the difficulty to find candidates, adding that the legislation doesn't offer any solutions should a failure to appoint occur. Chair Heppner agreed that finding candidates can be difficult. He pointed out that there is no enforcement mechanism in the legislation and recommended postponement.

Motion No. 8: **MOTION TO POSTPONE Resolution No. 199**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Gavaris

Discussion:

Legislator Ronk excused himself from the meeting.

Voting In Favor: Legislators Gavaris, Heppner, Levine & Roberts
Voting Against: None
Votes in Favor: 4
Votes Against: 0
Disposition: **Resolution POSTPONED**

Resolution No. 285: Adopting Proposed Local Law No. 2 Of 2022, A Local Law Amending The Charter Of The County Of Ulster, Amending The Administrative Code, Repealing Chapter 44, Ethics And Disclosure, Of The Code Of The County Of Ulster, And Establishing The "Ulster County Ethics Law"

Resolution Summary: This resolution adopts Proposed Local Law No. 2 of 2022 – Ulster County Ethics Law.

Motion No. 9: **Resolution No. 285 MOVED FOR DISCUSSION**
Motion By: Legislator Roberts
Motion Seconded By: Legislator Levine

Discussion:

The members discussed a number of amendments to the law and appendices which were suggested by Chair Heppner and Comptroller Gallagher.

Motion No. 10:

MOTION TO AMEND Section 4 B (1) to add the following language:

If the Executive fails to appoint a nominee nominated by the Chair, Majority Leader or Minority Leader within 30 days after written notice of the nomination is delivered to the Executive’s Office, said nominee(s) shall be deemed appointed, unless written notice articulating the basis for the Executive’s decision not to appoint is received by the Clerk of the Legislature prior to the expiration of said 30 day period. In the event of the failure to gain approval or in the instance of the creation of a vacancy, such succeeding member shall be determined by the entity from which the original member was selected.

Motion By: Legislator Roberts

Motion Seconded By: Legislator Levine

Discussion:

Chair Heppner advised the members that the language was drafted in consultation with the Executive’s Office. He added that the compromise language is supported by the Executive’s Office and does not require a referendum.

Voting In Favor: Legislators Gavaris, Heppner, Levine & Roberts

Voting Against: None

Votes in Favor: 4

Votes Against: 0

Disposition: AMENDMENT ADOPTED

Discussion:

The members discussed the Comptroller’s recommendation to require members of the Housing Development Corporation and Economic Development Alliance to comply with the provisions of the law and file an Annual State of Financial Disclosure. The members agreed that they were not legally authorized to mandate compliance, but agreed that a letter should be sent after the law was adopted to the organizations urging compliance.

Motion No. 11:

MOTION TO AMEND Appendix B, No. 12 To read as follows:

12. Political Parties. List any position you held as an officer of a political party, political committee, candidate campaign committee, or political organization within the last five (5) years. The term “political organization” includes any independent body or any organization that is affiliated with or a subsidiary of a political party or any committee organized for the purpose of electing or defeating a candidate or ballot initiative.

Motion By: Legislator Roberts

Motion Seconded By: Legislator Gavaris

Discussion:

The members agreed with the Comptroller’s suggestion to explicitly state that participation on a committee to elect or defeat a candidate and/or ballot initiative must also be disclosed as part of Political Parties.

Voting In Favor: Legislators Gavaris, Heppner, Levine & Roberts
Voting Against: None
Votes in Favor: 4
Votes Against: 0
Disposition: AMENDMENT ADOPTED

Discussion:

The members discussed the Comptroller’s recommendation that individuals required to file disclosures should also disclose service on board of not-for-profit organizations. The members discussed the five year look back language. Legislator Uchitelle stated that five years seemed excessive. The members agreed that reporting should be limited to the reporting year.

Motion No. 12: MOTION TO ADD NO. 13 to Appendix B to read as follows:

13. Not-for-Profit Organizations. List any position you held as an officer of a not-for-profit organization within the reporting year. The term “nonprofit organization” includes any organization that is organized pursuant to the New York Not-for-Profit Corporation Law.

Motion By: Legislator Roberts
Motion Seconded By: Legislator Gavaris

Voting In Favor: Legislators Gavaris, Heppner, Levine & Roberts
Voting Against: None
Votes in Favor: 4
Votes Against: 0
Disposition: AMENDMENT ADOPTED

Discussion:

The members agreed to add a definition of not-for-profit organization.

Motion No. 13: MOTION TO AMEND Section 2. Definitions to add definition Q. to read as follows:

Q. NOT-FOR-PROFIT ORGANIZATION: any organization organized under the New York Not-for-Profit Corporation Law

Motion By: Legislator Bartels
Motion Seconded By: Legislator Roberts

Voting In Favor: Legislators Bartels, Gavaris, Heppner, Levine & Roberts
Voting Against: None
Votes in Favor: 5
Votes Against: 0
Disposition: AMENDMENT ADOPTED

Discussion:

Legislator Roberts suggested postponing the adoption of the law until Legislator Ronk could review the amendments that were adopted. Chair Bartels thanked everyone for their years of work on the law and agreed that it would be good to have Legislator Ronk, also a sponsor of the legislation, on board with all the changes before adoption by the full body.

Motion No. 14: **MOTION TO POSTPONE Resolution No. 285 with Proposed Local Law No. 2 of 2022 AS AMENDED to a Special Meeting on Tuesday, May 17, 2022 immediately following the Ways & Means Committee meeting**

Motion By: Legislator Roberts

Motion Seconded By: Legislator Bartels

Voting In Favor: Legislators Bartels, Gavaris, Heppner, Levine & Roberts

Voting Against: None

Votes in Favor: 5

Votes Against: 0

Disposition: **Resolution, with Proposed Local Law as amended, POSTPONED TO A SPECIAL MEETING ON MAY 17TH**

Resolution No. 287: Setting A Public Hearing Regarding The Use Of Videoconferencing Pursuant To Public Officers Law § 103-a(2)(a), As Amended On April 19, 2022, To Be Held on Tuesday, June 21, 2022 at 6:55 PM

Resolution Summary: This resolution sets a public hearing on Tuesday, June 21, 2022 at 6:55 PM to provide members of the public the opportunity to offer comments on the use of videoconferencing.

Motion No. 15: **Resolution No. 287 MOVED FOR DISCUSSION**

Motion By: Legislator Levine

Motion Seconded By: Legislator Gavaris

Discussion:

Chair Bartels explained that the resolution was a result of action on the state level regarding provisions for videoconferencing in a post COVID world. She added that the public hearing is on permitting the use of videoconferencing. She added that there will also need to be changes to the Rules of the Legislature to further clarify the circumstances by which a member will be permitted to use videoconferencing.

Voting In Favor: Legislators Bartels, Gavaris, Heppner, Levine & Roberts

Voting Against: None

Votes in Favor: 5

Votes Against: 0

Disposition: **Resolution ADOPTED**

Chairman Heppner moved on to the Forthcoming Local Laws portion of the agenda and advised the members of two resolutions that were held in other committees.

Chairman Heppner thanked the members for their work on the Ethics Law. He asked if there was any old or new business and hearing none,

Adjournment

Motion Made By: Legislator Roberts

Motion Seconded By: Legislator Gavaris

No. of Votes in Favor: 5

No. of Votes Against: 0

TIME: 6:53 PM

Respectfully submitted: Deputy Clerk Mahler

Minutes Approved: June 16, 2022

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Levine, Roberts, & Ronk (left 5:55 PM)
ABSENT: None
QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislators Erner & Uchitelle, Legislative Counsel Ragucci,
Minority Counsel Pascale, Ulster County Clerk Postupack, S. Deacon Bill Mennenga – Redeemer
Lutheran Church, New Paltz, Confidential Secretary to Legislative Chair Laurie Lichtenstein

Legislator Heppner

Legislator Ronk wins shirt of the night award. Let's go Mets. Let's keep rolling. With that, I'd like to call this meeting to order. Clerk Mahler, can you please take attendance?

Jay Mahler

Absolutely. Chair Heppner.

Legislator Heppner

Here.

Jay Mahler

Deputy Chair Roberts

Legislator Roberts

Here.

Jay Mahler

Legislator Gavaris.

Legislator Gavaris

Present.

Jay Mahler

Legislator Levine.

Legislator Levine

Here.

Jay Mahler

Legislator Ronk.

Legislator Ronk

Present

Jay Mahler

and Legislative Chair Bartels.

Legislator Heppner

She's here, just by phone though, so she won't be voting while she's on the phone. With that, can I get a motion to approve the minutes for the April 14, regular meeting?

Legislator Ronk

Motion.

Legislator Heppner

Can I get a second?

Legislator Roberts

Second.

Legislator Heppner

All in favor.

Committee Members

Aye.

Legislator Heppner

So as you can see, we're fortunate to have the County Clerk join us this evening. So we're going to, for the sake of her time, we're going to pull resolution number 281 to the top of the list. This is amending the 2020 to 2027 Capital Improvement Program, establishing capital project number 627. Digitizing and electronic conversion of Ulster County Clerk's Land Records and amending the 2022 capital fund budget.

Legislator Ronk

I'll move it.

Legislator Heppner

Can I get a second?

Legislator Roberts

Second.

Legislator Heppner

Great. And Nina, would you like to speak, you know, on this?

County Clerk Postupack

Sure. Yeah, thank you so much. So I, this project really came about because the pandemic brought to mind some of the things that we're facing in the office. So during that time, we're faced with the challenge of our quarantining staff, ensuring the public safety, and as well as keeping our records accessible to the public, at the same time, which is our legal, legal responsibility. So most importantly, it became evident to us we had to find an alternate solution. And this is how we came about to this project here. Because we realized that we had to make the records accessible for the banking industry, the legal industry, the real estate industry and the court system. So we said, how are we going to go about doing that? Right now we have our land records online from 1975. Well, from 1950, to present, but from 1975, they're verified in, image, digitized and so forth. 1950 to 1975, needs to be verified. And this project, will go all the way back to 1685, to 1950, and digitize and index all of these documents. So some of the benefits, let me just briefly tell you about some of the benefits. What that will do is first of all, free up, let me get the right amount, yeah, 1,485 square feet of office, prime office space in the county office building. So I know, every legislator is always looking for office space for the county. And that is the, let's just take an example. It's the whole first floor of the county office building on the other side of the DMV will be freed up for the county to put in whatever office space that they wish to put in. In addition, it will bring additional revenue into the county. Right now when you search our records online, they're free to search. And that's an important fact, because you can walk in our office and search these records for free. So you should have that same accessibility when you search them online. Now, you will have to pay a fee to print a document. But that's true also in the county clerk's office because by statute, you have to pay 65 cents per page to print. Online, it's \$5 per document, because that's the average-sized document per page. So we are estimating that our revenue right now will probably increase by \$100,000 per year by putting all of these records online. In addition, of course, one of our main goals as County Clerk is to preserve the documents, and the preservation of these records will be done through this imaging and digital digitization. But also, in addition to that, we're also looking to the future because um, hardcopy is no longer the thing, it's a thing of the past. And we want to bring our office into the 21st century, and we want to bring government to the people and I think the pandemic really made us realize how important that was to do that. So those are a few of the benefits of putting this project together. In addition, you're reducing traffic, public traffic in the county office building, which is huge and I think is really a responsible thing to do. And you're giving 24/7 accessibility to these documents by putting them online. So if anybody has any questions in regard to the project, I know Jonathan, you had asked me when I had called you in regard to, I believe, you had, on grant funding. And we are looking into grant funding, we have been very successful through New York State Department of Education. Obtaining grants through the Local Government Records Improvement Fund, past 20 years, we've probably obtained close to a million dollars in grants through that fund. This year, we had already submitted a grant. But we will put in one for next year, hopefully,

which will defray the cost of this project because of the success that we've had with them, I'm very confident we will get some grant funding in addition to the county money.

Legislator Heppner

Thank you. Does anyone have any other questions for the county clerk? Seeing none. Thank you, again, for taking the time to update us on that and give us that information. And thanks for the work your office does, you know.

County Clerk Postupack

Thank you. Thank you so much.

Legislator Heppner

I take pride in, you know, the way the Clerk's office runs in Ulster County for sure.

County Clerk Postupack

Oh, thank you. Thank you really appreciate that. And I thank you for giving me the opportunity to come tonight. I appreciate that.

Legislator Heppner

Absolutely. Thank you.

Legislator Levine

Thank you very much Clerk Postupack.

County Clerk Postupack

Thank you.

Legislator Heppner

So um, seeing no other questions and no other comments. I'll call the vote. All in favor?

Committee Members

Aye.

Legislator Heppner

Any opposed? Passes unanimously. Thank you very much.

County Clerk Postupack

Thank you so much. Have a good evening.

Legislator Ronk

You too. Thanks, Nina.

County Clerk Postupack

Thank you.

Legislator Heppner

All right, moving on. This is resolution number 14, authorizing the termination of a lease agreement with CPR Kingston, LLC Bank for space used by the Board of Elections. Can I get a motion?

Legislator Gavaris

I move to postpone for a month.

Legislator Ronk

I'll second the postponement for a month. I just, I want to speak on it. But it looks like Marc wants to speak on it too, so.

Legislator Heppner

Whoever would like to go first. Legislative Ronk, you had the floor. But if you'd like.

Deputy Executive Rider

I'd be happy to go to Marc. Mine's just more of a complaint and a reminder to everybody about how this played out in the first place, but.

Deputy Executive Marc Rider

So I mean, I talked to Commissioner Dittus via text a couple days ago, and she saw no reason that they couldn't be out by the end of July. So, I mean, this is actually pretty timely. I understand it's potentially being postponed, but if the letter of termination said July 31, I think we'd be okay.

Legislator Ronk

Can I go now John?

Legislator Heppner

Yeah, please go ahead.

Legislator Ronk

You know, is that is the same Commissioner, one of the two, who both said that, you know, we had to be in by the end of the year, and that we had to do it when elections weren't going on? And now, we're almost a year later, we're still not in. And now we're talking about moving them to their new location in July, which is gonna be right in between two hectic primaries. I just want to throw out there that there's been a lot of nonsense that's been spewed at this Legislature about this, and it's all coming to fruition. Everything, you know, not, not that I want to, you know, say that I'm Nostradamus in any way, but I predicted a lot of this crap back in June, July and August of 2021. Here we are.

Legislator Heppner

I would like the record to reflect, I think, you know, both clerks were supportive.

Legislator Ronk

Oh, I don't give, I apologize for not being clear in my comments. I don't give Commissioner Quigley any, any bit of a pass. It was more his idea than Ashley's, I think.

Legislator Heppner

Alright, so we are on the, anyone else on the floor? Right now we have a motion to postpone? Seeing none, I'll call the vote for postponement. All in favor?

Committee Members

Aye.

Legislator Heppner

Any opposed? All right, postponed unanimously. Moving on to resolution number 15. Setting a public hearing on proposed local law. Number one, I'm not going to read the whole thing for you all. This is the Green Fleet, Sustainable Green Fleet policy. Can I get a motion?

Legislator Ronk

I'll move it for discussion.

Legislator Heppner

Second?

Legislator Gavaris

Second.

Legislator Heppner

Any comments? Comments, questions, concerns? Call the vote. All in favor?

Committee Members

Aye

Legislator Heppner

Any opposed? Seeing none passes unanimously. Moving on to resolution number 198. Setting a public hearing on proposed local law number five to reduce the Ulster County Legislature to 17 members to be held on Tuesday, June 21 2022. I don't see Legislator Maloney here, but can I get a motion for discussion?

Legislator Ronk

I'll move it.

Legislator Roberts

Second.

Legislator Heppner

Any comments or? Please Legislator Ronk.

Legislator Ronk

You know, as was reported in the paper, I've been supportive of downsizing the legislature for many, many, many, many years. I feel like this is maybe the wrong time to be doing it when we're right in the middle of a redistricting, you know, reapportionment. I just, I think that the wise time to do this was several years ago when Legislator Maloney and I sponsored these things together. And when Legislator Parete was sponsoring them, and I was supportive of them. I would love to hear what the public has to say. And I would support a public hearing for that purpose. But I don't know that this is the right time to do it, even though I think it's the right thing to do.

Legislator Heppner

Legislator Levine?

Legislator Levine

Thank you, Mr. Chairman. Well, I'll agree on the point that Legislator Ronk was making that I don't believe that this is the best time to be even considering this. Because of the reapportionment process that's ongoing right now. So I would agree that it's the wrong time to take up a resolution like this. However, I would have to disagree in terms of that, I think it is probably not in the best interests of our legislature and our communities, for a number of reasons that were spelled out in conversations, both in the caucuses, and just amongst conversations with fellow legislators, specifically, making some of the districts that were, making every district, but some of the districts that are going to be extraordinarily made larger. You know, district 22 right now covers four whole towns. You know, I can only imagine what would happen to the size of that district if we downsize. And then I do have concerns relating to reducing the influence and ability of certain minority representation for groups, of racial ethnic minorities. Their voices would be diluted even further, by making districts larger. So I have significant concerns about that. I would like to hear what members of the community have to say about it, but I do know that in other counties where this has been discussed, including in Albany County, where they have a 39-member legislator, legislature, excuse me. You know, they had groups that were, you know, advocating on behalf of minority groups, that they were opposed to it. So I just wanted to, you know, get on the record as saying, I have some concerns and would like to hear what, what community organizations have to say about it. Thank you.

Legislator Heppner

Is that a hand raised or a clap?

Legislator Roberts

For me? I thought it was a hand raise, but it might have been a clap.

Legislator Heppner

Yeah. You're cheering on Legislator Levine. I was like it's some positivity.

Legislator Roberts

Somebody has to show me. Somebody has to show me how to work these reactions. But anyway, I think we voted on something similar to this last year, and it was defeated. To me, the 23-member

legislature has been working, it hasn't been a problem. I don't see any, you know, I don't see any big public outcry saying, hey, there's way too many legislators up there in Kingston. But anyway, I mean, there is, you know, always a need for discussion. Is 17 the right number? Is 19 the right number? Is 25 the right number? That should all be looked at. And I think a much larger picture is possibly extending our terms to four years, and possibly revisiting the term limits. You know, there's a lot to be discussed about what we do up here and how long we're up here for and how many of us, so that discussion maybe should be set up at a committee instead of a random resolution that's going to be voted down.

Legislator Heppner

I think there's, you know, a fair, you know, a lot of fair points and seeing that the sponsor is not here, but we can definitely speak offline with the sponsor about having a broader discussion, when it would be convenient for Legislator Maloney. In the mean time, I would recommend a motion to postpone.

Legislator Ronk

I'll make that motion.

Legislator Roberts

I'll second.

Legislator Gavaris

Third.

Legislator Ronk

All right.

Legislator Heppner

So motion made and seconded. All in favor of postponement.

Committee Members

Aye.

Legislator Heppner

Any opposed?

Legislator Ronk

Jay, can you just find out if that's with or without objection? I don't know how you do that, but.

Legislator Heppner

Thank you. Moving on to resolution number 199. Setting a public hearing on proposed law number six, a local law amending section C, B. This is, I'm just going to fast forward to, in relation to appointments in the commission of human rights to be held on Tuesday, June 21, 2022. Can I get a motion?

Legislator Ronk

I'll move for discussion.

Legislator Heppner

Second?

Legislator Gavaris

Second.

Legislator Heppner

So I don't see Legislator Petit, I believe right? This is her? This is her local law?

Legislator Ronk

I think it's Legislator Erner's as well.

Legislator Heppner

Legislator Erner, I'm sorry, I apologize. Legislator Erner.

Legislator Phil Erner

This was a request that the Human Rights Commission had made through me to the body, concerning some long-standing vacancies. So that's why I brought it here.

Legislator Heppner

Legislator Ronk.

Legislator Ronk

I'll make a motion for discussion.

Legislator Heppner

And a second?

Legislator Gavaris

We already did that, I thought.

Legislator Roberts

Yeah, I think we're already good.

Legislator Ronk

Oh, did we? Sorry, my bad.

Legislator Roberts

Yeah, yeah, we're good.

Legislator Ronk

So I'll, yeah, I just, I don't, I don't agree with it. I respect the Human Rights Commission. You know, I believe that their angst is directed at me. And that's fine. I've got broad shoulders for angst. But, you

know, one of my concerns about my appointments, and why I've taken quite some time to ponder them, and to look for the right people is because this board in particular, during the time when I was working on the comprehensive human rights law with you, Chairman, and when Legislator Berky, had brought up her, her local law having to do with human rights, I really feel like the Human Rights Commission has the potential to, and does, from time to time, become an echo chamber. And, you know, I think that, you know, diverse views and beliefs and groups should be represented. You'll, you'll be happy to know that I'm making two of the three appointments on Tuesday, when I come up to the building. I'm appointing the head of the Ulster County Jewish Federation, as well as another resident of the city of Kingston, who I know and who has expressed interest. So I'll be filling two of the three seats, I'm still looking for somebody for the third seat. But, you know, it's not, it's not just, it's, there seems to be a belief in some circles, that it's, it's out of a lack of effort on my part, and it's not. Or another, other folks as well. I mean, you know, some important, you know, thoughts go into choosing these people for these boards, and they're very important boards, and sometimes the right person, or people for these positions aren't necessarily the most timely, or the, or the quickest to get there. So that's, that's, I, that's why I don't agree with this law. Thank you. I believe Chair Bartels would like to speak.

Chair Tracey Bartels

Thank you. Can you hear me? Yeah. All right. So as a follow on, legislator, wrong comments. I mean, one thing that I would raise, if this is going to be considered, is that the timeline, 60 days, is way too short. While I appreciate that there might be concerned about prolonged delays, I would echo that sometimes it is hard to find people, and particularly, when the vacancy occurs, you know, a 60-day window could be very, you know, could be very, very tight. So that would be my first comment. My second comment is that the proposal doesn't provide any, any solution. It just says that, you know, they'll be made within 60 days, but it doesn't contemplate what will happen if they're not, so certainly, if it is the will of the committee and the body to move forward with something like this, I think it would be necessary to contemplate what would happen in the absence of an appointment.

Legislator Heppner

So, seeing, does anyone else, if I could just, you know, comment. You know, one I agree with, a lot of what Legislator Ronk and Chair Bartels just said. Especially, I can attest, as someone, as majority leader, who has the privilege to have appointments, it is, sometimes it can be really difficult. I mean, there's a number of situations right now where I can tell you, I'm scratching the earth for, for, you know, people, especially willing on volunteer boards, to serve, and so I definitely understand the intent of this. I think Chair Bartels makes a really important point. And just to kind of further explain that Legislator Erner, as a sponsor, you know, traditionally we have, and you'll see it a little bit later in the ethics law, mechanisms when, you know, we make requirements for a timeline, we wish to appoint someone, typically, you know, that timeline then has, you know, for example, be like, the County Executive appoints someone, the Legislature has 30 days to act. Otherwise, that appointment already, you know, happens. If so, you know, you're gonna fail to appoint, there still has to be, so does that appointment then go to the Chair? Does that appointment then go to the executive? That, you know, because otherwise, you know, as this speaks to me, you could not make the appointments? Okay, it's done. But then what happens? There's no, there's no, you know, actual enforcement mechanism, I guess, would be the best term. But I'd be happy to talk with you further. I think, you know, the members, but right now, I don't, you know, you know, to what our responsibility is for laws and rules, you know, technically,

I don't think this is ready for prime time or to move forward, just based on a lot of, just the actual language, unless others disagree. Seeing none, I would recommend a motion to postpone.

Legislator Ronk

I'll make that motion.

Legislator Heppner

All in favor of the postponement? And a second?

Legislator Gavaris

I can.

Legislator Ronk

If you'll excuse me, they're, they're playing my song. It happens every month at Laws and Rules.

Legislator Heppner

How about you, Chair Bartels? Hopefully they're not honking at her.

Legislator Ronk

What's that?

Legislator Gavaris

I think it's Legislator Ronk.

Legislator Heppner

Is that you? Is that a train coming?

Legislator Abe Uchitelle

I think it's Ken.

Legislator Ronk

That's me. That's the fire horn across the street from my house. So I have to go and serve my community in a different way. So good evening.

Legislator Heppner

Thank you, Legislator Ronk.

Committee Members

You're muted.

Legislator Heppner

All in favor?

Legislator Phil Erner

Thank you.

Committee Members

Aye.

Legislator Heppner

Any opposed? None. The postponement was made unanimously. All right. Moving on. This is resolution number 285. So this is the ethics law. We did had the public hearing. But there wasn't much public participation. However, there's been further discussions on a number of things. As Clerk Mahler indicated in the last updated agenda, the comptroller has submitted recommendations. But first, I would like to discuss a recommendation and language that I would like to put forward, that Clerk Mahler indicated in the meeting, in terms of a resolution regarding the appointment process, which in discussions with the Executive, with Deputy Leader Roberts, I've actually gotten to speak to every one of you on the committee about this, except for Legislator Levine, because we're playing one of the longest games of phone tag in the history of Ulster County, I think right now. It's almost impressive. But, so this, you know, resolution, again, which would have the support of the County Executive, and hopefully, our support, would essentially allow for the Legislation to have appointments to the Ethics Board. And, you know, similar to how we can approve the Executive's appointments, the Executive would have the ability to reject our appointments within 30 days, in which case, we would have the ability then to put up new names. I think this is a very fair compromise, it resolves one of the last biggest sticking points, whether we would have to go to a referendum, whether the Executive would veto, and we'd have to override. This is an actual agreement to move this, help move this law forward, that again, it's been, we've been discussing since 2018. And I think it's a fair compromise. Counselor Gucci, would you like to add anything that I might have missed? Oh, so actually, to Legislator Gavaris, I want you to make sure you noted in the language, because it was a good point you made in our discussion, that upon a rejection from the Executive, it wouldn't be, it has to be a letter filed with the clerk. That's the format, within the 30 days of notification, and that can't just be a memo that says no. It would have to provide an actual reason for the rejection. So, Counselor Ragucci, if I missed anything, please let me know.

Legislator Gavaris

No, I thought your summary was accurate.

Legislator Heppner

Legislator Roberts?

Legislator Roberts

Yeah, I'd like to first, I don't know, Mr. Chair, if you had a motion or a second to bring this to the floor?

Legislator Heppner

Yeah. Can we get a motion and a second? Sorry.

Legislator Roberts

I'll make that motion.

Legislator Levine

I'll second it.

Legislator Heppner

Could I get a second?

Legislator Roberts

If you don't mind, I'd like to continue. When you or the minority leader, whoever that may be, bring appointments, probably to this committee first, will this process happen, the County Executives veto power happened before these appointees are appointed by the full Legislature? Because that's kind of embarrassing to have somebody vetoed after they've been approved.

Legislator Heppner

So Counselor Gucci, can you answer that?

Christopher Ragucci

Sure. So to Legislator Roberts' question, and it's a very good one, the state law actually outlines the appointment and confirmation process for the Board of Ethics throughout the amendment process, and the, the review that we've undertaken now for almost four years, we've tried to think of a creative solution to provide some additional legislative input to the Board and the members. And the compromise that is set forth does not alleviate the Executive's ability to to reject a nominee. But that is not a, that would not be a permissible result under state law. So that's not an avenue that I think we will be allowed to take and stay within the confines of the law as set forth by our state government.

Legislator Heppner

If Chair Bartels next, and then Deputy Executive Rider. Chairman Bartels? She's muted. Can we unmute her, Jay?

Deputy Executive Rider

Thanks. Can I give an answer directly to Legislator Roberts?

Legislator Heppner

Go ahead, Deputy Executive Rider.

Deputy Executive Rider

So I mean, I think the question was, when there's a nomination by minority leader, majority leader, or the chairperson to the executive, we anticipate that would be done via letter, because these are still seven appointments that will be done by the executive. That, that is what's laid out in state law. These are nominations. And so this would be a letter to the Executive saying I nominate this person. Within 30 days, the Executive then has to reject it in writing, or appoint, or it's deemed appointed. And so, to your question, there wouldn't be an appointment on a sitting person, prior to the veto. The appointment couldn't happen until the sign off from the Executive occurs.

Legislator Heppner

Thank you, Chair Bartels, I think we're all sent now. Go ahead.

Chair Tracey Bartels

Thanks. Sorry about that. Yeah, I was gonna say the same thing, because that's what I understood Senator Roberts' question to be, and I had the same concerns as Legislator Roberts, in terms of potentially embarrassing a volunteer. So this would this would happen outside of, you know, a very public process. And if it were rejected, it would be before the confirmation by the Legislature.

Legislator Heppner

Thank you. Any additional questions regarding that language? Legislator Erner, no? Again, I think this is a very fair compromise. Thank you to both the members and to the Executive's office for taking the time, Legislator Roberts, please go ahead.

Legislator Roberts

I'd like to make a motion to vote on your amendment.

Legislator Heppner

So can I get a second as presented?

Legislator Levine

Second.

Legislator Heppner

All in favor?

Committee Members

Aye.

Legislator Heppner

Any opposed? Seeing none, the amendment passes unanimously. So moving on next regarding this law, I would like to point to, sorry, let me just get the comptroller letter, just pulling it up now in the OneDrive. So she outlined the recommendations, most of these I believe we discussed in a special meeting we had. Just to run through them quick, her recommendations are below. One, the disclosure law should include the Boards of Directors of the Ulster County Economic Development Alliance and Ulster County Housing Development Corporation, as Ulster County offices are required to make disclosures. They would be required to make disclosures because they are making Disposition of Asset, purchasing, and contractual decisions on behalf of the taxpayers of Ulster County. The second one is the disclosure form should be updated. make clear that committees to elect and defeat candidates and ballot initiatives must be disclosed, and are included under section, as outlined, which refers to New York State election laws. This should be stated explicitly. The third recommendation is the disclosure law should require offices of unpaid board memberships, such as nonprofit organizations, to make disclosures. I'd like to take these out of order a little bit, because I think one will have more discussion than the others. I see no issue with the recommendations in terms of the

disclosure form regarding affiliation number two, which is the affiliation to political parties. Does anyone see an issue in clarifying that further? So essentially, it would make sure that if you're a treasurer of a committee or so on, and other, or other positions within candidacy or committee member, you would have to make sure you disclose that, or just clarify that further. Anyone having any issues making that amendment? Legislator Roberts?

Legislator Roberts

I'll make that amendment.

Legislator Gavaris

Second.

Legislator Heppner

Chair Bartels.

Chair Tracey Bartels

Thank you. Sorry, I'm driving and my hand, so I appreciate. So just to be clear, it's not just, it's committee, campaign committees too, correct?

Legislator Heppner

Yes.

Chair Tracey Bartels

Yeah, thank you.

Legislator Heppner

So I have a first and a second. All in favor of making that motion as presented.

Legislator Levine

Did we have a second, Mr. Chairman? I wasn't sure.

Legislator Heppner

Legislator Gavaris said it. So all in favor?

Committee Members

Aye.

Legislator Heppner

Any opposed? Seeing none, the amendment passes unanimously. So I'm going to go now to number three, again. So this is, and again, these are in your OneDrive, just making, in case people, each one is individually listed. So this is the third recommendation, which the disclosure of the law should require officers of unpaid board memberships, such as a non-profit organization, to make disclosures. This means that officers of the county should serve on the board of a nonprofit that is in a contractual

relationship with the county, and no disclosure is required. Does anyone have any comments? Again, I don't see this being an issue. Legislator Uchitelle?

Legislator Abe Uchitelle

Yeah. My only concern here, and you know, I don't think it's a be-all, end-all concern, because I think overall it's a good idea. It's just, why does it look back five years? I don't really understand why. Like, we don't look back five years on employment. You know, if you are the executive director of a nonprofit, and you quit on December 31st, then, on, you know, the starting of that next year, at the end of that following, at the end of that year, when you file, you wouldn't have to say that you were part of that nonprofit. But if you were a volunteer board member for five years, you'd have to. Not that it's a problem to say what you were a part of, I just think it's, it's a curious thing to look back that far. And I'm just curious for the reason behind that, and why we don't look back for other, you know. I know we do for political parties, we don't for employment.

Legislator Heppner

So that's a good point. I actually didn't really think about that. But I don't see why we couldn't make it, and I leave this up to, you know, I'd like to hear back from the committee. You know, just as we handle each situation, you know, during your time served, I don't know if we need a five-year look back window for nonprofit membership, if folks would be more comfortable to Legislator Uchitelle's suggestion. I don't see. I think it's a fair point. Any thoughts? Legislator Gavaris and Roberts?

Legislator Gavaris

Do we know the proposed reason for this?

Legislator Heppner

I don't know specifically why she chose five years.

Legislator Roberts

Do you want to make it something more comfortable? Like one year or currently?

Legislator Abe Uchitelle

I would say during the reporting period, you know?

Legislator Heppner

Yeah, makes sense. You know, officially, its the year prior. It's just, it's like doing your taxes. So, if that, I would make the recommendation, Clerk Mahler, can we get? Is it possible for us to make a motion as presented to reflect that language? And I think counsel could pretty quickly, instead of saying five years, say within the reporting year? Instead of within the last five years, within the reporting year. Are you okay with that, counsel?

Legislative Counsel Ragucci

Yes, no objection.

Legislator Heppner

Thank you Legislator Uchitelle. That was a good catch. Because I think it kind of throws the balance off a little bit, too.

Legislator Abe Uchitelle

If I may, like, I'll just say, you know, like, I resigned my board appointments when I became a legislator, and I just, you know, which I did because I don't want any appearance of conflict. And I feel like this, you know, that kind of, I don't know, you have to like, resign them. I mean, not that, not that, I am not shy about the fact that I was on these boards, so anyway.

Legislator Heppner

Legislator Levine?

Legislator Levine

Thank you, Mr. Chairman. I just was wondering if it will be possible if, you know, either we could solicit a written opinion or, you know, ask for an appearance from the Comptroller to kind of offer an explanation as to what her rationale on this was, just so we can kind of hear directly from from her as to what her thinking on this was before we decide.

Legislator Heppner

So actually, I'd say that she used within the last five years with the previous one as well.

Legislator Levine

For political parties you're referring to?

Legislator Heppner

May I suggest that you, that you move forward, you know, with the edit that was just made. And if the Comptroller feels strongly about it, you know, she can tell us on Tuesday? Yeah, but I think that one makes a little bit more sense. You know, fortunately, we can, but you know, that would require, you know, further postponement of this. The Comptroller, I thought, was going to be on the meeting this evening. She is not. I believe, Legislator Uchitelle? I agree.

Legislator Levine

I just, just for the record, you know, I'm supportive. I think Legislator Uchitelle's point is well taken. I'm not in opposition to it. I just was you know, would like to, you know, if it was feasible, but obviously, if the alternative is a further postponement, you know, I don't think it's it's worthy of that. So.

Legislator Heppner

So does. Is there any? So right now, do we have the motion as presented? Would anyone like to make that motion?

Legislator Roberts

I'll make it

Legislator Heppner

A second?

Legislator Gavaris

Second.

Legislator Heppner

All in favor?

Committee Members

Aye.

Legislator Heppner

Any opposed? Trying to, sorry, just scrolling through. Seeing none, the amendment passes unanimously, as presented. So moving on to the next part of the Comptroller suggestion, this is going to number one in the letter, that disclosure law should include the Ulster County Board of Directors of the Ulster County Economic Development Alliance and the Ulster County Housing Development Corporation. I'm going to ask counsel to just give. This was actually discussed previously in the special workshop we had on this law. And the response counsel gave then, and has since been presented again through the Comptroller in written form. Counselor Ragucci, if you could just present your findings. And Counselor Pascal, please feel free to chime in, if you'd like to, as well. But I know you two have both discussed this.

Christopher Ragucci

Yeah, we have, and we did some pretty extensive research on this issue. It's a bit ambiguous, just putting that out there, you know, on the front end. I don't think there's any prohibition for us to insert these entities and attempt to compel them to, you know, submit disclosure, you know, as we do as county employees. I think there may be a question as to whether if a person on one of these boards refuses to submit the disclosure, whether we would be authorized or able to enforce them into, you know, executing the disclosure, and I'm not sure whether, if it was ever brought to a judge, the judge would rule that we would have the authority to enforce based upon article 18 of the General Municipal Law.

Legislator Heppner

Does anyone have any direct questions, and if not, I can. So I mean, I think, again, to counsel's point, we can include this. But, you know, our abilities are our abilities. I don't think there's a problem with us asking them to. You know, I'd be curious what folks think? Legislator Roberts?

Legislator Roberts

I think we should take counsel's advice and ignore it and move on.

Committee Members

Chair Bartals?

Chair Tracey Bartels

Can I just ask, um, Legislator Roberts, and maybe Counsel, what that means. Ignore? Ignore what? Like ignore the suggestion or ignore?

Legislator Roberts

Ignore the suggestion is my you know.

Legislator Heppner

So essentially, we wouldn't add them to the appendix of required folks. Yeah, please go ahead.

Chair Tracey Bartels

Okay. So, you know, I mean, I actually, I feel, I feel the opposite, but I want to explain. I mean, I think we should include them. I think it's an issue of transparency. I don't think there'd be any objection from any sitting member on either UCEDA or the LDC, and so, I think functionally, it would be accepted. And that's what I, you know, on some level, that's what, I think, what Counsel is saying. It's like, the question about whether the enforcement of it, and I would like to hear, you know, to whatever extent minority counsel wants to weigh in, the question of enforcement would only be upon the point that it was contested, and I don't see anyone contesting it. I think that there are workarounds, you know, in other words, when we, well, one, we could, ask and hope and I think we would probably have both, you UCEDA and the LDC, pass internally, pass the requirement that they follow the county ethics law and therefore have to submit disclosures, but then we're at the whim of those boards. We could also ask the County Executive that when he makes the appointments, that, that he requests that they do it, but all that said, I, we have come so far, as you know, as a collective group. I know Legislator Levine, you know, is the newest to join us. But we have been at, in this committee, but we have been at this for so many years that I definitely want to move forward in unanimity. So it's like, I'm not interested in having an argument over it. Like I think if there is a debate to be had, then I'm okay holding off on that on this one. Because this is such a success that we're finally here. Legislator Roberts, I think you were the Chair of this when we started this. So this has been like, through multiple chairs. So again, I don't think it's something worth fighting over. But I think it's critically important that these organizations fill out disclosures. So, if this is an easy way to get around it, but I would want. Unfortunately, without Legislator Ronk here, I would want to know that Legislator Ronk was okay with it too, because I wouldn't want to get to the floor.

Legislator Heppner

I don't believe he is. He's not a fan.

Chair Tracey Bartels

Okay, so I don't want to have a fight over it on the floor, I'd rather us all be on the same page.

Legislator Heppner

I think it was, yeah. Just tactically, just based on the opinion of counsels, Counselor Ragucci and then Deputy Executive Rider.

Christopher Ragucci

I just wanted to add a caveat to my prior statement. Obviously, if a member of these boards is otherwise subject to at, you know, the county's ethics disclosure, you know, either they're a county employee, or there's some other basis for, you know, for them to fall under the ambit of the ethics law, they would be required to of course, submit their disclosure. It's, it's those employees or those members that are not employed by the county, and are otherwise outside of the reach of the county's ethics law pursuant to Article 18.

Legislator Heppner

For example, the housing LDCs, the majority of people that are on it would still be required.

Legislative Counsel Ragucci

Right.

Legislator Heppner

Deputy Executive Rider?

Deputy Executive Rider

At the last meeting of the Housing LDC, the one lone member said he'd have no problem doing it voluntarily. So one answer to this would be that the members of those LDCs pass, in their bylaws, a requirement to submit ethics disclosures to the county as, as a requirement in the bylaws. That doesn't put you in legal Jeopardy. I would also think that, you know, I would just be careful about volunteers, and I think it's a good idea to require disclosure. But these are volunteer positions and we will lose people, not on sitting boards necessarily, but I know there's, there's been people who have not wanted to submit, or not wanting to volunteer for boards because they may have to do this kind of disclosure. And it's already as, as Majority Leader Heppner said earlier, hard enough to find volunteers for some of these commissions and boards. I would just be careful.

Legislator Heppner

So I think, you know, and especially to the last comments by Chair Bartels, I'm comfortable moving on from this one, because I do think, you know, there is a kind of divide on this. We are providing two of the three recommendations the Comptroller has made, with careful consideration. So unless there is any objection, I think we can move on.

Deputy Executive Rider

Can I make a comment just on the, on the one that you just did? Not this one, but the prior?

Legislator Heppner

Yeah. And then Chair Bartels.

Deputy Executive Rider

The nonprofit boards? I think the reason, I actually pulled out my most recent disclosure form. The political parties language for five years, that's actually what's in your disclosure form right now. That wasn't a recommendation by Comptroller Gallagher, so I think she probably was just parroting that language, would be my guess.

Legislator Heppner

That makes sense. I didn't even notice that when I was doing mine. Chair Bartels, did you have your hand raised? Chair Bartels?

Chair Tracey Bartels

Yeah, I actually was gonna say the same thing. Like Mark is stealing all my lines.

Legislator Heppner

That's a good thing. Um, so seeing so again, then, my understanding, just to confirm, something that came up in our caucus at least. Legislator Erner, please go ahead. I was just gonna pick up one more thing.

Legislator Phil Erner

Thank you Chair Heppner. This might sound really naive and simple. But what, why shouldn't we ask anyone whose job is to divvy up county dollars in any way, shape, or form, to fill out an ethics disclosure?

Legislator Heppner

Well, Chair Bartels, did you want to respond to that again?

Chair Tracey Bartels

You can, I was going to.

Legislator Heppner

I was just going to have counsel, just repeat, you know, again, what we're allowed to do and what we're not allowed to do. Kind of, in a sense of being able to require them to do so.

Chair Tracey Bartels

Yeah. And if I, if I may, for Legislator Erner. I mean, I can't speak for everyone on the committee, but my sense is that there's a strong sense of agreement that we should and we want to, but the question is whether or not it's enforceable under General Municipal law, for these independent organizations. So we may have to have a workaround. And like I said earlier, I'm willing, you know, I would have been willing, if there was consensus, to just go ahead and put it in there, and, you know, with the expectation that I really don't think anyone would, would push us on it and not fill it out. And, and, and push the legal question, but, but again, we just at this moment in time, we've come such a long way with this. I don't want to hold up this law, or have any divisiveness around it, on this issue, which I do think is important, and I think was a good catch on the part of the Comptroller. And functionally, I think we should be advocating. And as Deputy Executive Rider said at the, I think you were there, Legislator Erner, at the LDC? You know, I raised the point that I didn't think that the sole member who wasn't, who hadn't already filled it out would object, and he confirmed, said, 'I wouldn't object' and then later, in an email that he shared with, you know, with members, said the same. Just reaffirmed that he has no objection to filling out a disclosure form. I absolutely think it should happen.

Legislator Heppner

And to add onto Chair Bartel's point, Legislator Erner, just for your reference, we have actually added a lot of additional individuals and entities that we were allowed to. We went through with a strong comb brush to make sure that we actually, we did, we've added as much as we felt like we were legally allowed to add, that we felt were lapses. And also, I'd like to make the recommendation, and something I'll commit to as Chair of this committee, upon the passage of this Ethics law and to Deputy Executive Rider's good point, is to craft a letter to the IDA and the housing LDC, you know, pointing out the passage and updating of this, what we've done with this law, and make a strong recommendation that we encourage them as the committee of jurisdiction, that they implement in their bylaws a requirement to fill that in, and any member that would like to can sign on. I think that's a fair way to go forward. Chair Bartels?

Chair Tracey Bartels

That's an excellent, excellent idea. And what I would suggest is that we ask our counsel to, with that request, send over draft language of the policy that would be adopted, that would, that would basically, internally require them to follow our ethics disclosure law, just to make it easy for both boards. That's a great idea.

Legislator Heppner

Deputy Executive Rider?

Deputy Executive Rider

I put my hand down in case, you know, the Chair and I were going to say the same thing, I wanted to give her the first bite of the apple. But what I would also say is that, you know, this is kind of an omnibus that's been worked on for years, and I applaud the members of this committee wanting to have consensus. There's nothing stopping a member of the Legislature from submitting a resolution in June, adding these last minute amendments after, you know, we've already had a public, you have already had a public hearing, there is nothing to say that you can't go in and add these at a later date this. You have plenty of opportunities to change this law.

Legislator Heppner

So if it's the will the committee I'd say we move on, and so, like, I'm just going to do it this way. So as amended for two and three, as well as my language. So that's where we are right now. If that makes sense. I'm just trying to explain.

Jay Mahler

Is that, Chair Heppner, is that your intention to be the final amendment? Because there's one more amendment I have in here from the comptroller. And I also just want to be, that's in the law itself. This is, we're currently talking about Appendix A. Yeah, I just want to be clear that in Appendix A, you want the EDA and the Housing Development Corporation, but not not-for-profits? Is that accurate or no?

Legislator Heppner

I don't know if it's just me, but do you mean number three county employees who are members of non-profits, because it's not exactly what this says. No, literally the opposite. It's the other way around?

Yeah. To her, so to the Comptroller's memo that's in the OneDrive, so her recommendations, one, two, and three, we're accepting resolution one as is- recommendation one, as is, resolution two, as we amended with the lookback. Sorry, recommendation two, as is recommendation three, within the reporting year language change, and we're not taking action on recommendation one. Makes sense? So I'm sorry, could you? I'm a little bit confused.

Jay Mahler

So in Appendix B, this one. The last, number 13. You agreed on this language?

Legislator Heppner

Yep.

Jay Mahler

Not-for-profit organizations, but that's a member who's disclosing, so myself yourselves, are disclosing our membership on not-for-profit boards. What this memo says is the disclosure should require officers of unpaid boards, regardless of whether or not. I think the Chair might want to try and explain my confusion.

Chair Tracey Bartels

Yeah, I mean, not to explain the confusion, but just to weigh in on it. And I'm sorry to bring things back one, because of the continuity with the look back over five years, I don't know where everybody is, but I don't really have a problem with the look back and just disclosing that you were a board member. Like I appreciate Legislator Uchitelle's point. But to me, it's kind of like, what's the big deal? But this next proposal that is number three here? The disclosure law should require officers of unpaid board memberships, such as nonprofit organizations, to make disclosures. That's definitely not something we've taken up yet. And I'm very interested to hear what people have to say. You know, that would expand this law to cover? I mean, untold number of, I'm not even sure, I'm not even sure. I'm trying to contemplate all the.

Legislator Heppner

But now I get where the, because the other recommendations she had made, where there was confusion, I get it.

Chair Tracey Bartels

And what's confusing to me about it is our authority, like, is it proposing that, for example, on community action, that the members that are appointed by the Legislature or the Executive, are required to, to disclose? And the other members that aren't appointed by that? I mean, there's boards that have mixed memberships that have there's a lot.

Legislator Heppner

So it seems a lot for right now.

Chair Tracey Bartels

Like, would that mean, the Family of Woodstock would have to disclose?

Legislator Heppner

Not even would it have to be, her recommendation is someone that's appointed by the leg- anyone that is on a board in a nonprofit that has any contract of any monetary value would have to submit an ethics form? I think it's that broad, which to me, I think I would, I don't think right now is the time to go that far. Especially for volunteer not-for-profit boards. You know, I think we would have a lot of pushback. Yeah, please go ahead.

Chair Tracey Bartels

Yeah, I mean, I think it is, I think it's worth discussing. But I think it's a it's a very, very, you know, it's an expansive recommendation that

Legislator Heppner

Yeah

Chair Tracey Bartels

I think we need to have bigger discussion, we really need to understand the scope of what it would mean, because, as you say, I'm not really clear like, does it mean? Does it mean legislators who are officers, because the legislators already have disclosures? Or is it everyone with a contractual relationship? The language isn't really clear, but if it's everyone with a contractual relationship, you're talking about, I mean, Deputy Executive Rider, began the work of just pulling the social services contracts, like, we could have, we could have hundreds, hundreds of hundreds of people covered by this. And I would just, I think we should talk to the Comptroller about the recommendation.

Legislator Heppner

Agreed.

Chair Tracey Bartels

I certainly wouldn't feel comfortable moving at this moment. And also moving without, without Legislator Ronk here, again, in the spirit of working together.

Legislator Heppner

I agree. Does anyone else have any disagreement with that? Or comments or concerns?

Jay Mahler

So just to be clear, what you see in front of you, the, you see EDA and Housing Development Authority, that's not being included? That's accurate, what you're looking at, which isn't technically an amendment, because you didn't put it in in the first place.

Legislator Heppner

Yeah, we never took action in the first place.

Jay Mahler

Thank you. And then the only other thing that I had from the Comptroller in the actual law itself to, to pair up with the addition of number 13, and B, which was the not-for-profit disclosure of people required to disclose. There was not a definition of nonprofit organization in the law, and she provided one.

Legislator Heppner

Legislative Counsel, do you have any issue with adding a definition, which I think is actually the smart thing, since we do address it in the disclosure form? Legislative Counsel, do you have any? Do you have any issue with the definition as recommended?

Legislative Counsel Ragucci

No.

Legislator Heppner

Does anyone have any issue? I think, again, as our job is to make sure the law is sound, we do add a definition. Any issue with that? There's the definition on your screen right now. So can I get a motion to make an amendment to add the definition as presented?

Chair Tracey Bartels

So moved.

Legislator Heppner

Seconded by Robert. All in favor of the amendment on the definition?

Committee Members

Aye.

Legislator Heppner

Any opposed? Seeing none, that amendment passes unanimously. Okay, so any other questions, where we are at this point? Again, I think this, what I was gonna just add, this came up in caucus, is for clarification, per the current language. This is effective upon filing with the Secretary of State. Let's. Chair Bartels.

Chair Tracey Bartels

Sorry to jump back in and I'm sorry to bring us back but I feel like we're covering a lot of things. Can we just for one last second, revisit, or can I just hear everyone's thoughts on the proposed changes to the nonprofit boards' disclosure Not, not members of the nonprofits' boards disclosing, but disclosing in the disclosure, a previous or current position as an officer of a nonprofit organization? The recommendation had said the last five years, which was keeping it in line with the political parties and everything under political parties, campaigns, etc. We switch that from five to one. But does the committee have any thought about keeping it at five, because the, in order to be in line with the political parties, I just feel like we, you know, we acknowledged that it was the same as the political parties, but then we just sort of moved on.

Legislator Heppner

Does anyone on the committee have an opinion? We can just leave it and just strike that amendment. I mean, we amend the amendment.

Chair Tracey Bartels

Legislator Uchitelle. I know that you, you raised the concern now that you see the.

Legislator Abe Uchitelle

Yeah, and I'm, maybe I'm the only person here that, you know, this would apply to. My only thing is, if the committee feels strongly about having it be five years, which it sounds like they don't. But if they do, then all I ask is that it say somewhere on there, that it just indicates that you're not in, on that board any longer. Because I don't want anyone to be confused about any of my votes on Family of Woodstock contracts, right? Or, or the Kingston Land Trust, right, which in the last five years, I was a member of both of those boards before I even knew I was going to run for county legislature. So and I, you know, again, I resigned upon being elected. So I just don't want there to be any confusion, particularly, you know, considering how complicated the situation with Family of Woodstock is, with being such a large recipient of contracts from the county. I just wanted to be really clear that if I have to put that I'm, four, three years ago, whatever it was, was a member of that board, that it's clear that I'm not a member of that board. And the proposal from the Comptroller does not make that clear. So I'm not comfortable without some change being made here.

Legislator Heppner

Chair Bartels.

Chair Tracey Bartels

So, do we have the language that we changed it to? Clerk Mahler?

Legislator Heppner

Yeah, she just had it up, she can pull it back up.

Chair Tracey Bartels

So list any, I mean, is that the same thing as saying list any position that you hold? I mean, isn't it, if it's current, if it's the reporting year, isn't it hold? Or held within? I get it, within the current year?

Legislator Heppner

As long as it's reflective of the previous year?

Chair Tracey Bartels

Right.

Legislator Heppner

Like the same as paying your taxes.

Chair Tracey Bartels

I'm okay. If the committee wants to keep it at the one year, I'm okay. It's okay, I'm okay with that.

Legislator Heppner

Legislator Levine.

Legislator Levine

Thank you, Mr. Chairman. I'm just trying to understand Legislator Uchitelle's concern in regards to, your issue is that number 13 would not, you know, the not-for-profit, the listing, does not indicate whether you are no longer affiliated on the, as an officer of the organization. Is that, is that what your concern is? That there's no place that would indicate that it is a previous? Okay.

Legislator Abe Uchitelle

There's no way to delineate between a current conflict, if, I mean, and I'm not even, I'm not even convinced that, you know, it's a conflict to serve on a board in general, particularly an unpaid board. I think political campaigns are a little bit different. So our political committee, rather, is a little bit different, which is why the look back, I think, is easier to justify, and I'm not, you know, afraid of. I have no qualms about being, I mean, everyone who knows me knows that I'm incredibly open and I hope that everyone that this law applies to would be similarly open, even if the law didn't, you know, wasn't in place, that they should always be open about your background, as I am very open. But this just, it only tells us part of the story because it doesn't show that you, you know, that that's a historical thing that's no longer present. And when these are, they're filed, they're out there on their own. They don't, you're not standing next to it every time someone requests it to explain, you know. What's in here is what's out there. That's the story.

Legislator Heppner

Definitely understand that and again, I'm comfortable as. I think it makes sense. Again, we're talking about not for profit organizations, volunteers. I don't think we want to get too much into you know, overthinking it. And I think the points that have been made have been really, you know, well taken, but I think I'm comfortable with what it is, as is. Sorry Legislator Erner, I just saw your hand pop up.

Legislator Phil Erner

Thank you Chair Heppner. Perhaps, could we put a dates part? I mean, it sounds like the committee is going to leave 13 the amended way. You could add something about when to the political parties line. And then as a, in the event that future disclosures, we decide, alright, we need to do, then there's that model for the time period under which, if it's not just that year, because every other category seems to be just for the reporting year anyhow. But political parties is a look back. So, maybe we want to specify what, when you are involved.

Legislator Heppner

I mean, most of the folks have every ability to specify it. Then you can write that down if you want. You know, any, again, I've, you know, looked at the opinion of the committee, if we'd like to move on, as we are. Again, as Deputy Executive Rider said, you know, this is, these are things we can, as you know, this has always been a growing process, we can look back at and make, you know, future amendments to a law just like any process. But if folks are comfortable, I would like to make the recommendation forward. Legislator Uchitelle?

Legislator Abe Uchitelle

Yeah, I'll just say that the suggestion that Legislator Erner made is one that I'm totally comfortable with. I just don't think, I think it's not necessary. I think, rather, I think the problem is already solved. So that being the case, I think we're fine. But if you like, Legislator Erner's suggestion is something I'm totally comfortable with, for the record. Now.

Legislator Heppner

That's something that we can, you know, definitely consider, you know, going forward, but I think for the sake of not jumping to a lamb to get to overcreative trying to figure out language, right, additional language right now. I would like, if it's the will of the committee, to move forward on the law as amended. Motion from Legislator Erner?

Legislator Phil Erner

Just, point of order, you're gonna get ready to vote on this right now?

Legislator Heppner

Yes, as, with the amendments that were discussed by the committee.

Legislator Phil Erner

I just had one quick other comment then to make before you vote.

Legislator Heppner

Yeah, please go ahead.

Legislator Phil Erner

And, and yeah, I do appreciate the Deputy Executive having pointed out that, you know, we can change this fairly easily once we adopt it. As someone filling this out this year for the first time. And the language that I'm going to mention hasn't changed in the new version, but I had a lot of confusion over how to complete item number two, outside employment, and it seemed like that was related to a business that you own, or some kind of profession for which you were compensated by services, but the language just confused me. Also, I thought that that could also be a job that you had. And then, when you go down to Item four, that later seems to be like any other income you get, for example, wage work. So then that seems to be where you put in your, jobs that you get a W-2 for, for example. So I just found that confusing. That hasn't been changed in the new version. So maybe we all go ahead and adopt this and then we can talk about clarifying that if it needs to be clarified later.

Legislator Heppner

Thank you. We'll make note of that. Clerk Mahler, can you just write that on your notes? Make sure we just have a record of that. Just remind me or shoot me an email. Legislator Roberts?

Legislator Roberts

Yes, I did figure out the difference between a clap and a raise of hands. Hopefully I got it, but I know we're about to vote on this, and if it's okay with the committee, I'd just like to recommend having a

special meeting Tuesday before session and maybe give the Minority Leader a chance to look at the amendments before we vote on it, because I know that he spent a lot of time on this, and, you know, he's been through this process for, since the beginning. And I'm okay, either way, what the committee decides. But if you guys want to allow the Minority Leader the courtesy of that, I'd appreciate it.

Legislator Heppner

Yeah, I don't see any major issue. We just got to make sure you know, I don't know what Ways and Means looks like. We do give ourselves a lot of crunch time. But I think things have been flushed out pretty quick. And I think we can have, easily update Leader Ronk. Legislator Gavaris?

Legislator Gavaris

I'm having some connectivity issues, I'm not sure how well you can hear me.

Legislator Heppner

Very well.

Legislator Gavaris

Okay, good. Yeah, I agree with Legislator Roberts and I need to think through, some of the back and forth just now that had me thinking about that one section. I need to think it through thoroughly, because I think there is a case where there would be a good reason to have maybe not five years, but maybe having a one-year look back. But I need to think through that. So I would postpone.

Legislator Heppner

I'm comfortable with that. Would you want to do it Monday evening or Tuesday evening?

Legislator Gavaris

Just so you know, Ways and Means is very light. We only postponed a couple of items. So it should not be a very long meeting on Tuesday.

Legislator Heppner

Chair Bartels?

Chair Tracey Bartels

I just wanted to ask, because somewhere I just thought, this is like, sorry to throw this on. But if we're waiting a day, somewhere I saw, you know, some changed language that had to do, Clerk Mahler would probably be able to find it fast, but just in advance of the next meeting, where it said, "brother, sister," and we added gender-neutral, right? It just occurred to me, in the interest of simplicity, why don't we just change all of that to sibling? Like, wouldn't that cover all genders? Like then we wouldn't have to say brother, sister, gender-neutral. Just say siblings?

Legislator Heppner

I'll make that motion right now. Thanks.

Jay Mahler

That is part of the definition of sibling.

Chair Tracey Bartels

Oh, that is the definition of sibling. Okay. All right. I was like, if that was in there. Okay, good. Thanks.

Jay Mahler

Are we, do you want to see it? Or are you?

Chair Tracey Bartels

Oh no, we're good. I just saw it. All of a sudden I'm like, Oh, my gosh, it seems overcomplicated.

Legislator Heppner

If it is the will of the committee, would you rather meet Monday evening or Tuesday evening?

Legislator Roberts

Tuesday, I think.

Legislator Gavaris

I'm unavailable Monday.

Legislator Heppner

Legislator Levine.

Deputy Executive Marc Rider

Yeah well, I mean, it would make sense. I mean, we could, if it's okay with the committee, I would think to have an in-person meeting before session on Tuesday makes sense to me, you know, if we're all going to be available. If Legislator Gavaris, said, I think, he just said he's unavailable on Monday, so.

Chair Tracey Bartels

I'm unavailable Monday.

Legislator Heppner

Yeah, so let's do Tuesday. And let's set it up that way, just for the notification that has to go out tomorrow. So let's do Tuesday, immediately following Ways and Means.

Legislator Levine

No objection on my, on my part.

Chair Tracey Bartels

And you'll circulate all these in final form to everyone?

Legislator Heppner

Yes, the, right, we can circulate the red line version with Jay.

Jay Mahler

Absolutely. And then, what your intention is tonight is to, you've adopted all of these amendments, you're going to make a motion to postpone the resolution?

Legislator Heppner

Yep, until the next meeting.

Jay Mahler

And then you're all just clear that if Legislator Ronk, or you all, like Legislator Levine, Legislator Gavaris said they wanted to take some more time, that you'll be making any additional amendments on the floor. Just so we're all clear.

Legislator Heppner

Yep.

Jay Mahler

Okie dokie. Chair Bartels.

Chair Tracey Bartels

I just want to, you know, I know we're not quite. I just want to thank everybody really, like, for the patience but also like the layers of leadership. Like I said, Legislator Roberts chaired the committee. Then I chaired the committee. Now you're chairing committee, Legislator Heppner. And, you know, we've stuck through it for a lot of years. And I think it's right to wait for Legislator Ronk to be here with us because.

Legislator Heppner

Especially as a fellow sponsor, yeah.

Chair Tracey Bartels

Yeah, exactly. It's, it's really a culmination of a lot of time in, and this is going to be a much, it is a much, much better law. So I appreciate everyone's time.

Legislator Heppner

Thank you Chair. Thank you for your work. So can I get a motion for a postponed, as amended, to the following meeting on Tuesday?

Chair Tracey Bartels

Second that.

Legislator Heppner

All in favor?

Committee Members

Aye.

Legislator Heppner

Any opposed? Passed unanimously. And then, so, moving on. Resolution number 287, setting a public hearing regarding the use of video conferencing, pursuant to public officers law, as amended on April 19, to be held on Tuesday, June 21, 2022, at 6:55pm. Can I have a motion for discussion?

Legislator Roberts

Motion.

Legislator Heppner

Second?

Legislator Gavaris

Second.

Legislator Heppner

Chair Bartels, would you like to?

Chair Tracey Bartels

Yeah, sure. So my understanding, and counsel can follow, like this is a little unusual, but that the state's requiring a general public hearing to be had, I think that we, in order to basically opt in to, to some of the options that are on the table, I think that we are going to need to amend our rules to address how we're going to proceed with committees. In terms of video conferencing, I can say that, you know, and this, I feel like there's still some research and some debate on this, but I know that, functionally for our clerk's office, and the preference is to have either all video conference meetings like this, or all in-person for committee meetings. That the idea of moving to hybrids, for committee meetings, is really going to stretch our staff. Right now, our rules are only, right now our rules allow for video conferencing per session, with limitations to non-consecutive meetings annually. I would, if it ends up being allowable in what the state has brought forward, I would like to see us allow for Zoom meetings for committees and special committees, as decided by the the Chair of the committee, in consultation with the Chair, but they would be all Zoom meetings, noticed as such. My understanding is that would, just like current video conferencing rules, would require that everybody's addresses be posted. And the Counsel will have to confirm this. But everybody's addresses would have to be posted, and you would have to allow the public into your address, should they knock on the door to come to the meeting at your address, but they could also Zoom into the meeting. The public would be able to Zoom into meetings. Again, the challenge being hybrid meetings for committees.

Legislator Heppner

So are you, so would you like to see us? Just for clarification, for the committee members? When you say you know, there's still, you're looking at clarification on some certain issues, is this something you would like to see move now forward, in terms of a public hearing, to get the ball rolling?

Chair Tracey Bartels

I think we're required to. Maybe the Counsel can speak to that.

Legislator Heppner

To make sure folks.

Christopher Ragucci

Sure. So the local law was amended on April 19, 2020, to set forth a blanket requirement that we hold a public hearing to address the use of video conferencing. So even though we may not have been required to hold the public hearing under our general procedures, you know, this law as amended is requiring it. So I think that it makes sense to have it. From a legal perspective.

Legislator Heppner

Yep. I think that makes sense. I just wanted to make sure that was clear for members of the committee. Chair Bartels?

Chair Tracey Bartels

Just so members understand like, this is unique in that we're not having a public hearing on a local law, or any tax. We're just, we're having a general public hearing on the use of video conferencing. So we're going to hear from the public on the use of video conferencing. But again, I think we're going to need to amend our rules to address video conferencing for committees.

Legislator Heppner

So I'd like folks to definitely keep this in mind as we move forward with this process. But I think, obviously, per Counsel, it's prudent that we move forward with this public hearing. Any other concerns at this moment? Seeing none, I'll call the vote to call the public hearing. All in favor?

Committee Members

Aye.

Legislator Heppner

Any opposed? Seeing none, passes unanimously. So that, I think covers us for this evening. Just to make note, forthcoming resolutions four, slash local laws. Just for your reference. Any old business a new business? Again, thank you, everyone, again, for the constant, you know, efforts as Chair Bartels said, on this Ethics law, we're close. You know, we just gotta get over the finish line. And again, I appreciate everyone's patience and time, even offline to have discussions on this. With that, I'll take a motion to adjourn? Made by Legislator Roberts, seconded by Gavaris. All in favor?

Committee Members

Aye.

Legislator Heppner

All right. Thank you everyone. Hopefully you can enjoy a little bit more sunlight and beautiful weather today.

Chair Tracey Bartels

Have a great night everybody.

Legislator Levine

Good night, everybody.