

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

DATE & TIME: August 10, 2023 – 6:00 PM
LOCATION: KL Binder Library, 6th Floor, County Office Building, Kingston
PRESIDING OFFICER: Deputy Chair Roberts
LEGISLATIVE STAFF: Jay Mahler, Deputy Clerk
PRESENT: Legislators Bartels, Gavaris, Levine & Ronk
ABSENT: Legislator Heppner
QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislators Erner and Petit; Legislative Counsel Ragucci and Gordon and Minority Counsel Pascale; Deputy County Executive Contreras; Director Doyle – UC Planning; Joe McDonald – UC Human Rights Commissioner candidate

Deputy Chair Roberts called the meeting to order at 6:00 PM

Motion No. 1: **Moved to Approve Minutes of the July 13, 2023 Meeting**

Motion By: Legislator Ronk
Motion Seconded By: Legislator Gavaris

Discussion: None

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

Resolutions for the August 15, 2023 Session of the Legislature

Deputy Chair Roberts advised the members that the candidate for confirmation as the Human Rights Commissioner, Joe McDonald was in attendance and that he would be taking Resolution No. 461 out of order out of deference for his time.

Resolution No. 461: Confirming Appointment Of Joe McDonald As Ulster County Commissioner Of Human Rights

Resolution Summary: This resolution confirms the appointment of Joe McDonald to the position of Human Rights Commissioner

Motion No. 2: **Resolution No. 461 Moved for Discussion**
Motion By: Legislator Levine
Motion Seconded By: Legislator Ronk

Discussion:

Deputy Chair Roberts recognized Mr. McDonald and asked him to introduce himself to the members. Mr. McDonald thanked the members for having him and expressed his excitement to serve as the county's Commissioner of Human Rights. He shared his background with NYS offices and work in juvenile and daycare services. He added that he worked on a number of diversity, equity, inclusion and accessibility committees in Albany and was excited to return to work in Kingston.

Legislator Petit asked if Mr. McDonald had any experience in mediation or conflict resolution. Mr. McDonald responded that his management experience has provided him with years of complaint investigation and resolution, working closely with HR and legal departments.

Deputy Chair Roberts thanks Mr. McDonald for his time and asked if there was any further discussion or questions; hearing none called for a vote in favor of the Resolution.

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

Deputy Chair Roberts advised the members that Legislator Erner had a number of Resolutions before the committee and another meeting to attend and stated that he would be taking those next.

Resolution No. 462: Adopting Proposed Local Law No. 12 Of 2022, A Local Law Providing For The Protection And Restoration Of The Hudson River, Also Known As Mahicannituck, And For The Rights Of The Residents Of Ulster County And The River To Clean Water And A Healthy And Productive Ecosystem

Resolution Summary: This resolution adopts Proposed Local Law No. 12 of 2022

Motion No. 3: **Resolution No. 462 Moved for Discussion**
Motion By: Legislator Levine
Motion Seconded By: Legislator Ronk

Discussion:

Legislator Erner stated that a number of amendments were made in the Energy, Environment and Sustainability committee, but one change was not included. He requested that the members make an additional amendment to paragraph J to add the words "to head of tide."

Motion No. 4: **Moved to Amend Proposed Local Law No. 12 of 2022 to include "to head of tide" in Section 3, Subjection J**
Motion By: Legislator Bartels
Motion Seconded By: Legislator Ronk

Discussion:

Deputy Chair Roberts asked for an explanation of the language. Legislative Counsel Gordon explained that it refers to sea level. Legislator Ronk stated that he supported moving the law forward for public hearing

but did not support the law. He added that it was his understanding that Legislator Erner was going to be requesting postponement. Legislator Erner stated that he was okay with postponement if that was the will of the committee. Legislator Ronk stated that he struggled with enforceability of giving inanimate objects tights.

Deputy Chair Roberts asked if there was any further discussion on the amendment specifically. Hearing none called for a vote in favor of adopting the amendment.

Voting In Favor: Legislators Bartels, Gavaris, Levine, Roberts & Ronk
Voting Against: None
Votes in Favor: 5
Votes Against: 0
Disposition: **Proposed Local Law Amended**

Discussion:

Legislator Gavaris stated he also had questions about enforceability and question whether the law would impact the boating industry. Counselor Gordon responded that in short, yes. The members continued discussing the possibility of boaters be held liable and subject to penalty under the law. Legislator Petit stated that the spirit of the law was to address significant environmental impacts, rather than individual boating, such as spills and digging damaging channels.

Legislator Ronk stated that he felt the legislation was more memorializing in nature but agreed with Legislator Gavaris that the law set people up for brining causes of action against recreational users, whether or not the action would prove to be successful. The members continued discussing enforceability of the legislation and its legal implications.

Deputy County Executive Contreras stated that the Executive’s Office believes there is language on the law that implies the Executive has certain responsibilities and requested postponement to provide more time to understand those implications. Chair Bartels stated that it was reasonable to provide the County Executive’s office to understand the implications and be a part of the process. She added that there was language in the law that made it clear to her that it was not memorializing. She asked if there were other examples of similar legislation. Counselor Gordon responded that Kingston passed a similar law and that there is a global push for right of nature laws.

Planning Director Doyle advised the members that his office looked at the law at the Executive’s request because the Planning Board was included in the statute. He stated that the law refers to and calls for actions that the county has no regulatory authority to do. He added that as far as legal action is concerned, the county can be sued for inaction as well as action. The members continued to discuss legal implications of the law.

Motion No. 5: **Moved to Postpone Resolution No. 462 With Proposed Local Law As Amended**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Gavaris

Discussion:

Legislator Ronk stated that a number of the arguments made by Counsel proved that there are current avenues to advocate for the river without enacting the law. He stated that he was concerned about contents of the law over which the county has not regulatory authority as well as what the law means for the other counties along the river. The members discussed obligating action by the Executive and Legislature and authority over action by other counties.

Deputy Chair Roberts asked if there was any further discussion and hearing none called for a vote in favor of postponing the Resolution.

Voting In Favor: Legislators Bartels, Gavaris & Levine
Voting Against: Legislators Roberts & Ronk
Votes in Favor: 3
Votes Against: 2
Disposition: **Resolution Postponed**

Resolution No. 465: Establishing A Policy To Record Electronically All County Public Meetings

Resolution Summary: This resolution requires video and/or audio recordings for every public meeting of the government of Ulster County required to keep an official record within 3 months of adoption

Motion No. 6: **Resolution No. 465 Moved for Discussion**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Gavaris

Discussion:

Legislator Ronk stated that he'd like to move the amendment that was distributed at the beginning of the meeting.

Motion No. 7: **Moved to Amend Resolution No. 465 as presented**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Levine

Discussion:

Legislator Ronk asked Legislator Erner, sponsor of the resolution, if he was comfortable with the amendments. Legislator Erner responded that he had no issues.

Deputy Chair Roberts asked if there was any discussion and hearing none called for a vote in favor of adopting the amendments as presented.

Voting In Favor: Legislators Bartels, Gavaris, Levine, Roberts & Ronk
Voting Against: None
Votes in Favor: 5
Votes Against: 0
Disposition: **Amendment Adopted**

Discussion:

Legislator Ronk expressed his support for the resolution adding that he and Chair Bartels were at the forefront of many similar requirements. He requested to be added as a co-sponsor.

Deputy Chair Roberts asked if there was any discussion and hearing none called for a vote in favor of the Resolution as amended.

Voting In Favor: Legislators Bartels, Gavaris, Levine, Roberts & Ronk
Voting Against: None
Votes in Favor: 5
Votes Against: 0
Disposition: **Resolution Adopted as Amended**

Resolution No. 466 – Amending The Rules Of Order To Allow The Monthly Meeting Of The Ulster County Legislature To Be Held In Various Locations In The County

Resolution Summary: This resolution amends the Rules of the Legislature to require monthly Legislative Sessions be held in each of the 23 County Legislative Districts in the County

Motion No. 8: **Resolution No. 46 Moved for Discussion**
Motion By: Legislator Gavaris
Motion Seconded By: Legislator Ronk

Discussion:

Legislator Ronk stated that he supported the idea. He added that many of the Legislators who will serve beyond him have expressed opposition to the idea citing logistic problems. Chair Bartels added her concerns with the logistics. She added that it is more difficult than one would think to find locations throughout the county have adequate space for 23 legislators and staff as well as members of the public. Additionally, the location would need to meet electric and internet requirements for livestreaming, and other needs to accommodate Ways and means meetings, caucuses and Session. She added that she appreciates the intent but could not support the resolution.

Legislator Ronk suggested moving at least one meeting per year to a location other than Kingston. Chair Bartels responded that the Rules of the legislature already provide for that ability at the call of the Chair. Legislator Levine stated that he appreciated the intent of the resolution but felt requiring 23 out of 24 meetings of the Legislature during a two year term was a bridge too far.

Legislator Erner thanked the members for their consideration and feedback. He explained that the rationale behind this resolution, as well as the previous and a number of proposals he has before the Public Works, Capital Projects and Transportation Committee, is an attempt to bring government to the people and making it as accessible as possible. Deputy Chair Roberts briefly mentioned the added difficulty of implementing the requirement if the state adopts the election change requiring most elections to be held in even number years, temporarily effecting the terms of county legislators.

Deputy Chair Roberts asked if there was any further discussion and hearing none called for a vote in favor of the Resolution.

Voting In Favor: Legislators Roberts & Ronk
Voting Against: Legislators Bartels, Gavaris & Levine
Votes in Favor: 2
Votes Against: 3
Disposition: **Resolution Defeated**

Resolution No. 124 – Setting A Public Hearing On Proposed Local Law No. 3 Of 2023, A Local Law Amending Local Law No. 3 of 2019, A Local Law Establishing The Ulster County Electrical Licensing Board And Providing For The Qualifications, Examination, Licensing And Regulation Of Electricians In Ulster County, New York, To Be Held On Tuesday, September 19, 2023 At 7:00 PM

Resolution Summary: This resolution set a public hearing on Tuesday, September 19, 2023 At 7:00 PM to provide the public with an opportunity to offer comment on Proposed Local Law No. 3 of 2023

Minority Leader Ronk, sponsor of the Resolution, indicated that he was withdrawing it. He added that the Legislature needs to work to create reciprocity. The members briefly discussed the effect that required testing has on diminishing the pool of available electricians.

Resolution No. 371: Setting A Public Hearing On Proposed Local Law No. 9 Of 2023, 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 Amend Article II Legislative Branch §C-21 Filling Membership Vacancies, To Be Held On Tuesday, September 19, 2023 At 7:05 PM

Resolution Summary: This resolution set a public hearing on Tuesday, September 19, 2023 At 7:05 PM to provide the public with an opportunity to offer comment on Proposed Local Law No. 9 of 2023

Motion No. 9: **Resolution No. 371 Moved for Discussion**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Gavaris

Discussion:

Legislator Petit, sponsor of the Proposed Local Law, indicated that more work was necessary to address participation by the political party of the person who vacated the seat. She asked that the Resolution be postponed. Chair Bartels stated her support for weighted voting by town and village boards. Legislator Levine commented that participation by Village Boards was still missing. Legislator Gavaris agreed with Legislator Levine stating that he requested the participation by Village Boards when the law was first introduced. He added that requiring political party participation in filling a vacancy would not be possible in instances when a person was elected on an independent party line, such as the Clen Sweep line in Ellenville. Deputy Chair Roberts offered that in such a case the party with which the member caucuses would probably be the logical default.

Motion No. 10: **Moved to Postpone Resolution No. 371**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Gavaris

Discussion:

Deputy Chair Roberts asked if there was any further discussion and hearing none called for a vote in favor of postponing the Resolution.

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

Resolution No. 463: Adopting Proposed Local Law No. 7 Of 2023, A Local Law To Authorize County Registry For Domestic Partners

Resolution Summary: This resolution adopts Proposed Local Law No. 7 of 2023

Motion No. 11: **Resolution No. 463 Moved for Discussion**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Gavaris

Discussion:

Deputy Chair Roberts asked if there was any discussion and hearing none called for a vote in favor of the Resolution.

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

Resolution No. 472: Setting A Public Hearing On Proposed Local Law No. 10 Of 2023, A Local Law Amending Part II, §218, Of The Code Of The County Of Ulster, To Extend Participation In The New York State Hunting Pilot Program For 12 – 13 Year Old Deer Hunters, To Be Held On Tuesday, September 19, 2023 At 7:10 PM

Resolution Summary: This resolution set a public hearing on Tuesday, September 19, 2023 At 7:10 PM to provide the public with an opportunity to offer comment on Proposed Local Law No. 10 of 2023

Motion No. 12: **Resolution No. 472 Moved for Discussion**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Levine

Discussion:

Deputy Chair Roberts asked if there were any questions or discussion on the Resolution. Legislator Ronk stated that the Legislature had previously opted into participation of the pilot, adding that it was set to expire at the end of 2023. The state extended the pilot through 2025 and the law was necessary to allow

continued participation. He explained that the law as amended would allow participation as long as the state continued the pilot and would not need to be amended again. Chair Bartels asked what the participation was in the county. Counselor Pascale responded that there is an annual DEC report. Legislator Ronk stated that he would look into it before session.

Deputy Chair Roberts asked if there was any further discussion and hearing none called for a vote in favor of the Resolution.

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

Deputy Chair Roberts asked if there was any old or new business. Chair Bartels stated that the work of the Charter Revision Commission was nearing completion and suggested that the committee review their final report when it was available. She recommended a special meeting of the committee for the review.

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

Adjournment

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

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

TIME: 6:59 PM

Respectfully submitted: Deputy Clerk Mahler
Minutes Approved: September 14, 2023