

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

**DATE & TIME:** September 14, 2023 – 6:00 PM  
**LOCATION:** KL Binder Library, 6<sup>th</sup> Floor, County Office Building, Kingston  
**PRESIDING OFFICER:** Chair Heppner  
**LEGISLATIVE STAFF:** Jay Mahler, Deputy Clerk  
**PRESENT:** Legislators Gavaris, Roberts & Ronk  
**ABSENT:** Legislator Levine  
**QUORUM PRESENT:** Yes

**OTHER ATTENDEES:** Legislators Erner, Hansut, Litts and Maloney; Legislative Counsel Gordon and Minority Counsel Pascale; Deputy County Executive LaValle; County Attorney Johnson – UC Attorney’s Office; Director Doyle – UC Planning; Director MacGregor – UC Insurance Office

Chair Heppner called the meeting to order at 6:02 PM

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**Motion No. 1:** **Moved to Approve Minutes of the August 10, 2023 Meeting**

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

**Discussion:** None

**Voting In Favor:** Legislators Gavaris, Heppner, Roberts & Ronk  
**Voting Against:** None  
**Votes in Favor:** 4  
**Votes Against:** 0  
**Disposition:** **Minutes Approved**

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Resolutions for the September 19, 2023 Session of the Legislature

**Resolution No. 553:** Establishing A Policy Compelling The Distribution And Publication Of Terms Of Settlement When Actions Involving Ulster County Are Settled

**Resolution Summary:** This resolution requires that “unless otherwise prohibited by law, if a legal action in which the County is a named party is settled, the term(s) of such settlement shall be promptly delivered to the Clerk of the Legislature for distribution to Legislators, Legislative Counsel and Minority Counsel, and contemporaneously published on the Ulster County Government website: [www.ulstercountygov.org](http://www.ulstercountygov.org)”

**Motion No. 2:** **Resolution No. 553 Moved for Discussion**  
**Motion By:** Legislator Roberts  
**Motion Seconded By:** Legislator Ronk

**Discussion:**

Chair Heppner recognized Legislator Maloney, sponsor of the Resolution. Legislator Maloney explained that the Resolution was an attempt to bring transparency to legal settlements entered into by the county. He added his frustration that the County Attorney and his office have not weighed in on other Resolutions and questions asked by the Legislature, but that he was present to express his opposition to Resolution No. 553.

County Attorney Johnson stated that as the County Attorney he represents all departments in the county. He added that he has worked in the office for almost 15 years and is non-partisan. He advised the members that his office is concerned that the Resolution would end up costing the county more money by disclosing the amount of money the county is willing to settle cases for, possibility of raising insurance premiums, possible withdrawal of NYMIR (New York Municipal Insurance Reciprocal), disclosure of plaintiff names.

Legislator Ronk asked if the cases are sealed or whether they are available via FOIL. County Attorney Johnson responded that many may be requested through FOIL, however not cases of sexual harassment or abuse and many DSS related cases. Legislator Ronk asked if the County Attorney would be more comfortable supporting the measure if the language requiring publication of settlement information online. He added that he felt Legislators had the right to know. County Attorney Johnson stated that his office produces a monthly report of all litigation which is provided to Legislative Counsel. Legislator Ronk responded that the report only advises that there is a notice of settlement, but does not report on terms, amounts, etc.

Legislator Maloney stated that the public disclosure of the settlement information will let taxpayers know where their money is going and may discourage the behavior which resulted in the cases in the first place. Chair Heppner asked what protections exist for victims who may not want their information disclosed. Legislator Maloney responded that the Resolution requires the publication of any publicly accessible information. The members briefly discussed non-disclosure agreements and legal methods of protecting the disclosure of sensitive information. Legislator Roberts agreed that publication on the website may be a step too far.

**Motion No. 3:                    Motion to Amend the Resolved to strike text as indicated below:**

RESOLVED, unless otherwise prohibited by law, if a legal action in which the County is a named party is settled, the term(s) of such settlement shall be promptly delivered to the Clerk of the Legislature for distribution to Legislators, Legislative Counsel and Minority Counsel, ~~and contemporaneously published on the Ulster County Government website: www.ulstercountygov.org;~~

**Motion By:**                    Legislator Roberts

**Motion Seconded By:**    Legislator Ronk

**Discussion:**

Chair Heppner stated that he still had concerns about the disclosure of victim information against their wishes. He asked if there was any further discussion or questions; hearing none called for a vote in favor of the amendment.

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

**Voting Against:**            None

**Votes in Favor:**            4

**Votes Against:**            0

**Disposition:**              **Amendment Adopted**

**Discussion:**

Legislator Gavaris stated that the public disclosure of settlement information could encourage lawsuits against the county and provides no protection for people who do not want their information disclosed. He added that removing the language requiring posting online does not prevent individuals Legislators from sharing the information. Chair Heppner added that public disclosure might prevent individuals who have legitimate claims against the county from coming forward.

Legislator Maloney expressed his frustration that the Legislature was essentially keeping information from itself. The members briefly discussed how settlement money may be accounted for within he budget and legislative approval/oversight processes. The members briefly discussed the process for defending suits against the county, securing law firms to defend when the county cannot, and the insurance deductible.

**Motion No. 4:                    Motion to Postpone Resolution No. 553 As Amended**  
**Motion By:**                    Legislator Ronk  
**Motion Seconded By:**        Legislator Roberts

**Discussion:**

Minority Counsel suggested that if the members would be taking a month to consider the measure, that the policy be put in front of the insurance carrier to ensure that it doesn't conflict with the terms of their coverage. Ulster County Insurance Officer MacGregor advised the members that it was the carrier's position that it would be detrimental to the county to have information on a website and could lend itself to copycat lawsuits, especially for cases of hostile or toxic workplaces, age discrimination, etc. Legislator Gavaris asked if NYMIR's position could be put in writing.

Chair Heppner asked if there was any further discussion or questions; hearing none called for a vote in favor of postponing the Resolution as amended.

**Voting In Favor:**                Legislators Gavaris, Heppner, Roberts & Ronk  
**Voting Against:**                 None  
**Votes in Favor:**                 4  
**Votes Against:**                 0  
**Disposition:**                    **Resolution Postponed As Amended**

**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. 5:                    Resolution No. 462 Moved for Discussion**  
**Motion By:**                    Legislator Roberts  
**Motion Seconded By:**        Legislator Gavaris

**Discussion:**

Chair Heppner recognized Legislator Erner, sponsor of the Proposed Local Law. Legislator Erner advised the members that he had many discussions over the past month with administration and members of the public who initially brought the measure to him. He added that individual opposes the law in its current form. Legislator Erner explained that Section 7 speaks to implementation and enforcement which was a main point of discussion with the administration. He read through the new amendments to the law presented to the members. He added that he had received additional suggested amendments from the administration earlier in the afternoon after a discussion the previous day.

Chair Heppner asked if there were any questions for the sponsor on the amendments presented and asked if there were any other potential amendments. He stated that he would like to give the sponsor time to create a final version for the committee's consideration.

**Motion No. 6:**                    **Moved to Postpone Resolution No. 462**  
**Motion By:**                    Legislator Gavaris  
**Motion Seconded By:**        Legislator Ronk

**Discussion:**

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

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

Planning Director Doyle pointed out that there was another section of the law that directs the County Planning Board to do certain things and stated that the board would have reservations to the requirement and to their ability to implement the law currently. Legislator Erner requested that Director Doyle provide language the Planning Board would find satisfactory.

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**Resolution No. 551:** Setting A Public Hearing On Proposed Local Law No. 11 Of 2023, A Local Law Providing For The Protection Of Vulnerable Road Users Bill Of Rights At Trail Crossings, To Be Held On Tuesday, October 17, 2023 At 7:10 PM

**Resolution Summary:** This resolution set a public hearing on Tuesday, October 17, 2023 At 7:10 PM to provide the public with an opportunity to offer comment on Proposed Local Law No. 11 of 2023

**Motion No. 7:**                    **Resolution No. 551 Moved for Discussion**  
**Motion By:**                    Legislator Roberts  
**Motion Seconded By:**        Legislator Gavaris

**Discussion:**

Chair Heppner recognized Legislator Erner, sponsor of the Resolution. Legislator Erner informed the members that the committee of original jurisdiction, Public Works, Capital Projects & Transportation, had not yet seen the legislation and that he would be asking the members to vote until that committee

considered it. He stated that he had worked with Counselor Ragucci on a list of different traffic safety measures. He added that most were not legally allowable, but this measure seeks to better protect trail users when crossing county roads. He advised the members that he spoke with DPW Commissioner Masterson who expressed concerns about motorists, especially in rural areas, stopping at crossings. The members discussed requiring motorists to come to a full stop at crossing and eliminating requirements for trail users to stop at crossings. Legislator Litts questioned whether the proposal was checked against the MUTC (Manual of Uniform Traffic Controls.) Legislator Erner responded that he would follow up on that.

Director Doyle advised the members that he ran the proposal by the Ulster County Transportation Council and they had a concern that granting a right of way to a trail intersection, particularly with respect to bicycles, would violate the motor vehicle law. He added that the law requires cyclists to dismount and walk their bicycles across a roadway. Legislator Erner thanked him for the feedback and stated that he believed that Safe Paths Ulster, an advocacy group with which he works, would be amiable to requiring both trail users and motorists to stop. The members discussed current traffic safety provisions and devices.

Legislator Roberts asked how many trail crossings on county roads there are and questioned how many crashes occurred on county roads to have motivated the introduction of the legislation. Legislator Ronk stated there were at least 100 such crossings. Legislator Erner responded that he was aware of crashes in the City of Kingston, but they did not occur on county roads. Legislator Roberts stated that the legislation appeared to be a solution in search of a problem. He commended Legislator Erner for bringing it forward to raise awareness, but suggested the legislation may not be necessary. The members continued to discuss the feasibility of implementation and the balance between function and safety.

Chair Heppner stated that it appeared there may be a number of changes and possibly more in the Public Works committee, adding that he was not comfortable moving forward to public hearing at this time. The members agreed and took no action.

**Disposition:                      No Action Taken**

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**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, October 17, 2023 At 7:05 PM

**Resolution Summary:** This resolution set a public hearing on Tuesday, October 17, 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. 8:                      Moved to Postpone Resolution No. 371**  
**Motion By:**                      Legislator Ronk  
**Motion Seconded By:**        Legislator Gavaris

**Discussion:**

Legislator Ronk stated that he supported moving the measure forward before the end of the year with the language from Dutchess County.

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

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

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**Resolution No. 539:** Authorizing The Chair Of The Ulster County Legislature To Execute An Amended Funding Agreement Under The Absentee Ballot Pre-Paid Postage Grant With The NYS Board Of Elections – Ulster County Board Of Elections

**Resolution Summary:** This resolution authorizes the Chair to execute an amended agreement with NYS Board of Election to accept an additional \$44,465.65 in funding to offset eligible expenses during the 2023 June and November elections.

**Motion No. 9:** **Resolution No. 539 Moved for Discussion**  
**Motion By:** Legislator Ronk  
**Motion Seconded By:** Legislator Gavaris

**Discussion:**

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

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

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**Resolution No. 540:** Authorizing The Chair Of The Ulster County Legislature To Execute An Amended Funding Agreement Under The Technology Innovation And Election Resource (TIER) Grant With The NYS Board Of Elections – Ulster County Board Of Elections

**Resolution Summary:** This resolution authorizes the Chair to execute an amended agreement with NYS Board of Election to accept an additional \$158,615.59 in funding for the Technology Innovation And Election Resource (TIER) Grant to offset costs of voting system replacement.

**Motion No. 10:** **Resolution No. 540 Moved for Discussion**  
**Motion By:** Legislator Ronk  
**Motion Seconded By:** Legislator Gavaris

**Discussion:**

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

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

**Votes in Favor:** 4  
**Votes Against:** 0  
**Disposition:** **Resolution Adopted**

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**Resolution No. 554:** Amending The Rules Of Order To Ensure A Structured Deliberative Process At The Monthly Meetings Of The Ulster County Legislature

**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. 11:** **Resolution No. 554 Moved for Discussion**  
**Motion By:** Legislator Ronk  
**Motion Seconded By:** Legislator Roberts

**Discussion:**

Chair Heppner recognized Resolution Sponsor Legislator Ronk. Legislator Ronk commented that the Ulster County Legislature as well as the State Senate and Assembly, have a long history of being able to respectfully through the Chair ask another member a question. He added that he believed strongly in that ability and its importance in providing an atmosphere of debate. He added that there were concerns about time so he included a provision that the asking of a question through the Chair would count against a members allowable time.

Chair Heppner stated that, although he was out of county for the Legislative meeting, he had received a number of reports and intended to watch the meeting's livestream recording. He added that the main concern he had heard was pertaining on the germaneness of the question. The members briefly discussed germaneness. Legislator Erner expressed his support for debate. The members discussed the process for debating an issue through the Chair.

Chair Heppner stated that he did not support a knee jerk reaction at the end of the year to one incident. Legislator Ronk stated that he would like a vote on the Resolution as it requires two readings and time was running out.

Legislator Gavaris stated that Roberts' Rules of Order provide for questions to be asked as if the members is talking to the Chair and not to another member. He added that the Resolution allows for direct debate. The members discussed interpretations of the reading and the specifics of how questions were asked through the Chair at the Legislative Session.

Chair Heppner stated that he did not believe this has been a problem in his last 8 years in the Legislature and stated his support for postponing it or taking no action.

**Motion No. 12:** **Motion to Postpone Resolution No. 554**  
**Motion By:** Legislator Roberts  
**Motion Seconded By:** Legislator Gavaris

**Discussion:**

Legislator Ronk stated that he feels the measure is necessary and that he believed the current Chair is the least fair to the minority party of any Chair he's served under. Chair Heppner commented that statement

supported what he believed the reasons behind the Resolution’s introduction, adding that he believed the Chair has been open and collaborative. He asked if there was any further discussion and hearing none called for a vote in favor of postponing the Resolution.

**Voting In Favor:** Legislators Heppner & Gavaris  
**Voting Against:** Legislators Roberts & Ronk  
**Votes in Favor:** 2  
**Votes Against:** 2  
**Disposition:** **Postponement Fails**

**Discussion:**

Chair Heppner 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 Heppner & Gavaris  
**Votes in Favor:** 2  
**Votes Against:** 2  
**Disposition:** **Resolution Fails**

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Chair Heppner asked if there was any old or new business. He advised the members that the committee clerk will be reaching out to schedule a special meeting to discuss the report and recommendations submitted by the Charter Revision Commission. Legislator Gavaris commented that three members of the committee also serve on Ways & Means who will be facing numerous meetings as the budget cycle ramps up. He asked that be kept in mind when selecting potential meeting dates/times.

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

**Adjournment**

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

**No. of Votes in Favor:** 4  
**No. of Votes Against:** 0

**TIME:** 7:21 PM

**Respectfully submitted:** Deputy Clerk Mahler  
**Minutes Approved:** October 12, 2023