

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

DATE & TIME: March 13, 2017 – 5:15 PM
LOCATION: KL Binder Library, 6th Floor, County Office Building
PRESIDING OFFICER: Chairman Roberts
LEGISLATIVE STAFF: Jay Mahler, Deputy Clerk
PRESENT: Legislators Donaldson, Lopez, Loughran, R. Parete, Rodriguez
and Ronk
ABSENT: Legislator Belfiglio
QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislative Counsel Pascale, Robert Fisher & Kristin Gumaer – Ulster County Attorney’s Office, Tom Kadgen & Cindy Bell – League of Women Voters, Clark Richters – Press, Wayne Spanier, Karin Smyth-Spanier, Rebecca Martin, David Bruner & Ilona Ross – members of the public

Chairman Roberts called the meeting to order at 6:41 PM.

Motion No. 1: Moved to **APPROVE** the Minutes of the February 15, 2017 meeting

Motion By: Legislator Rodriguez
Motion Seconded By: Legislator Lopez

Discussion: None

Voting In Favor: Legislators Donaldson, Lopez, Loughran, R. Parete, Roberts, Rodriguez & Ronk

Voting Against: None

Votes in Favor: 7

Votes Against: 0

Disposition: Minutes **APPROVED**

Resolutions for the March 22, 2017 Session of the Legislature

Chairman Roberts advised the members that he would be taking Resolution No. 137 out of order to accommodate Planning Director Doyle.

LATE Resolution No. 137: Authorizing The Ulster County Executive To Apply For And Accept Section 5311 Federal And State Funding Under The Terms Of An Existing Continuing Agreement With The New York State Department Of Transportation For Operating Assistance And The Purchase Of Four Low Floor Medium Duty Buses For Fiscal Years 2017/2018-Department Of Public Transportation (Ulster County Area Transit)

Resolution Summary: This resolution authorizes the County Executive to apply for a consolidated grant on behalf of UCAT in the amount of \$1,309,000 (Federal \$829,700, State \$58,400, STOA \$362,500 and Local \$58,400) for fiscal year 2017/208 for operating assistance and the purchase of four buses.

Discussion:

Legislator Donaldson asked why the resolution was late. Director Doyle explained that there was a webinar conducted after the resolution deadline and the April due date for the application is prior to the April Legislation Session. Legislator Rodriguez thanked Director Doyle for attending the meeting to explain and asked if the funding availability was new. Director Doyle responded that the new Director of UCAT was still familiarizing herself with county procedures and was not aware that a resolution was necessary to secure the grant.

Motion No. 2: Moved to ADOPT Resolution No. 137

Motion By: Legislator Lopez

Motion Seconded By: Legislator Ronk

Voting In Favor: Legislators Donaldson, Lopez, Loughran, R. Parete, Roberts, Rodriguez & Ronk

Voting Against: None

Votes in Favor: 7

Votes Against: 0

Disposition: **Resolution is ADOPTED**

Resolution No. 448 of 2016: Setting A Public Hearing On Proposed Local Law No. 18 of 2016 (A Local Law Prohibiting Discrimination On The Basis Of Gender Identity At Places Of Public Accommodation, Resort Or Amusement) To Be Held On Tuesday, April 11, 2017 At 6:10 PM

Resolution Summary: This resolution sets a Public Hearing on Tuesday, April 11, 2017 at 6:10 PM for the purpose of hearing public comment of Proposed Local Law No. 18 of 2016.

Motion No. 3: Moved Resolution No. 448 of 2016 FOR DISCUSSION

Motion By: Legislator Rodriguez

Motion Seconded By: Legislator Lopez

Discussion:

Legislator Rodriguez advised the members that the sponsor was not in attendance and had not spoken to him about her wishes before the meeting. Chairman Ronk stated that there were three resolutions pertaining to the Comprehensive Human Rights Law coming before the Legislature in April and suggested that the resolution be postponed until those laws were settled.

Motion No. 4: Moved to POSTPONE Resolution No. 448 of 2016

Motion By: Legislator Ronk
Motion Seconded By: Legislator Lopez

Discussion:

Legislator Donaldson commented that although the law has been postponed a number of times there is a comprehensive law which would include this protection. He stated his concern about the message a no vote would send, especially if the comprehensive law was not adopted. Legislator Rodriguez said that his policy is to move forward on a resolution unless the sponsor has reached out to him to request postponement or other action.

Voting In Favor: Legislators Donaldson, Lopez, R. Parete, Roberts & Ronk
Voting Against: Legislators Loughran & Rodriguez
Votes in Favor: 5
Votes Against: 2
Disposition: **Resolution is POSTPONED**

Resolution No. 488 of 2016: Setting A Public Hearing On Proposed Local Law No. 20 Of 2016 (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 Modify The Term Of The Chairman Of The Legislature) To Be Held On Tuesday, April 11, 2017 At 6:20 PM

Resolution Summary: This resolution sets a Public Hearing on Tuesday, April 11, 2017 at 6:20 PM for the purpose of hearing public comment of Proposed Local Law No. 20 of 2016.

Motion No. 5: **Moved Resolution No. 488 of 2016 FOR DISCUSSION**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Lopez

Discussion:

Legislator Allen, sponsor of the resolution requested postponement.

Motion No. 6: **Moved to POSTPONE Resolution No. 488 of 2016**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Loughran

Discussion: None

Voting In Favor: Legislators Donaldson, Lopez, Loughran, R. Parete, Roberts, Rodriguez & Ronk
Voting Against: None
Votes in Favor: 7
Votes Against: 0
Disposition: **Resolution is POSTPONED**

Resolution No. 490 of 2016: Amending The Rules Of Order To Ensure Standing Committee Assignments Correspond With The Term Of The Legislature

Resolution Summary: This resolution amends the Rules of Order to make standing committee assignments concurrent with the term of the Legislature.

Motion No. 7: Moved Resolution No. 490 of 2016 FOR DISCUSSION
Motion By: Legislator Rodriguez
Motion Seconded By: Legislator Ronk

Discussion:

Legislator Allen, sponsor of the resolution requested postponement. Legislator R. Parete asked why Legislator Allen asked for postponement again. Legislator Allen explained that he wanted to wait until he had more support before moving forward. Legislator R. Parete stated that he was opposed to the resolution as a legislator’s circumstances could change mid-term. Legislator Allen responded that changes to committee makeup mid-term is counter-productive and disruptive. Legislator Donaldson responded that mid-term changes are infrequent. He added that Legislators are entitled to attend any committee meeting, whether a member or not, to speak on an issue.

Motion No. 8: Moved to POSTPONE Resolution No. 490 of 2016
Motion By: Legislator Rodriguez
Motion Seconded By: Legislator Ronk

Discussion: None

Voting In Favor: Legislators Donaldson, Lopez, Loughran, R. Parete, Roberts, Rodriguez & Ronk
Voting Against: None
Votes in Favor: 7
Votes Against: 0
Disposition: Resolution is POSTPONED

Resolution No. 84: Appointing Chairman Kenneth J. Ronk, Jr. As The Ulster County Legislature’s Member To Serve On The County Jury Board

Resolution Summary: This resolution appoints Chairman Ronk to the Ulster County Jury Board for a term to expire on December 31, 2017.

Motion No. 9: Moved to ADOPT Resolution No. 84
Motion By: Legislator Donaldson
Motion Seconded By: Legislator R. Parete

Discussion: None

Voting In Favor: Legislators Donaldson, Lopez, Loughran, R. Parete, Roberts, Rodriguez & Ronk
Voting Against: None
Votes in Favor: 7
Votes Against: 0
Disposition: **Resolution ADOPTED**

Resolution No. 88: Adopting Proposed Local Law No. 14 of 2016 (A Local Law of the County of Ulster for the Regulation of Pet Sellers)

Resolution Summary: This resolution adopts Proposed Local Law No. 14 of 2016.

Motion No. 10: **Moved to ADOPT Resolution No. 88**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Rodriguez

Discussion:

Legislator Loughran asked if the concern about non-county employees entering homes had been addressed. Chairman Ronk responded that the law specifies that all site inspections would be performed by a county employee. He added that residential breeders are exempt from certain provisions of the law. Legislator Rodriguez asked if the mention of “designee” was also addressed. Chairman Ronk advised him that was addressed in Section 8 of the law. Legislator R. Parete expressed his concern that only county employees be permitted to conduct inspections. He added that he would be supporting the law, despite his feeling that it is not an issue in Ulster County and will be difficult to enforce. Chairman Ronk responded that, although most pet breeders are responsible, the law is needed for those who are not. Legislator Donaldson complimented Chairman Ronk for the amount of work he put into the law and for the way he included both animal rights groups as well as breeders in meetings. He added that the original legislation introduced by the County Executive was punitive and did not include the opinions of breeders. He stated that he would be supporting the law. Chairman Ronk thanked Legislators Donaldson and R. Parete for their compliments and thanked Mr. Tom Delany who worked on behalf of the breeders for all of his work.

Voting In Favor: Legislators Donaldson, Lopez, Loughran, R. Parete, Roberts, Rodriguez & Ronk
Voting Against: None
Votes in Favor: 7
Votes Against: 0
Disposition: **Resolution ADOPTED**

Resolution No. 89: Adopting Proposed Local Law No. 17 of 2016 (A Local Law Prohibiting Cyber-Bullying In Ulster County)

Resolution Summary: This resolution adopts Proposed Local Law No. 17 of 2016.

Motion No. 11: Moved to **ADOPT Resolution No. 89**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Rodriguez

Discussion:

Legislator Donaldson stated that the Human Rights Commission classified the law as a pipeline to prison. He added that DASA already provides a less punitive mechanism for dealing with cyberbullying. He continued by saying that the school districts were not approached for input until after the law was introduced. He stated a number of other concerns with the law, including vagueness and constitutional issues. Chairman Roberts asked Counselor Pascale if he had an opinion on the legal concerns Legislator Donaldson highlighted. Counselor Pascale responded that he was familiar with the suit in Albany County and stated that the Ulster County law was drafted with those issues in mind. He also stated that former Legislative Counselor Guerin worked with the County Attorney's Office in order to avoid similar legal challenges.

Chairman Ronk stated that DASA doesn't offer protections outside of the school year, or school grounds. He added that more legal protection is needed to fill in the gaps in DASA. He added that the law is written to change behavior and was not going to act as a pipeline to prison. He informed the members that there was a meeting with the school superintendents during which their concerns were allayed. Legislator Donaldson stated that he has not seen anything in writing from the school districts expressing their support for the legislation. He added that there are no educational programs in place. Legislator Rodriguez stated that he would be verifying his school superintendent's position on the law. Chairman Ronk stated that there was a new program being developed and mentioned that the Legislature also has some funding available. He added that all of the comments he hears against the law pertain to the perpetrators of cyberbullying, and not the victims. Legislator Rodriguez stated his concern that the legislation could potentially be creating another class of victims.

Voting In Favor: Legislators Lopez, Loughran, R. Parete, Roberts, Rodriguez & Ronk
Voting Against: Legislator Donaldson
Votes in Favor: 6
Votes Against: 1
Disposition: Resolution **ADOPTED**

Resolution No. 91: Amending The Rules Of Order To Prohibit Memorializing Resolutions

Resolution Summary: This resolution amends the Rules of Order to prohibit Memorializing Resolutions.

Motion No. 12: Moved to **DISCUSS Resolution No. 91**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Loughran

Discussion:

Chairman Ronk advised the member that he was proposing a couple of amendments to the resolution which were included in their meeting materials.

Motion No. 13: Moved to AMEND Resolution No. 91 to add the following as the sixth and seventh Whereas:

WHEREAS, it has long been the policy of the Ulster County Legislature to encourage the maximum public participation and input through Public Comment Periods before all Legislative meetings; and

WHEREAS, prohibiting Memorializing Resolutions does not preclude Legislators from contacting state and federal representatives through phone calls, emails, letters and petitions; and

Motion By: Legislator Ronk
Motion Seconded By: Legislator R. Parete

Discussion:

Legislator Rodriguez stated that he was a no on the amendment and the Rules change. Legislator R. Parete stated that in the past, before there was a County Executive, only one or two memorializing resolutions a year were introduced because county business was the priority. Chairman Roberts reminded the members to speak to the amendment. Legislator Donaldson stated that he agreed with Legislator Rodriguez that the amendment did not accomplish anything. Chairman Ronk responded that he proposed the amendment to address the misinformation that has been circulating in the public about the effect on the public's ability to speak and be heard.

Voting In Favor: Legislators Lopez, R. Parete, Roberts & Ronk
Voting Against: Legislator Donaldson, Loughran & Rodriguez
Votes in Favor: 4
Votes Against: 3
Disposition: **Amendment ADOPTED**

Motion No. 14: Moved to ADOPT Resolution No. 91 AS AMENDED
Motion By: Legislator Ronk
Motion Seconded By: Legislator R. Parete

Discussion:

Legislator R. Parete stated that memorializing resolutions have become a divisive tool to weigh in on national issues. He added that the legislature's job is to do county business and his constituents understood and agreed about the ban when he explained that there are other methods to express opinions on state and national matters. He informed the members that the Energy & Environment Committee recently voted to write a letter to express their support for a state grant application after hearing a presentation. He stated that he felt that letter would have more effect than another resolution from Ulster County telling state and federal representatives how to do their job. Legislator Rodriguez stated that memorializing resolutions do not prevent legislators from doing his or her job. He added his support for using memorializing resolutions as an effective tool to express a sense of the body, which often help to build up statewide support for an issue.

Chairman Ronk questioned assertions that a resolution was more powerful than a letter signed by the entire body. Legislator Donaldson agreed that memorializing resolutions can take up a substantial amount of time, but felt that they should not be prohibited. Chairman Ronk stated that he enjoys debate and has supported memorializing resolutions in the past, but of late a number of them have been introduced as a political tool to target a single legislator or with the sole purpose of dividing the legislature. Legislator R. Parete said he was happy to stay as late as necessary to do county business, but debate on issues that the legislature cannot affect is a waste of time. Legislator Rodriguez again stated that he felt memorializing resolutions do not affect a legislators ability to conduct county business. Legislator Allen stated his opinion that a letter does not have the same weight as a resolution because resolutions are written using the same language as state and federal legislative bodies. He mentioned a number of the memorializing resolutions he has introduced, commenting that they were not political in nature. Legislator R. Parete stated that he agreed it was important to reach out to state and federal representatives, but the primary focus of county legislators should be county business, not endless debate on memorializing resolutions. Legislator Rodriguez stated that the larger conversations that memorializing resolutions encourage are beneficial.

Chairman Roberts recognized Rebecca Martin. Ms. Martin thanked the members for the opportunity to speak and expressed her support for memorializing resolutions.

Legislator Donaldson commented that memorializing resolutions yield large public turnout and provide the public an opportunity to be heard. Chairman Ronk responded that there is an opportunity for public comment at every monthly legislative session which allows members of the public to speak on any issue. He added that some bodies limit comment to agenda items only.

Chairman Roberts recognized Ilona Ross. Ms. Ross expressed her support for memorializing resolutions.

Voting In Favor:	Legislators Lopez, R. Parete, Roberts & Ronk
Voting Against:	Legislator Donaldson, Loughran & Rodriguez
Votes in Favor:	4
Votes Against:	3
Disposition:	Resolution ADOPTED AS AMENDED

Resolution No. 96: Setting A Public Hearing On Proposed Local Law No. 2 Of 2017, 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 Clarify Budget Modification After Adoption, To Be Held On Tuesday, April 11, 2017 At 6:25 PM

Resolution Summary: This resolution sets a Public Hearing on Tuesday, April 11, 2017 at 6:25 PM for the purpose of hearing public comment of Proposed Local Law No. 2 of 2017.

Motion No. 15:	Moved Resolution No. 96 FOR DISCUSSION
Motion By:	Legislator Ronk
Motion Seconded By:	Legislator Lopez

Discussion:

Legislator Donaldson distributed a legal opinion he received (attached to these minutes.) He asked the members to read through the opinion which relates to the need for a referendum. He advised the members that he reached out to some Town Supervisors who were supportive of the charter change and were surprised that the practice was allowed. He advised the members that he was proposing an amendment to the law to clarify his intentions.

Motion No. 16: Moved to AMEND Resolution No. 96 to read as follows:

A. The County Executive shall manage the County's resources to achieve maximum economy, efficiency and effectiveness in County government. Pursuant to this responsibility he or she may, during any fiscal year, transfer part or all of any revenue or expenditure within a program or purpose of any department, agency, office or unit to another program or purpose within that department, agency, office or unit, except that the effect of such a transfer, **unless used for payroll related expenses**, may not be to reduce the rate of pay or annual salary of any County employee employment position, regardless of whether said employment position is vacant or filled in a given year. Written notice of such a transfer shall be given to the Legislature.

Motion By: Legislator Ronk

Motion Seconded By: Legislator R. Parete

Voting In Favor: Legislators Donaldson, Lopez, Loughran, R. Parete, Roberts, Rodriguez & Ronk

Voting Against: None

Votes in Favor: 7

Votes Against: 0

Disposition: **Amendment is ADOPTED**

Motion No. 17: Moved to POSTPONE Resolution No. 96 as amended

Motion By: Legislator Ronk

Motion Seconded By: Legislator R. Parete

Discussion:

Legislator Rodriguez asked what the latest date was for a Local Law to be introduced in order to make the deadline for a referendum. He asked if the law precluded transfers with the consent of the Legislature. The answer was the ability to transfer with Legislative approval would not be affected. He added that he did not want to slow down operations by requiring legislative approval for small sums of money. Legislator Donaldson responded that small amounts of money should be taken from other, non-personnel lines.

Voting In Favor: Legislators Donaldson, Lopez, Loughran, R. Parete, Roberts, Rodriguez & Ronk

Voting Against: None

Votes in Favor: 7

Votes Against: 0
Disposition: Resolution is POSTPONED

LATE Resolution No. 136: Authorizing The Chairman Of The Ulster County Legislature To Execute An Agreement With New York State Division Of Criminal Justice Services Funding Of A Director Of Projects Of The Intimate Partner Violence Initiative- District Attorney's Office

Resolution Summary: This resolution authorizes the Chairman to execute an agreement with NYS DCJS for an Intimate Partner Violence Initiative in the amount of \$174,470 for the term May 6, 2017 through March 5, 2019.

Motion No. 18: Moved to ADOPT Resolution No. 136
Motion By: Legislator Rodriguez
Motion Seconded By: Legislator Loughran

Discussion:

Legislator Rodriguez informed the members that he reminded the District Attorney during the Law Enforcement meeting of the language in the resolution which states that the program will be eliminated should the funding be eliminated. Chairman Ronk stated his support for the program and advised the members that the state approached District Attorney Carnright to conduct a pilot program in recognition of the good work his office has been doing to reduce domestic violence. He added that he would support a continuation of the program if the state discontinued funding. Legislator Donaldson stated that it is not unusual for the state to require county funding to continue programs after a few years. Legislator R. Parete asked for a more detailed analysis of domestic violence arrests to help evaluate the necessity and goal of the program. The members discussed the lateness of the resolution. Chairman Ronk explained that there was a miscommunication between the Executive's Office and the District Attorney regarding the time frame for introduction. Legislator Loughran agreed that statistical data should be provided throughout the program to allow the legislature to evaluate it.

Voting In Favor: Legislators Donaldson, Lopez, Loughran, R. Parete, Roberts, Rodriguez & Ronk
Voting Against: None
Votes in Favor: 7
Votes Against: 0
Disposition: Resolution ADOPTED

New business:

- **Resolution No. 95** - Setting A Public Hearing On Proposed Local Law No. 1 Of 2017 (A Local Law Prohibiting The Possession, Distribution, Or Use Of Tobacco Products By A Minor In Ulster County) To Be Held On Tuesday, May 9, 2017 At 6:00 PM

Chairman Roberts informed the members that Legislator Briggs would be working with Counselor Pascale on the enforcement provisions of the law.

Adjournment

Motion Made By: Legislator Lopez

Motion Seconded By: Legislator Ronk

No. of Votes in Favor: 7

No. of Votes Against: 0

TIME: 8:28 PM

Respectfully submitted: Jay Mahler, Deputy Clerk

Minutes Approved: April 17, 2017