

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

**DATE & TIME:** May 15, 2017 – 6:30 PM  
**LOCATION:** KL Binder Library, 6<sup>th</sup> Floor, County Office Building  
**PRESIDING OFFICER:** Chairman Roberts  
**LEGISLATIVE STAFF:** Jay Mahler, Deputy Clerk  
**PRESENT:** Legislators Belfiglio, Donaldson, Lopez, Loughran (left at 7:03 PM), R. Parete, Rodriguez (arrived at 6:43 PM) and Ronk  
**ABSENT:** None  
**QUORUM PRESENT:** Yes

**OTHER ATTENDEES:** Legislators Allen & Bartels, Legislative Counsel Pascale, Cindy Bell – League of Women Voters, Ilona Ross - Citizen

Chairman Roberts called the meeting to order at 6:40 PM.

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**Motion No. 1:** Moved to **APPROVE** the Minutes of the April 17, 2017 meeting

**Motion By:** Legislator R. Parete  
**Motion Seconded By:** Legislator Loughran

**Discussion:** None

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

**Voting Against:** None

**Votes in Favor:** 7

**Votes Against:** 0

**Disposition:** Minutes are **APPROVED**

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Resolutions for the May 16, 2017 Session of the Legislature

**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, June 20, 2017 At 7:15 PM

**Resolution Summary:** This resolution sets a Public Hearing on Tuesday, June 20, 2017 at 7:15 PM for the purpose of hearing public comment on Proposed Local Law No. 1 of 2017.

**Motion No. 2:** Moved Resolution No. 95 FOR DISCUSSION  
**Motion By:** Legislator Ronk  
**Motion Seconded By:** Legislator Loughran

**Discussion:**

Chairman Ronk informed the members that he had a conversation with Legislator Briggs, the sponsor of the law, who said some information came to light that might require changes to the law. He added that Legislator Briggs wanted to have the most effective law and suggested postponement.

**Motion No. 3: Moved to POSTPONE Resolution No. 95**

**Motion By:** Legislator Ronk

**Motion Seconded By:** Legislator Donaldson

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

**Voting Against:** None

**Votes in Favor:** 8

**Votes Against:** 0

**Disposition:** Resolution No. 95 is POSTPONED

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**Resolution No. 411 of 2016:** Setting A Public Hearing On Proposed Local Law No. 15 of 2016 (A Local Law Amending The Ulster County Charter Section C-101A And The Ulster County Administrative Code Section A 30-2A, To Amend The Powers And Duties Of The Ulster County Human Rights Commission) To Be Held On Tuesday, June 20, 2017 At 7:05 PM

**Resolution Summary:** This resolution sets a Public Hearing on Tuesday, June 20, 2017 at 7:05 PM for the purpose of hearing public comment on Proposed Local Law No. 15 of 2016.

**Resolution No. 412 of 2016:** Setting A Public Hearing On Proposed Local Law No. 16 of 2016 (A Local Law Establishing A Comprehensive Ulster County Human Rights Law) To Be Held On Tuesday, June 20, 2017 At 7:10 PM

**Resolution Summary:** This resolution sets a Public Hearing on Tuesday, June 20, 2017 at 7:10 PM for the purpose of hearing public comment on Proposed Local Law No. 16 of 2016.

**Resolution No. 11:** Requesting The New York State Legislature Introduce Home Rule Legislation Amending General Municipal Law Section 239, To Establish That The Jurisdiction Of The Ulster County Commission On Human Rights, In Relation To Matters Within The County Of Ulster, Be Concurrent With The Jurisdiction Of The New York State Commission On Human Rights

**Resolution Summary:** This resolution requests NYS Legislature introduce home rule legislation to grant the Ulster County Human Rights Commission certain powers.

**Motion No. 4: Moved Resolution Nos. 411 of 2016, 412 of 2016 and 11 FOR DISCUSSION**

**Motion By:** Legislator Ronk

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

**Discussion:**

Chairman Ronk advised the members that he had just had a meeting with Legislators Rodriguez and Loughran to discuss concerns that he and others had expressed on Resolution Nos. 411 of 2016, 412 of 2016 and 11 and to attempt to come up with something that everyone could agree on and that would be in the best interest of county taxpayers. He suggested forming a subcommittee. Legislator Rodriguez stated that a subcommittee had met previously and the result of that meeting was Resolution No. 11. He stated that there would soon be a timeline issue with the State Legislature adjourning in June as well as deadlines for a referendum to be included on the November ballot. The members discussed whether the requisite change to the Charter pertaining to the authority of the Human Rights Commission was subject to referendum. Legislative Counsel stated that he would need to look into that question.

Legislator Belfiglio questioned why the members didn't advance Resolution No. 11 months ago after the subcommittee meeting. Legislator Rodriguez responded that it was his understanding that all three resolutions would be voted on together. Legislator R. Parete asked why the members couldn't vote on Resolution No. 11. Legislator Rodriguez stated that he would agree to bring the Resolution back in June, but said they would need to vote on all three. Legislator Donaldson question why the members couldn't vote on Resolution No. 11 now. Legislator Rodriguez responded that there was an understanding that all three would be considered together. Chairman Ronk stated that he had no problem with voting on Resolution No 11, after one necessary amendment. Legislative Counsel said the language of the amendment was shared with Minority Counsel.

Legislator R. Parete asked why is was so important to act on all three resolutions instead of passing Resolution No. 11. Chairman Roberts asked for a motion to block the resolutions.

**Motion No. 5:**                    **Moved TO BLOCK Resolution Nos. 411 of 2016, 412 of 2016 and 11**  
**Motion By:**                    Legislator Rodriguez  
**Motion Seconded By:** Legislator Roberts

**Discussion:**                    None

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

**Voting Against:**                None

**Votes in Favor:**                8

**Votes Against:**                0

**Disposition:**                **Resolutions are BLOCKED**

**Motion No. 6:**                    **Moved to POSTPONE Resolution Nos. 411 of 2016, 412 of 2016 and 11**  
**Motion By:**                    Legislator Rodriguez  
**Motion Seconded By:** Legislator Ronk

**Discussion:**

Chairman Ronk questioned why the members needed to rush the laws when it has been discussed that changes are necessary. The members discussed the months of conversations and the differences in opinions on the legality of the three laws and impending time constraints. Legislator R. Parete commented that there have been laws that have taken many months to years to get to the floor of the legislature. Chairman Ronk suggested the formation of a subcommittee and volunteered to serve on it. Chairman Roberts asked who would like to serve on the subcommittee. It was decided that Legislators Rodriguez and Loughran and Chairman Ronk would serve as the subcommittee.

**Voting In Favor:** Legislators Belfiglio, Donaldson, Lopez, Loughran, R. Parete, Roberts, Rodriguez & Ronk  
**Voting Against:** None  
**Votes in Favor:** 8  
**Votes Against:** 0  
**Disposition:** **Resolution Nos. 411 of 2016, 412 of 2016 and 11 are POSTPONED**

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**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, June 20, 2017 At 7:20 PM

**Resolution Summary:** This resolution sets a Public Hearing on Tuesday, June 20, 2017 at 7:20 PM for the purpose of hearing public comment on Proposed Local Law No. 2 of 2017.

**Motion No. 7:** **Moved to ADOPT Resolution No. 96**  
**Motion By:** Legislator Ronk  
**Motion Seconded By:** Legislator Rodriguez

**Discussion:**

Legislator Donaldson distributed an opinion from Minority Counsel which argued that a referendum was not necessary to implement the law. The members reviewed the opinion. Legislator Loughran left the meeting at 7:03 PM.

Legislator Bartels asked if Legislative Counsel issued an opinion on the subject of requiring a referendum. Legislative Counsel responded that he shared his thoughts on the topic at last month's meeting but had not issued a written opinion. He offered to draft one if the Chairman and the members would like. Legislator Belfiglio stated that he brought up the subject of funded vacancies during budget discussions and said that he supported the law. Chairman Ronk said that the Legislature has the power to eliminate vacant positions during the budget process. The members discussed position and personnel information that is no longer shared with the Legislature. Legislator Donaldson said that information made it much easier to identify vacant positions.

Legislator Donaldson stated that most municipalities across the country do not allow the transfer of funds from personnel lines to cover other expenses without approval from a Legislature or other governing body. He said the law was simply clarifying the Administrative Code. Chairman Roberts asked what the difference was between transferring money from personnel lines to expense lines and

transferring funds between expense lines. Legislator Donaldson responded that using personnel funds for anything other than personnel expenses is a form of policy making. Legislator Rodriguez asked Chairman Ronk about possible amendments to the law. Chairman Ronk stated that he brought copies of suggested amendments but felt the members should first answer the question of referendum. Chairman Ronk distributed his suggested amendment. He explained that it would allow the County Executive to make a transfer if prior notification was given to the Chair and Deputy Chair of the Ways & Means Committee. He stated that he would be open to changing that to the Majority and Minority Leaders. He added that there were additional provisions for legislative approval if there were concerns.

Legislator Belfiglio read from a part of a report issued from the Comptroller's office regarding recent transfers. He suggested the members read the report. Legislator Rodriguez asked if Legislator Donaldson would agree to Chairman Ronk's amendment. Legislator Donaldson responded that he would agree to the amendment if the local law was not subject to referendum. Chairman Ronk stated that he would consent to that but advised the members that the County Attorney would disagree and the County Executive would challenge the law in court and would, in Legislative Counsel's opinion, most likely be successful.

Legislator Lopez asked if the amendment provided an alternative to referendum. Legislative Counsel responded that he did not feel it did. He stated that he felt the amendment makes the necessity of a referendum even clearer.

**Voting In Favor:** Legislators Belfiglio, Donaldson, Lopez & R. Parete  
**Voting Against:** Legislators Roberts, Rodriguez & Ronk  
**Votes in Favor:** 4  
**Votes Against:** 3  
**Disposition:** **Resolution No. 96 is ADOPTED**

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**Resolution No. 141:** Requesting The New York State Legislature Introduce Home Rule Legislation Amending General Municipal Law To Authorize A Permissive Referendum For The County Of Ulster's Independent Re-Districting Plan

**Resolution Summary:** This resolution requests the introduction of home rule in order to give the county the authority to conduct a permissive referendum on a plan of reapportionment adopted pursuant to the procedures set forth in Ulster County Charter Section C-10.

**Motion No. 8:** **Moved Resolution No 141 FOR DISCUSSION**  
**Motion By:** Legislator R. Parete  
**Motion Seconded By:** Legislator Ronk

Chairman Ronk withdrew the resolution stating that the matter should be addressed by the Charter Commission in September.

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**Resolution No. 181:** Setting A Public Hearing On Proposed Local Law No. 4 Of 2017, A Local Law To Provide For The Collection Of Village Real Property Taxes, To Be Held On Tuesday, June 20, 2017 At 7:25 PM

**Resolution Summary:** This resolution sets a Public Hearing on Tuesday, June 20, 2017 at 7:25 PM for the purpose of hearing public comment on Proposed Local Law No. 4 of 2017.

**Motion No. 9:** Moved to ADOPT Resolution No. 181

**Motion By:** Legislator R. Parete

**Motion Seconded By:** Legislator Rodriguez

**Discussion:**

Chairman Ronk stated that there is a potential for the dissolution of the Village of Ellenville into the Town of Wawarsing which is supported by both the Town and Village Boards which would make the law unnecessary. Legislator R. Parete stated that the dissolution of the village could be studied for many months. He added that he understood the reasons for trying to understand what happened to get the village in this position. He said the village needs help and that he was sure that the County Executive would work with the village to establish the necessary protocols to start collecting the taxes. Legislator Donaldson reminded the members about the assistance the county provided to keep the Ellenville Regional Hospital open despite many people being against it. He added that the hospital is now thriving.

Legislator Lopez commented that the dissolution of the village has been discussed for years. He added that the problem in Ellenville needs to be addressed but pointed out that the county makes the school districts and towns whole and it is unfair to exclude the villages. Legislator Rodriguez stated that the law only applies to taxes moving forward and will not resolve the current delinquent taxes. The Legislators discussed the needs and challenges of Ellenville compared to New Paltz and Saugerties. Legislator Allen commented that the Village of Saugerties supports the law.

**Voting In Favor:** Legislators Belfiglio, Donaldson, Lopez, R. Parete, & Rodriguez

**Voting Against:** Legislators Roberts & Ronk

**Votes in Favor:** 5

**Votes Against:** 2

**Disposition:** Resolution No. 181 is ADOPTED

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**Resolution No. 184:** Approving The Execution Of A Contract Amendment Causing The Aggregate Contract Amount To Be In Excess Of \$50,000.00 Entered Into By The County – Dan’s Hauling & Demo, Inc. – County Attorney

**Resolution Summary:** This resolution approves a contract amendment with Dan’s Hauling & Demo, Inc. in the amount of \$20,000 to increase the not-to-exceed amount of the agreement for demolition work on FEMA flood program properties related to asbestos removal.

**Motion No. 10:** Moved to ADOPT Resolution No. 184  
**Motion By:** Legislator Ronk  
**Motion Seconded By:** Legislator Lopez

**Discussion:** None

**Voting In Favor:** Legislators Belfiglio, Donaldson, Lopez, R. Parete, Roberts, Rodriguez & Ronk  
**Voting Against:** None  
**Votes in Favor:** 7  
**Votes Against:** 0  
**Disposition:** Resolution No. 184 is ADOPTED

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**Resolution No. 185:** Approving The Execution Of A Contract Amendment For \$50,000.00 Entered Into By The County – Maynard, O’Connor, Smith & Catalinotto, LLP – County Attorney

**Resolution Summary:** This resolution approves a contract amendment with Maynard, O’Connor, Smith & Catalinotto in the amount of \$50,000 to increase the not-to-exceed amount of the agreement for legal services in the matter of Arris contracting Company, Inc. v. Ulster County.

**Motion No. 11:** Moved to ADOPT Resolution No. 184  
**Motion By:** Legislator R. Parete  
**Motion Seconded By:** Legislator Ronk

**Discussion:**

Chairman Ronk stated that Legislator Bartels requested an Executive Session to give an update on the status of the litigation. He said he spoke to the County Attorney and would invite her to update the body at a future session.

**Voting In Favor:** Legislators Belfiglio, Donaldson, Lopez, R. Parete, Roberts, Rodriguez & Ronk  
**Voting Against:** None  
**Votes in Favor:** 7  
**Votes Against:** 0  
**Disposition:** Resolution No. 185 is ADOPTED

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**LATE Resolution No. 224:** Confirming Appointment Of A Member To The Environmental Management Council

**Resolution Summary:** This resolution confirms the appointment of Anne Brandt to the Environmental Management Council for a term commencing on June 1, 2017 and expiring on May 31, 2020.

**Motion No. 12:** Moved to ADOPT Resolution No. 224  
**Motion By:** Legislator R. Parete  
**Motion Seconded By:** Legislator Ronk

**Discussion:** None

**Voting In Favor:** Legislators Belfiglio, Donaldson, Lopez, R. Parete, Roberts, Rodriguez & Ronk  
**Voting Against:** None  
**Votes in Favor:** 7  
**Votes Against:** 0  
**Disposition:** Resolution No. 1224 is ADOPTED

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Chairman Roberts asked if there was any other business, hearing none.

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**Adjournment**

**Motion Made By:** Legislator Lopez  
**Motion Seconded By:** Legislator Ronk  
**No. of Votes in Favor:** 7  
**No. of Votes Against:** 0

**TIME:** 7:50 PM

**Respectfully submitted: Jay Mahler, Deputy Clerk**  
**Minutes Approved: June 19, 2017**