

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

**DATE & TIME:** October 17, 2016 – 6:30 PM  
**LOCATION:** KL Binder Library, 6<sup>th</sup> Floor, County Office Building  
**PRESIDING OFFICER:** Chairman Kevin Roberts  
**LEGISLATIVE STAFF:** Jay Mahler, Deputy Clerk  
**PRESENT:** Legislators Belfiglio, Donaldson (arrived 6:38 PM), R. Parete, Rodriguez and Chairman Ronk  
**ABSENT:** None  
**QUORUM PRESENT:** Yes

**OTHER ATTENDEES:** Legislators Berky, J. Parete and Bartels, Legislative Counsel Pascale, CMinority Counsel Ragucci, Mr. Tom Kadgen & Mr. Vic Melville – League of Women Voters, Dr. Robert A. Beyer, PhD, Counselors Fisher and Gumar – Ulster County Attorney’s Office

Chairman Roberts called the meeting to order at 6:35 PM.

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**Motion No. 1:** **Moved to Approve the Minutes of the September 19, 2016 meeting**

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

**Discussion:** None

**Voting In Favor:** Legislators Belfiglio, R. Parete, Roberts, Rodriguez and Ronk  
**Voting Against:** None  
**Votes in Favor:** 5  
**Votes Against:** 0  
**Disposition:** **Minutes APPROVED**

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Resolutions for the October 18, 2016 Session of the Legislature

**Resolution No. 291:** Setting A Public Hearing On Proposed Local Law No. 9 of 2016 (A Local Law Regarding Campaign Finance Reform in Ulster County) To Be Held On Tuesday, November 15, 2016 at 6:05 PM

**Resolution Summary:** This resolution sets a public hearing for Tuesday, November 15, 2016 at 6:05 PM to allow the public to offer comments on Proposed Local Law Number 9 of 2016.

**Motion No. 2:** **Moved to adopt Resolution No. 291**  
**Motion By:** Legislator R. Parete  
**Motion Seconded By:** Legislator Belfiglio

**Discussion:**

Legislator Rodriguez advised the members that he emailed his caucus and counsel comments from the County Attorney on the proposed law. He added that she suggested some changes which he thought could be easily accommodated. Legislator Belfiglio stated that this was at least the second time the County Attorney has seen the local law and felt it was disingenuous that there were now additional concerns. Chairman Ronk commented that the law was substantially different. Legislator R. Parete stated he agreed with Legislator Belfiglio. Chairman Ronk stated that he was not sure that campaign finance should be regulated on the county level. He added that he was not certain the law equally applied to challengers and incumbents. The members discussed the law as it might apply to challengers and incumbents.

Legislator J. Parete commented that the public perceives a problem and he believed that there should be a public hearing to allow the public to comment. He added that the onus should not always be on the contributor; rather the candidate should be taking some responsibility.

Legislator Bartels questioned the enforceability of the section on discouraging employees from contributing to the individual responsible his or her employment. She added that the law has been around for over a year and that she would support it now that it applies to both incumbents and challengers. The members discussed the section pertaining to discouraging contributions from employees and how Legislators may be affected as a result of their role in approving the budget.

Legislator Rodriguez stated that the members present at the last caucus wanted to wait until the law was amended to include the County Attorney's suggestions. The members discussed whether the incorporation of the County Attorney's suggestions would necessitate another public hearing.

Legislator J. Parete said that the law has been around for almost two years and he wanted to see it voted on. Chairman Ronk commented that too many campaign finance regulations can create an environment which only supports independently wealthy people running for office by creating road blocks to fundraising for people of average means.

<b>Voting In Favor:</b>	Legislators Belfiglio, Donaldson, R. Parete, Roberts
<b>Voting Against:</b>	Legislators Rodriguez and Ronk
<b>Votes in Favor:</b>	4
<b>Votes Against:</b>	2
<b>Disposition:</b>	<b>Resolution ADOPTED</b>

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Chairman Roberts advised the members that he would be taking Resolution No. 424 out of order to accommodate Counselors from the County Attorney's Office and their guest who were in attendance to answer questions on Proposed Local Law No. 17 which prohibits cyber-bullying in Ulster County.

**Resolution No. 424:** Setting A Public Hearing On Proposed Local Law No. 17 of 2016 (A Local Law Prohibiting Cyber-Bullying In Ulster County) To Be Held On Tuesday, November 15, 2016 At 6:25 PM

**Resolution Summary:** This resolution sets a public hearing for Tuesday, November 15, 2016 at 6:25 PM to allow the public to offer comments on Proposed Local Law Number 17 of 2016.

**Motion No. :**               **Moved for discussion**  
**Motion By:**                Legislator Belfiglio  
**Motion Seconded By:** Legislator Rodriguez

**Discussion:**

Legislator Rodriguez informed the members that his caucus had some concerns with regards to education, cyber-bullying in general, individuals who may be convicted under the provision, and also diversion programs as a way to create pathways for convictions to come off of an individual's criminal record. Counselor Fisher from the County Attorney's Office introduced himself and advised the members that he was in charge of the juvenile delinquent and PINS (persons in need of supervision) cases in Ulster County Family Court. Mr. Fisher also introduced Counselor Kristen Gumar from the County Attorney's Office and Dr. Robert Beyer, a clinical psychologist from Highland. The members discussed different classifications of offenses and violations, their corresponding sentences and complications that arise if another offense is committed between the time an individual pleads guilty and is sentenced.

Legislator R. Parete commented that the law was released to the Legislature months after an initial press conference was held announcing that a law was being introduced. He added that he has received a number of phone calls from school board members expressing concerns. He asked if school boards were involved in the drafting of the law. Mr. Fisher responded that the school districts were not, but that DASA (Dignity for All Students Act) trainers were consulted. He continued by informing the members that law enforcement members and parents have been reaching out for some time for assistance. Mr. Fisher stated that they spoke to members from the LGBT community, the Youth Board, the Human Rights Commission, and the Mental Health Association. Ms. Gumar added that they were going to meet with the School Boards but there were schedule conflicts. Legislator R. Parete questioned if the Resolution should be postponed until the School Boards could be met with. Mr. Fisher commented that DASA leaves some holes in protection because the bullying happens outside of school hours and crosses school district lines.

Legislator Donaldson expressed his concerns with records being created for sixteen year olds. He added that he would like to see an education program requirement before misdemeanor charges are levied. The members discussed different charges, penalties, youthful offender status and the many scenarios that surround bullying. Legislator Bartels echoed concerns with the penalty section and asked if there was an existing law that required the distinction between individuals under sixteen and those over sixteen. Ms. Fisher responded that there were. Legislator Bartels questioned if an educational component could be written into the law. The members discussed a recent Albany County case and questioned whether a judge's ruling on freedom of speech protections would also apply to the proposed Ulster County law. Ms. Gumar responded that she and legislative counsel researched the Albany County law and felt that the proposed Ulster County law was legally sound.

Legislator Rodriguez suggested that a change was necessary to Section 4 b and c for clarity. Counselor Ragucci concurred. Counselor Gumar also agreed.

**Motion No. :**               **Moved to amend Section 4 b. and c. of Proposed Local Law No. 17 of 2016 to read as follows:**

b. Any person sixteen (16) years or older who knowingly violates Section 3 of this local law and has not **been previously convicted of violating** ~~previously violated~~ this local law, shall be guilty of an unclassified misdemeanor and subject to the penalties outlined in Article 65 of the NYS Penal Law.

c. Any person sixteen (16) years or older who knowingly violates Section 3 of this local law and has previously **been convicted of violating** ~~violated~~ this local law, shall be guilty of a Class A misdemeanor and subject to the penalties outlined in NYS Penal Law Section 70.15.

**Motion By:** Legislator Rodriguez  
**Motion Seconded By:** Legislator Donaldson

**Voting In Favor:** Legislators Belfiglio, Donaldson, R. Parete, Roberts, Rodriguez and Ronk  
**Voting Against:** None  
**Votes in Favor:** 6  
**Votes Against:** 0  
**Disposition:** **Amendment ADOPTED**

**Discussion:**

Legislator Donaldson added his opinion that individuals in the sixteen to eighteen age group should not be facing the same punishment as a forty year old. The members discussed Youthful Offender status, criminal records, sentences, probation, and possibility of time in prison for sixteen to eighteen year olds. Legislator Bartels expressed concern with unequal application of the law across school districts. Chairman Ronk stated that the law was aimed at addressing bullying situations outside of school. Mr. Fisher added that current school policies do not help when school is not in session and are difficult to enforce across school district lines. The members discussed current procedures under DASA requirements.

Chairman Ronk expressed his support for the law stating that the cases of bullying that this law pertains to are serious and destructive. He added that the design of the law was not meant to be punitive, rather seeks to change behavior. He added that the intake process for the offender looks extensively at many aspects of his or her life to identify possible underlying causes for the behavior and to identify if other services might be needed.

**Motion No. : Moved to Adopt Resolution No. 424 with the Proposed Local Law as amended**

**Motion By:** Legislator Belfiglio  
**Motion Seconded By:** Legislator Rodriguez  
**Voting In Favor:** Legislators Belfiglio, Donaldson, R. Parete, Roberts, Rodriguez and Ronk  
**Voting Against:** None  
**Votes in Favor:** 6  
**Votes Against:** 0  
**Disposition:** **Resolution ADOPTED**

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**Resolution No. 391:** Setting A Public Hearing On Proposed Local Law No. 14 of 2016 (A Local Law of the County of Ulster for the Regulation of Pet Sellers) To Be Held On Tuesday, November 15, 2016 At 6:10 PM

**Resolution Summary:** This resolution sets a public hearing for Tuesday, November 15, 2016 at 6:10 PM to allow the public to offer comments on Proposed Local Law Number 14 of 2016.

**Motion No. :** **Moved for discussion**

**Motion By:** Legislator Rodriguez

**Motion Seconded By:** Legislator Belgiglio

**Discussion:**

Legislator R. Parete stated that he thought that it was agreed at a previous meeting that a county employee or law enforcement officer was going to enforce the law, not a third party that the Commissioner appoints, most likely the SPCA. He mentioned recent animal cruelty cases that were thrown out in court due to incorrect reporting and investigating by the SPCA. Legislator Rodriguez cited Sections 7 (2), 8 (2) and Section 14 (3) relating to county officers conducting inspections. Legislator Bartels stated that she has been contacted by breeders in her district expressing concern about animal activist groups doing the inspections. Chairman Ronk responded that he understood the concern and suggested the section may have been overlooked when the law was updated. Chairman Ronk commented that there was a concern about the level of training a county employee might have and or need in order to be qualified to inspect and or investigate breeder facilities so the law was amended to include a county employee, law enforcement officer or peace officer. Legislator R. Parete expressed his concern that some investigator employed by the SPCA and other animal rights groups are peace officers. He added his concern that law enforcement and the county would both claim to be too busy to handle the inspection and the third party peace officer would always be called upon. Chairman Ronk responded that they tend to be the most qualified. He added that he would be happy to wait one more month to ensure the language in the law is consistent regarding inspections.

Legislator R. Parete suggested training Sheriff's Deputies. Legislator Berky suggested training the Sheriff's Deputies who are K-9 officers. Chairman Ronk stated he would be happy to talk to the Sheriff, but thought there was a reason they did not go in that direction previously. Legislator Donaldson asked if the representatives of the residential breeders could attend the next meeting. Chairman Ronk responded that they were out of town and that he was sure they would be willing to attend the next meeting.

Legislator Bartels commented that the concerns that have been expressed to her by breeders in her district related specifically to animal welfare organizations. She added that many animal welfare organizations are opposed to breeding altogether and state as much in their by-laws. Chairman Ronk responded that may have been an oversight during the months of updating the law. The members discussed the qualifications to become a police officer. Chairman Ronk asked that the members email him specific changes they would like to see.

**Motion No. :** **Moved to postpone**

**Motion By:** Legislator Rodriguez

**Motion Seconded By:** Legislator Ronk

**Voting In Favor:** Legislators Belfiglio, Donaldson, R. Parete, Roberts, Rodriguez and Ronk  
**Voting Against:** None  
**Votes in Favor:** 6  
**Votes Against:** 0  
**Disposition:** **Resolution POSTPONED**

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**Resolution No. 411:** 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, November 15, 2016 At 6:15 PM

**Resolution Summary:** This resolution sets a public hearing for Tuesday, November 15, 2016 at 6:15 PM to allow the public to offer comments on Proposed Local Law Number 15 of 2016.

**Resolution No. 412:** 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, November 15, 2016 At 6:20 PM

**Resolution Summary:** This resolution sets a public hearing for Tuesday, November 15, 2016 at 6:20 PM to allow the public to offer comments on Proposed Local Law Number 16 of 2016.

**Resolution No. 448:** 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, November 15, 2016 At 6:30 PM

**Resolution Summary:** This resolution sets a public hearing for Tuesday, November 15, 2016 at 6:30 PM to allow the public to offer comments on Proposed Local Law Number 18 of 2016.

**Motion No. :** **Moved to postpone Resolution Nos. 411, 412 & 448 to the December 19, 2016 meeting**  
**Motion By:** Legislator Rodriguez  
**Motion Seconded By:** Legislator Ronk

**Discussion:**

The members discussed possible dates to schedule a special meeting to work on the three laws. It was decided that legislative staff would work with the Clerk of the Legislature to find a date that did not conflict with the budget schedule.

Legislator Berky said that she would like to see an agreement on a remedy to the enforcement language for Proposed Local Law No. 18 before the meeting. Chairman Ronk responded that the only legal remedy he and Legislative Counsel saw for that section is to eliminate the section altogether and add a provision for the Human Rights Commission to refer complaints to the state commission as they are already empowered to do.

**Voting In Favor:** Legislators Belfiglio, Donaldson, R. Parete, Roberts, Rodriguez and Ronk  
**Voting Against:** None  
**Votes in Favor:** 6

**Votes Against:** 0  
**Disposition:** **Resolutions POSTPONED**

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**Resolution No. 425:** Condemning Violence And Hate Speech And Expressing Solidarity With Muslims And All Those Targeted For Their Ethnicity, Race Or Religion

**Resolution Summary:** This resolution condemns all hateful speech and violent action directed at Muslims, those perceived to be Muslims, immigrants and people of color and affirms the Legislature's commitment to pursuing a policy agenda that affirms civil and human rights, and ensures that those targeted on the basis of race, religion or immigration status can turn to government without fear of recrimination.

**Motion No. :** **Moved for discussion**  
**Motion By:** Legislator Donaldson  
**Motion Seconded By:** Legislator Rodriguez

**Discussion:**

Legislator Belfiglio commented that he felt the resolution alienated many groups while promoting others. He added that he felt a memorializing resolution of this nature should be inclusive not exclusive. Legislator Rodriguez asked him which sections he took issue with.

Legislator R. Parete commented that there were too many memorializing resolutions and they should be focusing on budgets, policies and laws.

The members reviewed the resolution section by section. Legislator R. Parete asked for examples of issues of discrimination and hate speech against Muslims in Ulster County. Legislator Belfiglio stated that the language implied that law enforcement and elected officials were a part of the problem.

**Motion No. :** **Moved to postpone Resolution No. 425**  
**Motion By:** Legislator R. Parete  
**Motion Seconded By:** Legislator Ronk

**Discussion:**

Legislator R. Parete said they would not be able to come together on the resolution and called the question.

**Motion No. :** **Moved to Call the Question**  
**Motion By:** Legislator R. Parete  
**Motion Seconded By:** Legislator Ronk

**Voting In Favor:** Legislators Belfiglio, R. Parete, Roberts and Ronk  
**Voting Against:** Legislators Donaldson and Rodriguez  
**Votes in Favor:** 4  
**Votes Against:** 2  
**Disposition:** **Question is Called**

**Voting In Favor:** Legislators Belfiglio, R. Parete, Roberts and Ronk

**Voting Against:** Legislators Donaldson and Rodriguez  
**Votes in Favor:** 4  
**Votes Against:** 2  
**Disposition:** **Resolution is POSTPONED**

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**Resolution No. 428:** 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 – Crawford & Associates – County Attorney

**Resolution Summary:** This resolution approves a contract amendment with Crawford & Associates in the amount of \$4,197.00 to increase the not-to-exceed amount for asbestos surveys completed during the FEMA flood buy-out program.

**Motion No. 8:** **Moved to adopt Resolution No. 428**  
**Motion By:** Legislator Ronk  
**Motion Seconded By:** Legislator Roberts

**Discussion:**

None

**Disposition:** **No action taken. Special meeting held October 18, 2016**

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**Adjournment**

**Motion Made By:** Legislator Donaldson  
**Motion Seconded By:** Legislator Rodriguez  
**No. of Votes in Favor:** 6  
**No. of Votes Against:** 0

**TIME:** 8:17 PM

**Respectfully submitted: Jay Mahler, Deputy Clerk**  
**Minutes Approved: November 21, 2016**