

**Ways &
Means Committee
Regular Meeting Minutes**

DATE & TIME: February 16, 2021 – 5:00
LOCATION: Powered by Zoom Meeting by dialing 1-646-558-8656,
Meeting ID 933 5807 0789
PRESIDING OFFICER: John Gavaris, Chairman
LEGISLATIVE STAFF: Natalie Kelder, Amber Feaster, and Jay Mahler
PRESENT: Legislators Lynn Archer, Tracey Bartels, Heidi Haynes,
Mary Beth Maio (arrived at 5:14 PM), John Parete, and Eve
Walter
ABSENT: Legislator Kenneth J. Ronk, Jr.
QUORUM PRESENT: Yes
OTHER ATTENDEES: Legislators Bruno, Delaune, and Heppner; Legislative
Counsel, Chris Ragucci; Legislative Counsel Victor Cueva;
Clerk of the Legislature, Victoria Fabella; Deputy County
Executive Marc Rider; Comptroller March Gallagher;
Patricia Doxsey, Daily Freeman; Tom Kadgen, League of
Women Voters; Conor Gillis, New York State Association
of REALTORS, Inc.; Sheriff Juan Figueroa; Todd
Wolgamuth, Woodstock Copperworks

- **Chairman Gavaris called the meeting to order at 5:01 PM**

Legislator Archer acknowledged the Committee and provided an explanation for her resignation as Chair of the Ways & Means Committee, stating support for Chairman Gavaris. Chairman Garvaris recognized Legislator Archer’s time and hard work.

Motion No. 1: To approve Resolution No. Resolution No. 6 – Adopting Proposed Local Law No. 13 Of 2020, 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 Further Clarify ~~Budget Modification After Adoption~~ **Departmental, Agency, Office Or Unit Estimates**

Resolution Summary: This Resolution adopts Proposed Local Law No. 13 of 2020, and, pending the approval of the County Executive, requires it to be assigned a local law number consecutive to the last local law adopted and approved in 2021.

Motion Made By: Legislator Bartels
Motion Seconded By: Legislator Archer

Discussion: Legislator Bartels provided an explanation of the amendments made during the most recent meeting of the Laws & Rules Committee.

Voting In Favor: Legislators Gavaris, Archer, Bartels, Parete, and Walter

Voting Against: Legislator Haynes

No. of Votes in Favor: 5

No. of Votes Against: 1

Disposition: Approved

Motion No. 2: To approve Resolution No. 38 – Approving The Execution Of A Contract Amendment For \$23,679.16, Causing The Aggregate Contract Plus Amendment Amount To Be In Excess Of \$50,000.00 Entered Into By The County – NDI Technologies, Inc. – Ulster County Sheriff

Resolution Summary: This Resolution approves the execution of a contract amendment with NDI Technologies, Inc. to extend the term of agreement for license plate radar maintenance from March 31, 2021 through March 31, 2022 for an additional \$23,679.16, making the contract total \$64,654.72.

Motion Made By: Legislator Bartels

Motion Seconded By: Legislator Archer

Discussion: Sheriff Figueroa provided a timeline of policy changes and informed members that the New York State Division of Criminal Justice Services (NYSDCJS) has notified him that a new version of the Division’s suggested guidance will be issued in the upcoming Spring. Further, Sheriff Figueroa explained the importance of license plate readers. Legislator Bartels expressed concern over data retention and sharing. The Sheriff reiterated that State guidance sets minimum standards the Department is required to follow.

Voting In Favor: Legislators Gavaris, Archer, Bartels, Haynes, Parete, and Walter

Voting Against: None

No. of Votes in Favor: 6

No. of Votes Against: 0

Disposition: Approved

Motion No. 3: To approve Resolution No. 41 – Approving The Execution Of A Contract For \$59,185.00 Entered Into By The County – Gateway Community Industries, Inc. D/B/A Gateway Hudson Valley – Office For The Aging

Resolution Summary: This Resolution approves the execution of a contract with Gateway Community Industries, Inc. D/B/A Gateway Hudson Valley for case management for home delivered meals from January 1, 2021 through December 31, 2021 in the amount of \$59,185.00.

Motion Made By: Legislator Bartels
Motion Seconded By: Legislator Archer

Discussion: Legislator Bartels acknowledged the current wait list, including individuals with the ability to pay for services, and the potential methodology which may be applied in remedying the situation.

Voting In Favor: Legislators Gavaris, Archer, Bartels, Haynes, Maio, Parete, and Walter
Voting Against: None
No. of Votes in Favor: 7
No. of Votes Against: 0
Disposition: Approved

Motion No. 4: To approve Resolution No. 47 – Authorizing The Issuance Of An Additional \$29,600.00 Bonds Of The County Of Ulster, New York, To Pay Part Of The Cost Of Improvements At The Veterans Cemetery, In And For Said County

Resolution Summary: This Resolution authorizes the issuance of \$29,600.00 bonds for amendments made to Capital Project No. 528 – Veteran’s Cemetery to conduct additional archeological studies based on the discoveries at the site during the Phase II Archeological effort, and for design of a new well and associated facilities due to the lack of water available from the existing on-site well at the Veteran’s Cemetery.

Motion Made By: Legislator Archer
Motion Seconded By: Legislator Bartels

Discussion: None

Voting In Favor: Legislators Gavaris, Archer, Bartels, Haynes, Maio, Parete, and Walter
Voting Against: None
No. of Votes in Favor: 7
No. of Votes Against: 0
Disposition: Approved

Resolution No. 62 – Authorizing The Commissioner Of Finance To Sell Real Property Acquired By Court Order Pursuant To Article 11 Of The Real Property Tax Law – Department Of Finance

Resolution Summary: This Resolution authorizes the Commissioner of Finance to conduct a Public Auction to sell such properties acquired by foreclosure, date to be determined, authorizes the County Attorney to prescribe the terms of the sale pursuant to the statutes in such cases, and

authorizes the Commissioner of Finance to prepare and distribute brochures and informational sheets to advertise the auction, additional to those required by law.

Disposition: Withdrawn

Motion No. 5: To block Resolutions No. 65, 67, 69, 71, 73, and 75

Motion Made By: Legislator Maio

Motion Seconded By: Legislator Bartels

Discussion: None

Voting In Favor: Legislators Gavaris, Archer, Bartels, Haynes, Maio, Parete, and Walter

Voting Against: None

No. of Votes in Favor: 7

No. of Votes Against: 0

Disposition: Approved

Motion No. 6: To approve the following Resolutions:

Resolution No. 65 – Authorizing The Replacement Of Bridges, Throughout And In And For The County Of Ulster, New York, At A Maximum Estimated Cost Of \$559,000.00, And Authorizing The Issuance Of \$559,000.00 Bonds Of Said County To Pay The Cost Thereof

Resolution Summary: This Resolution authorizes the issuance of \$559,000.00 bonds for the establishment Capital Project Numbers 578 through 580 for the DPW Bridge Program for the replacement of the following three bridges: Samsonville Bridge, Town of Olive in the amount of \$192,000.00; Oakis Bridge, Town of Shandaken in the amount of \$185,000.00; and Broad Street Hollow Bridge, Town of Shandaken in the amount of \$182,000.00. Further, this Resolution amends the 2021 Capital Fund budget accordingly.

Resolution No. 67 – Authorizing The Replacement Of Certain Box Culverts, In And For The County Of Ulster, New York, At A Maximum Estimated Cost Of \$120,000.00, And Authorizing The Issuance Of \$120,000.00 Bonds Of Said County To Pay The Cost Thereof

Resolution Summary: This Resolution authorizes the issuance of \$120,000.00 bonds for the establishment of Capital Projects Number 581 for the Kripplebush Road Culvert #4, Town of Olive, in the amount of \$60,000.00. and 582 for the Kripplebush Road Culvert#4, Town of Olive, in the amount of \$60,000.00.

Resolution No. 69 – Authorizing Emergency Bridge Improvements, In And For The County Of Ulster, New York, At A Maximum Estimated Cost Of \$105,000.00, And Authorizing The Issuance Of \$105,000.00 Bonds Of Said County To Pay The Cost Thereof

Resolution Summary: This Resolution authorizes the issuance of \$105,000.00 bonds for the establishment of Capital Project No. 583 Bridge Flag Response.

Resolution No. 71 – Authorizing Bridge Substructure Repair For Various Bridges, In And For The County Of Ulster, New York, At A Maximum Estimated Cost Of \$55,000.00, And Authorizing The Issuance Of \$55,000.00 Bonds Of Said County To Pay The Cost Thereof

Resolution Summary: This Resolution authorizes the issuance of \$55,000.00 bonds for the establishment of Capital Project No. 584 Bridge Superstructure Repairs to contract with an outside agency for the evaluation and design of superstructure repairs for bridges.

Resolution No. 73 – Authorizing The Bridge Substructure Repair For Various Bridges, In And For The County Of Ulster, New York, At A Maximum Estimated Cost Of \$66,000.00, And Authorizing The Issuance Of \$66,000.00 Bonds Of Said County To Pay The Cost Thereof

Resolution Summary: This Resolution authorizes the issuance of \$66,000.00 bonds for the establishment of Capital Project No. 585 Bridge Substructure Repairs, for contracting with an outside agency for the evaluation and design of substructure repairs upon the identification of three bridges in need.

Resolution No. 75 – Authorizing Heating Ventilating And Air-Conditioning Systems And Related Building Infrastructure Replacement At Various County-Owned Buildings, In And For The County Of Ulster, New York, At A Maximum Estimated Cost Of \$800,000.00, And Authorized The Issuance Of \$800,000.00 Bonds Of Said County To Pay The Cost Thereof

Resolution Summary: This Resolution approves the issuance of \$800,000.00 bonds for the establishment of Capital Project No. 586 HVAC & Building Infrastructure Replacement for the replacement of UVAC Equipment, Boilers, and other pieces of critical infrastructure with more energy efficient models.

Motion Made By: Legislator Maio
Motion Seconded By: Legislator Bartels

Discussion: None

Voting In Favor: Legislators Gavaris, Archer, Bartels, Haynes, Maio, Parete, and Walter
Voting Against: None
No. of Votes in Favor: 7
No. of Votes Against: 0
Disposition: Approved

Old Business:

Motion No. 7: To discuss Resolution No. 7 – Requesting The New York State Legislature Introduce, And The Governor Sign, An Amendment To Article 31 Of The New York State Tax Law To Permit The County Of Ulster To Adopt A Local Law To Impose, Collect And Retain A Tax On Real Estate Transfers

Resolution Summary: This Resolution requests that the New York State Legislature and Governor pass legislation amending Article 31 of the New York State Tax Law, adding subdivision “H”, permitting the County of Ulster to adopt and amend a local law imposing in the County of Ulster a tax on each conveyance of real property or interest therein when the consideration exceeds \$500.00, at the rate of \$0.50 for each \$500.00 or fractional part thereof.

Motion Made By: Legislator Bartels

Motion Seconded By: Legislator Archer

Discussion: None

Disposition: No Action Taken

New Business: None

Chairman Gavaris asked the members if there was any other business, and hearing none;

Adjournment

Motion Made By: Legislator Archer

Motion Seconded By: Legislator Bartels

No. of Votes in Favor: 7

No. of Votes Against: 0

Time: 5:19 PM

Respectfully submitted: Amber Feaster

Minutes Approved: March 9, 2021

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Legislature, Victoria Fabella; Deputy County Executive Marc
Rider; Comptroller March Gallagher; Patricia Doxsey, Daily
Freeman; Tom Kadgen, League of Women Voters; Conor Gillis,
New York State Association of REALTORS, Inc.; Sheriff Juan
Figueroa; Todd Wolgamuth, Woodstock Copperworks

- **Chairman Gavaris called the meeting to order at 5:01 PM**
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Chairman Gavaris: I'm going to call the February 16th meeting of Ways and Means to order. I'd first like to recognize Legislator Archer who would like to speak to the committee. Legislator Archer.

Legislator Archer: Thank you, Chairman Gavaris. I believe it's the responsibility of the Ways and Means Committee to rigorously question all spending that may ultimately impact Ulster County taxpayers. This duty has been especially important during the pandemic. As, as we may be expecting a substantial loss of revenue in the County's financial situation is so dependent on uncertain State and Federal revenue. I feel the current situation required that we move to a more fiscally responsible position. And as Chairwoman, I continually acted to carefully review the necessity and costs of the resolutions that came before us. Throughout my tenure as Chairwoman, my efforts to thoroughly examine resolutions facilitate meetings where all legislators questions and concerns were able to be expressed, were met with antagonism, valid concerns minimized, and disparaging remarks made by those legislators who oppose them. Given the circumstances just described, and the belief by some that our role is just to usher resolutions through as presented by the Executives administration. I've resigned as Chairwoman of Ways and Means due to the pecuniary and philosophical differences with our current Chairman of the Legislature. I will continue to ask the questions, seek transparency and as a member of the Ways and Means Committee. I do, I do this and hope that my resignation will elicit a more

respectful and deliberative process. I asked the members to, to thoughtfully consider their behavior and dealing with differences of opinion, different perspectives and points of view. I support Chairman Gavaris and in his new role, and I wish him well. Thank you for the time.

Chairman Gavaris: Thank you Legislator Archer. And I just want to say thank you on behalf of myself, and I think I'll speak on the committee's behalf and the time you put in, I can tell you, when I was first asked to do this, my immediate response was no, because I didn't want to replace you because I felt like you have done probably so much work that we don't even realize how much effort and time you've put in and I, I would only have done this, first of all with your okay, but also with your remaining on the committee. I think your, your time and effort that you put in is invaluable, and I certainly appreciate it. So thank you.

All right, we'll go into the resolutions. Resolution Number 6: Setting a Public Hearing on Proposed Local Law Number 13 of 2020, as amended. A Local Law Amending the Ulster County Charter, Local Law Number 2 of 2006 and Amending the Administrative Code for the County of Ulster, Local Law Number 10 of 2008 to further clarify departmental agency office or unit estimates to be held on Tuesday, March 9th, 6:15pm, as amended. Can I have a motion?

Legislator Bartels: I'll move it.

Chairman Gavaris: Second?

Legislator Archer: Second.

Chairman Gavaris: Legislator Archer. Any discussion? Seeing Legislator Archer.

Legislator Archer: Yeah, Chairman. Last I, I apologize. I wasn't at the last meeting. But I heard that there was discussion and I just want to make sure that we are, everyone's comfortable on moving forward with this. I had heard that there was some discussion. I, I'm not sure if anyone has a concern with moving this forward?

Chairman Gavaris: I don't see any other hand, Legislator Bartels.

Legislator Bartels: I mean, I can just speak to, to, to what occurred in Laws and Rules where there was a very, a very detailed discussion on the merits. Essentially, we're what we're doing with this amendment is scheduling a second Public Hearing on the same law but the correct title. So it pushes it out to next month.

Chairman Gavaris: Any other discussion? All right, call for the vote. All those in favor? Opposed? Okay carried.

Resolution Number 38: approving the execution of a contract amendment for \$23,679.16 causing the aggregate contract plus amendment amount to be in excess of \$50,000 entered into by the County, NDI Technologies, Inc. That for the Ulster County Sheriff's. Can I have a motion?

Legislator Bartels: I'll make the motion

Chairman Gavaris: Bartels, Archer second. Any discussion? Bartels.

Legislator Bartels: Well, I want to thank the Sheriff for providing the backup documentation. But I'm wondering through the Chair, could we, could we have the Sheriff talk a little bit about the policy as it exists and the potential changes to the policy moving forward?

Chairman Gavaris: Sheriff Figueroa, if you're willing to speak, the floor is yours.

Sheriff Figueroa: Good afternoon, everyone. First and foremost, I want to thank the former Chair, Lynn Archer for her leadership in the past. And I want to congratulate the new Chair, Mr. Gavaris, I look forward to working with you, and, and the entire committee.

This contract, the Sheriff's office had since I believe 2012. These are for fixed license plate readers. And, and we have the, the server and we control the information on that. With all the different rules and policies that I've been updating, this is on the list. The recent policy, which I emailed was dated in 2006. The Division of Criminal Justice Services came out with one in 2011. And we were recently told by them that they have a new one coming out in, in the spring. So we're gonna wait to see what comes out from them. And we're probably going to copy that policy. And I will again discuss it with the folks here if they wanted to give me any input or ideas or their thinking behind it. License plate readers are a very important tool in law enforcement, it's usually may maintain a use for public safety. The importance of it is obviously for amber alerts, anything involving terrorist, terrorism watch lists, larcenies, burglaries, and that occurs throughout the county in particular, in the summer months. So it's a, it's a tool that's been in use for law enforcement. And it's mainly for the purposes of, of vehicles that are on the public roads of the County.

Yes.

Legislator Bartels: May I, Chair Gavaris, to the Chair? Okay. Um, you Sheriff you mentioned that these are for the fixed license plate readers, do we also have mobile license plate readers?

Sheriff Figueroa: Yes, we do. And that contract is with SW24. And we have two vehicles that have, excuse me, three vehicles that have the LPR's on the vehicles.

Legislator Bartels: Okay, and, and if I may, if I could just now in a, this public forum, because I probably won't speak to this on the floor of the Legislature. Just say that some of my concerns, and I'm, I'm, I'm happy that you're going to be undertaking a review of the policies, it's probably due since it was written in 2006. And I, I reviewed some of what the State has said, sent down. But what I'm most concerned about is the retention policy, and the policy for sharing information. Those are the, among other things, but those are the two things that that jumped out as most concerning to me, how long do you keep this information before for and who do you share it with? And what do you require in order to share it with, and so those are the things that I'd want to know, are being addressed, whether they're being held by the private company, or they're being held by, by your office either way.

Sheriff Figueroa: So we, we hold the NDI in a server here at the Sheriff's office. So we have that information. And we're the only ones that have access to it. The SW24 is strictly for law enforcement. And that server for SW24 is located up at Troy police department. And it's shared only with law enforcement. As far as how long we keep it. We don't have a policy for how long we keep it. I think that's something that is going to come up when we get the new policy from DCJS. And I'll be more than happy to discuss that with you folks. When I get that new policy.

Legislator Bartels: I think, I think you called, it's hard to hear your Chair Gavaris, but I think you were calling on me.

Chairman Gavaris: Yes.

Legislator Bartels: Okay. Thank you. Yeah. And I and I think also Sheriff making the distinction, and you would know more about this than I, but making the distinction between, between information that has some kind of hit on it or isn't involved in an investigation versus all the, the many, I'll just call them innocent hints hits that happen. That's the, that's the information that I'm especially concerned about not holding on to for an extended period of time.

Sheriff Figueroa: Sorry, and I understand that, but sometimes, for the examples of a, if license plate reader information is rosario, in certain cases, we may have to keep that up to five, six years, or when that that case is either over with, or the appeals process is over with. So those, those are things that I'll be, I'll be looking at, when we look at the policies, we've had other more important policies that we had to update. But this is on, on my radar. And it will get updated when I get the DCJS's new policy in the spring. For the purposes of privacy, because people are on a road. This does not take pictures of individual folks that are driving but the plates, and there is no expectation of privacy when you're on a public highway. When you are go to the airport, private companies grab your information, when I worked in the corporate world, tow trucks have license plate readers, and there are no policies assigned with, with those folks. We're lucky that we are required by DCJS to have a policy that is more stringent than that of the public, and these private companies. And this information is strictly for law enforcement use.

Chairman Gavaris: Anybody else? Better now? Any better now? No? Huh.

Legislator Bartels: I hear you a little bit.

Chairman Gavaris: Okay. I'll try to speak up a little bit louder now. Anybody else have any comments? All right. So all in favor?

Group: Aye.

Chairman Gavaris: Opposed? Okay carried. And thank you, Sheriff Figueroa.

Resolution Number 41: Approving the execution of a contract for \$58,185. Entered into the agreement by the County, Gateway Community Industries Inc. D/B/A Gateway Hudson Valley, Office for the Aging. Can I have motion?

Legislator Bartels: I'll move it, Bartels.

Chairman Gavaris: Discussion? Legislator Bartels.

Legislator Bartels: I want to thank Deputy Executive Rider for sending over that information, which was very helpful. I'm definitely going to support moving this forward. But I hope that in the Health Committee, we can have a more in depth discussion about how we move through that list because I do have some specific questions which I just in general going to raise right now. But we don't have to get into it in this forum. But the, the idea that we have people waiting, who can pay in full, is just something I want to understand. And also, and I also want to understand a breakout of if we were going to start to work down that list. Would we, would we work through percentages of each of the different buckets of, of people? Or would we start from one portion of the list and work down? So hopefully that's something we can, we can talk through in the Health Committee. But it's a, it's a great starting point to have the information. Thank you.

Chairman Gavaris: Thank you. And can I just take a minute to go back? I apologize, Legislator Haynes, I did not see your hand up. So I apologize. Did you want to speak on the last resolution?

Legislator Haynes: Yes, actually, I'd like to go back to the Public Hearing resolution. Did that get amended for the actual, how, how, much did that actually get amended? In Laws and Rules, that actual resolution, was it just the title?

Chairman Gavaris: I'll let Legislator Bartels, I'll let you speak on that.

Legislator Bartels: Yeah, the, the title was, the title was amended as in in as a ministerial amendment because it had been led out with a title that wasn't exactly reflected of the information that was contained in the law. So what we agreed to in Laws and Rules was to amend the resolution in order to hold another public hearing with the correct title. So it's the same exact, we're holding another Public Hearing on the exact same law. We're just advertising it with the correct title so that if anyone as Deputy Executive Rider pointed out if anyone just read the title, and determined they weren't interested in comment, they would now read the correct title. And be allowed. We were advised by counsel that we did not have to do that. But we thought out of an abundance of caution, that was the right thing to do. So it's, it's amended to hold a second Public Hearing on caucus day next month.

Legislator Haynes: Okay, with that being said, I'd like to change my vote to a no for Public Hearing, please. Let the record show I'm changing my vote to a no for Public Hearing. Thank you.

Chairman Gavaris: Thank you. Okay, back to Resolution 41. Anybody else with additional comment? All right, all those in favor? Anybody opposed? Okay.

Resolution 47: Authorizing the issuance of an additional \$29,600 bonds of the County of Ulster New York to pay part of the cost of improvements at the Veterans Cemetery and in for the said County. Can I have a motion? Legislator Archer. Second, Bartels. Legislator, anybody have any comments? Seeing none, all those in favor? Any opposed? All right, motion carried.

Resolution 62 has been withdrawn by the sponsors this afternoon.

65, 67, 69, 71, 73 and 75, can we block those? Can I get a motion to block those resolutions? They're for the bonds? Okay, Legislator Maio, second Bartels. On the, anybody have any comments? Actually have the vote to block, correct? All right, so all those in favor of blocking?

Group: Aye.

Chairman Gavaris: Any opposed? All right. Any comments? On the resolution?

Group: Aye

Chairman Gavaris: All those in favor? Any opposed? So carried.

And Resolution number 7. This was, should have been postponed. It was supposed to be postponed to the next meeting in March. But we have to, it was supposed to, it has to be to the next meeting that Ways it Means has, so that's tonight. So looking to this resolution is requesting New York State Legislature to introduce and Governor to sign an amendment to Article 31 of New York State Tax Law to permit the County of Ulster to Adopt a Local Law to impose collect and retain a tax on real estate

transfers. So I'd like to have a motion to set up a special meeting to discuss this for Thursday, March 4 at 5pm. But we, we have a motion, Legislator Bartels.

Legislator Bartels: I'll make the, that motion.

Chairman Gavaris: Okay.

Legislator Archer: I'll second.

Chairman Gavaris: Are we, Amber are we, this is the one that we're not taking action or we are now.

Amber Feaster: Correct. Take no action tonight. And then we'll make sure we set up the special meeting before the next meeting of the Ways and Means Committee. Perfect.

Chairman Gavaris: Any other business to discuss? Can I get a motion to adjourn? Legislator Archer.

Legislator Bartels: Second, Bartels.

Chairman Gavaris: All in favor? Opposed? Alrighty, thank you all.

Deputy Executive Rider: Have a good night all.

Legislator Archer: Thank you.