

## **Ways & Means Committee Regular Meeting Minutes**

**DATE & TIME:** July 17, 2018 – 5:30  
**LOCATION:** KL Binder Library, 6<sup>th</sup> Floor, County Office Building,  
244 Fair Street, Kingston, NY  
**PRESIDING OFFICER:** Richard Gerentine, Chairman  
**LEGISLATIVE STAFF:** Amber Feaster  
**PRESENT:** Legislators Laura Petit, Lynn Archer, Tracey Bartels, Craig  
V. Lopez, Mary Beth Maio, James F. Maloney, and Joseph  
Maloney  
**ABSENT:** None  
**QUORUM PRESENT:** Yes  
**OTHER ATTENDEES:** Legislators Julius A. Collins Jr, Jonathan Heppner, Kathy Nolan,  
and Brian Woltman; Nicholas Pascale, Legislative Counsel;  
Fawn Tantillo, Confidential Secretary to the Chairman of the  
Legislature; Burt Gulnick, Commissioner of Finance; Marc  
Rider, Deputy County Executive; Chris White, Deputy Director  
of Planning; Jennifer Clark and Marie Bing, County Attorney;  
Evan Gallo, Deputy Comptroller; Patricia Doxsey, Daily  
Freeman; Kevin Smith, Woodstock Land Conservancy &  
Friends of Catskill Mountain Rail Trail; John Grossbohlín, City  
of Kingston Complete Streets Advisory Council; Nick Mercurco,  
A Friend of Rail Trails; Ralph Durham, Friends of Catskill  
Mountain Rail Trail;

- **Chairman Gerentine called the meeting to order at 5:31 PM**

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**Motion No. 1: To discuss Resolution No. 296** – Approving The Execution Of A Contract  
Amendment In Excess Of \$50,000.00 Entered Into By The County – Rondout Legal Services Inc  
– Department Of Social Services

**Resolution Summary:** This Resolution approves the execution of a contract amendment with  
Rondout Legal Services, Inc. from October 31, 2018 through October 31, 2019 to exercise the  
first of two options to extend the term of agreement for legal process services for an additional  
\$110,000.00, making the contract total \$440,000.00.

**Motion Made By:** Legislator Maloney (James)  
**Motion Seconded By:** Legislator Petit

**Discussion:** None

**Voting In Favor:** Legislators Gerentine, Petit, Archer, Bartels, Lopez, Maio, Maloney (James), and Maloney (Joseph)  
**Voting Against:** None  
**No. of Votes in Favor:** 8  
**No. of Votes Against:** 0  
**Disposition:** Approved

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**Motion No. 2: To approve Resolution No. 308 -** Authorizing The Financing Of The Construction Of The Ashokan Rail Trail, In And For The County Of Ulster, New York, At A Maximum Estimated Cost Of \$8,250,281.00, And Authorizing The Issuance Of \$8,250,281.00 Bonds Of Said County To Pay The Cost Thereof

**Resolution Summary:** This Resolution authorizes the issuance of \$8,250,281.00 bonds for phase 2 of Capital Project No. 459 for the Ashokan Rail Trail Project.

**Motion Made By:** Legislator Maloney (James)  
**Motion Seconded By:** Legislator Petit

**Discussion:** None

**Voting In Favor:** Legislators Gerentine, Petit, Archer, Bartels, Lopez, Maio, Maloney (James), and  
**Voting Against:** Maloney (Joseph)  
**No. of Votes in Favor:** 7  
**No. of Votes Against:** 1  
**Disposition:** Approved

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**Motion No. 3: To approve Resolution No. 311 –** Authorizing The Issuance Of An Additional \$35,000.00 Bonds Of The County Of Ulster, New York, To Pay Part Of The Cost Of The Installation Of Shoulders Along Route 299, In And For Said County

**Resolution Summary:** This Resolution authorizes the issuance of \$35,000.00 bonds for amendments to Capital Project No. 488, Installation Of Shoulders Along Route 299, Towns Of New Paltz And Gardiner – Transportation Improvement Project (TIP) Not On The State Highway System.

**Motion Made By:** Legislator Maloney (James)  
**Motion Seconded By:** Legislator Bartels

**Discussion:** None

**Voting In Favor:** Legislators Gerentine, Petit, Archer, Bartels, Lopez, Maio, Maloney (James), and Maloney (Joseph)  
**Voting Against:** None

**No. of Votes in Favor:** 8  
**No. of Votes Against:** 0  
**Disposition:** Approved

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**Motion No. 4: To approve Resolution No. 317** – Authorizing The Commissioner Of Finance To Accept Bids For Parcels Of County-Owned Real Property For Private Sale And Authorizing The Chairman Of The Ulster County Legislature To Convey Such Parcel – Department Of Finance

**Resolution Summary:** This Resolution authorizes the Commissioner of Finance to accept payment as disclosed therein and authorizes and directs the Chairman of the Legislature to make, execute, and deliver to said bidder making payment, a quitclaim deed conveying the interest of the County in said parcel.

**Motion Made By:** Legislator Maloney (James)  
**Motion Seconded By:** Legislator Archer

**Discussion:** Burt Gulnick, Commissioner of Finance, confirmed that the parcel selling for \$1,000.00 is an irregular lot which has been offered in 5 previous auctions. Further, Burt Gulnick explained the process of the bids under discussion.

**Voting In Favor:** Legislators Gerentine, Petit, Archer, Bartels, Lopez, Maio, Maloney (James), and Maloney (Joseph)

**Voting Against:** None

**No. of Votes in Favor:** 8

**No. of Votes Against:** 0

**Disposition:** Approved

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**Motion No. 5: To approve Resolution No. 321** - Authorizing The Chairman Of The Ulster County Legislature To Execute A Grant Agreement With The Dormitory Authority Of The State Of New York For The Hudson Valley Rail Trail West: Phase 4 Project

**Resolution Summary:** This Resolution authorizes the Chairman of the Legislature to execute a Grant Disbursement Agreement and any amendments thereto, with the Dormitory Authority of the State of New York for the Hudson Valley Rail Trail West: Phase 4 project; and, upon execution of the agreement, authorizes the Director of Planning and the Deputy Director of Planning to submit all necessary grant related documentation and reimbursement requests and otherwise act for the County regarding this grant funding.

**Motion Made By:** Legislator Maloney (James)  
**Motion Seconded By:** Legislator Bartels

**Discussion:** Chris White, Deputy Director of Planning, explained that this Resolution pertains to the trail in the Town of Lloyd, that construction will be completed on August 2<sup>nd</sup>, and that the Resolution came late because the Department has been trying to complete a grant disbursement agreement with the New York State Dormitory Authority for eighteen months. Further, Chris White explained that this agreement is for \$50,000, which will bring down the County's share of the associated costs from 20% to less than 17%.

**Voting In Favor:** Legislators Gerentine, Petit, Archer, Bartels, Lopez, Maio, and Maloney (James)

**Voting Against:** Legislator Maloney (Joseph)

**No. of Votes in Favor:** 7

**No. of Votes Against:** 1

**Disposition:** Approved

**New Business:** Chairman Gerentine explained that a memorializing letter was sent to the Governor and the members of the State Legislative body regarding the Supreme Court Decision over South Dakota versus WayFair regarding the collection of State and Local sales taxes resulting from internet transactions, and that this letter asks the State to pass the necessary legislation to allow for the collection of sales tax on such transactions.

Chairman Gerentine commended all parties involved in the resolution of the dispute regarding Resolution No. 24 of 2018, explaining that the invoice under dispute will be paid but that concerns from all involved parties still exist. Chairman Gerentine asked that the Committee consider clarifying the policy for the purpose of strengthening its application. Legislator Bartels expressed concern that only one of the example invoices provided by the County Executive's office were flagged for non-payment as a violation of County policy. Further, Legislator Bartels stated that while she believes the intent of the policy is clear, consideration should be given to how the policy is enforced and what penalties are for violations, emphasizing urgency in this action as to prevent further violations from taking place. Legislator Petit stated belief that the intent of the Policy is clear. Chairman Gerentine disclosed that in a conversation Nina Postupack, County Clerk, Ms. Postupack explained that her name is required to be on certain materials and that she wants people to be able to call her directly when problems arise relating to the Department of Motor Vehicles. Chairman Gerentine emphasized that where areas of question exist, it is possible to clarify the policy's intent. Legislator Joseph

Maloney complimented Nina Postupack as a professional, stating that he does not believe she would knowingly violate a County policy. Moreover, Legislator Joseph Maloney stated that he believes the Legislature erred in not sending an explanation of the policy to all elected officials as a courtesy, and that if there are incidences where documents are required by law to have the name of the County Clerk on them, this may be dealt with through an amendment to the policy.

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**Old Business:** None

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Chairman Gerentine asked if there was any other business or questions. There being no further business before the Committee, a motion was made to adjourn.

### **Adjournment**

**Motion Made By:** Legislator Maloney (James)

**Motion Seconded By:** Legislator Bartels

**No. of Votes in Favor:** 8

**No. of Votes Against:** 0

**Time:** 5:49 PM

**Respectfully submitted:** Amber Feaster

**Minutes Approved:** August 7, 2018

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**Alicia DeMarco, CPA**  
*Director of Internal  
Audit and Control*

Date: July 17, 2018  
To: Hon. Richard Gerentine, Chair of the Ways & Means Committee  
CC: Hon. Members of the Ways & Means Committee  
From: Elliott Auerbach, Ulster County Comptroller  
Re: Resolution No. 24 of 2018 and ColorPage Invoice

In response to the Committee's directive arising from last week's meeting, my Office has discussed solutions to the issue at hand with Legislative Counsel and the County Executive. Unfortunately, we were unable to come to a mutually agreeable remedy due to the Executive's unwillingness to admit that a violation of County policy had occurred and/or agree to curb this type of behavior in the future. We are disappointed that the Executive has ignored the legislative intent of the policy before us and has failed to acknowledge any degree of fault on his end.

We maintain and reaffirm our position that content (i.e. the Executive's name) within the "SPEAK" and "UlsterHelps" rack cards for the Department of Health and Mental Health was prohibited under Resolution No. 24 of 2018. However, we fully empathize with the vendor, which has unfortunately experienced collateral damage as a result of the Executive's inability to follow County policy. That being said, due to the fact that ColorPage adequately performed work for the County and was not directly responsible for this error, we feel it is incumbent upon us to pay this invoice. The last thing that we want to do is harm a small business and damage the relationship it has with the County.

After careful consideration of the practical realities of implementing this policy, we strongly suggest to the Legislature to take this occasion to revisit its terms in order to clarify and strengthen its penalty and enforcement mechanisms. Perhaps an amendment could be incorporated within Resolution No. 281 (establishing a policy to prohibit the use of public funds to place the likeness or name of elected officials on all promotional and informational signage on county owned property), or this may be a chance to revise the County's Ethics Law to truly create a framework to deal with these issues. The operational difficulty for my Office is that by the time we are able to review an invoice (whether it contains a proof or example of an advertisement) our only remedy is to approve or deny payment. The timing of our claims auditor review is such that we cannot advise a department to edit a public service announcement containing prohibited material because the document has already been ordered and a County expense has already been incurred, which greatly limits our ability to remediate any violations.

Therefore, we offer any assistance we can lend and would appreciate the opportunity to work collegially with the Legislature in order to best effectuate its intent in conjunction with the claims invoice process.