

**Ways &
Means Committee
Regular Meeting Minutes**

DATE & TIME: August 11, 2020 – 5:00
LOCATION: Powered by Zoom Meeting by dialing 1-646-558-8656,
Meeting ID 960 3140 6068
PRESIDING OFFICER: Lynn Archer, Chairwoman
LEGISLATIVE STAFF: Natalie Kelder, Amber Feaster, and Jay Mahler
PRESENT: Legislators Kenneth J. Ronk, Jr. (arrived at 5:33 PM), Tracey
Bartels (arrived at 5:35 PM), John Gavaris, Heidi Haynes;
Mary Beth Maio, and Eve Walter, and Legislative Chairman
David B. Donaldson
ABSENT: None
QUORUM PRESENT: Yes
OTHER ATTENDEES: Legislators Albert Bruno, Brian Cahill, Jonathan Heppner;
and Laura Petit; Legislative Counsel Christopher Ragucci;
Minority Counsel Nicholas Pascale; Deputy County
Executives Marc Rider, and Evelyn Wright; Comptroller,
March Gallagher; Deputy Comptroller Chris Quirk; Clerk
of the Legislature, Victoria Fabella; Tom Kadgen, League
of Women Voters; Mario Tagliaferro, Sheriff

- **Chairwoman Archer called the meeting to order at 5:00 PM**

Motion No. 1: To approve the minutes of the July 14, 2020 Regular Meeting, the July 16, 2020 Special Meeting, the July 21, 2020 Regular Meeting, and the July 29, 2020 Special Meeting

Motion Made By: Legislator Gavaris
Motion Seconded By: Legislator Walter

Discussion: None

Voting In Favor: Legislators Archer, Gavaris, Haynes, Maio, and Walter, and Legislative
Chairman Donaldson

Voting Against: None

No. of Votes in Favor: 6

No. of Votes Against: 0

Disposition: Approved

Motion No. 2: To discuss Resolution No. 240 – 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 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 five hundred dollars, at the rate of one dollar for each five hundred dollars or fractional part thereof.

Motion Made By: Legislator Maio
Motion Seconded By: Legislator Walter

Discussion: Chairwoman Archer announced there will be a Special Meeting of the Ways & Means Committee on Thursday, August 13, 2020 for the purpose of discussing this Resolution.

Motion No. 3: To postpone Resolution No. 240 – 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 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 five hundred dollars, at the rate of one dollar for each five hundred dollars or fractional part thereof.

Motion Made By: Legislator Maio
Motion Seconded By: Legislator Gavaris

Discussion: None

Voting In Favor: Legislators Archer, Gavaris, Haynes, Maio, and Walter, and Legislative Chairman Donaldson

Voting Against: None

No. of Votes in Favor: 6

No. of Votes Against: 0

Disposition: Postponed

Motion No. 4: To approve Resolution No. 267 – Approving A Home Rule Request For Senate Bill No. S8546 And Assembly Bill No. A10616, Authorizing The County Of Ulster To Elect To Reopen The Provisions Of Section 552 Of The Retirement And Social Security Law, as Amended

Resolution Summary: This Resolution authorizes the County Executive and/or the Clerk of the Ulster County Legislature to execute and submit a Home Rule Request requesting the enactment of Senate Bill No. S8546 and Assembly Bill No. A10616 entitled “An act to authorize the county of Ulster to offer an optional twenty year retirement plan to certain deputy sheriffs employed by such county”.

Motion Made By: Legislator Walter

Motion Seconded By: Legislator Haynes

Discussion: Deputy County Executive Marc Rider stated that he was informed today by the County Attorney’s office that they requested the word “immediate” be stricken from the Resolution. Legislator Walter answered this issue has already been resolved and the Resolution is currently correct.

Voting In Favor: Legislators Archer, Gavaris, Haynes, Maio, and Walter, and Legislative Chairman Donaldson

Voting Against: None

No. of Votes in Favor: 6

No. of Votes Against: 0

Disposition: Approved

Motion No. 5: To approve Resolution No. 268 – Amending The 2020 Ulster County Budget To Accept An Allocation Of Funds From The Redlich Horwitz Foundation To Support Home Finding Activities Within The Foster Care Program – Department Of Social Services

Resolution Summary: This Resolution amends the 2020 Ulster County Budget upon notification from the Redlich Horwitz Foundation of the award of \$13,680.00 in funding to support the activities of a foster care home finder to be used specifically to recruit, train, certify, and recertify foster/adoptive parents as part of the County’s Foster Care program.

Motion Made By: Legislator Donaldson

Motion Seconded By: Legislator Walter

Discussion: None

Voting In Favor: Legislators Archer, Gavaris, Haynes, Maio, and Walter, and Legislative Chairman Donaldson

Voting Against: None

No. of Votes in Favor: 6

No. of Votes Against: 0

Disposition: Approved

Motion No. 6: To approve Resolution No. 269 – Authorizing The Chair Of The Ulster County Legislature To Execute A Grant Application With Required Assurances For The Medicare Improvements For Patients And Providers Act (MIPPA) And Amending The 2020 Ulster County Budget To Include Additional Funding From The New York State Office For The Aging – Office For The Aging

Resolution Summary: This Resolution authorizes the Chair of the Legislature to execute the application with required assurances, and any amendments thereto, with the New York State Office for the Aging for the MIPPA program, for the term beginning September 29, 2019 and ending September 30, 2020.

Motion Made By: Legislator Donaldson
Motion Seconded By: Legislator Maio

Discussion: None

Voting In Favor: Legislators Archer, Gavaris, Haynes, Maio, and Walter, and Legislative Chairman Donaldson

Voting Against: None

No. of Votes in Favor: 6

No. of Votes Against: 0

Disposition: Approved

Motion No. 7: To approve Resolution No. 270 – Authorizing The Chair Of The Ulster County Legislature To Execute A Grant Application With Required Assurances For The NY Connects Program With The New York State Office For The Aging – Office For The Aging

Resolution Summary: This Resolution authorizes the Chair of the Legislature to execute the application with required assurances, and any amendments thereto, with the New York State Office for the Aging for the NY Connects Program, for the term beginning April 1, 2020 through March 31, 2021.

Motion Made By: Legislator Donaldson
Motion Seconded By: Legislator Maio

Discussion: None

Voting In Favor: Legislators Archer, Gavaris, Haynes, Maio, and Walter, and Legislative Chairman Donaldson

Voting Against: None

No. of Votes in Favor: 6

No. of Votes Against: 0

Disposition: Approved

Motion No. 8: To approve Resolution No. 271 – Approving The Execution Of A Contract In Excess Of \$50,000.00 Entered Into By The County – T. McElligott, Inc. – Ulster County Community College

Resolution Summary: This Resolution approves the execution of a contract with T. McElligott, Inc. for the installation of a new HVAC unit on Vandalyln Hall from May 1, 2020 through August 31, 2020 in the amount of \$79,500.00.

Motion Made By: Legislator Donaldson

Motion Seconded By: Legislator Maio

Discussion: None

Voting In Favor: Legislators Archer, Gavaris, Haynes, Maio, and Walter, and Legislative Chairman Donaldson

Voting Against: None

No. of Votes in Favor: 6

No. of Votes Against: 0

Disposition: Approved

Motion No. 9: To approve Resolution No. 272 – Authorizing The Chair Of The Ulster County Legislature To Enter Into A Lease Agreement With CPR Associates, LLC For Public Defender Office Space – Department Of Public Works – Buildings And Grounds

Resolution Summary: This Resolution authorizes the Chair of the Legislature to enter into a lease agreement with CPR Associates, LLC for 6,183 square feet of office space for the Public Defender located at 280-284 Wall Street, Kingston, NY for a five (5) year term commencing October 1, 2020 through September 30, 2025, at an annual cost of \$108,202.50 for the first year with a 3% increase for the following four years.

Motion Made By: Legislator Donaldson

Motion Seconded By: Legislator Walter

Discussion: Legislator Gavaris asked what the alternatives were, expressing concern over the value of the lease. Deputy County Executive Marc Rider answered that part of the cost is due to an increase in the cost per square foot, that because of Hurell-Harring the footprint of the office had to be increased, and that this lease's entire cost will be fully covered by two grants: one being Hurell-Harring and the other from ILS. Further, Mr. Rider emphasized that the location of the property in relation to the courthouse is a very important factor in the receipt of the grant funding. Legislator Gavaris noted the City of Kingston's bus system which is available and may be used to access the courthouse. Discussion pursued on limitations set by grant funding from the Office of Indigent Legal

Services (ILS). Legislator Haynes asked who owns the building and how secure the grants are. Legislator Maio emphasized concern over the value of the lease.

Voting In Favor: Legislators Archer, Gavaris, Haynes, and Walter, and Legislative Chairman Donaldson
Voting Against: Legislator Maio
No. of Votes in Favor: 5
No. of Votes Against: 1
Disposition: Approved

Motion No. 10: To approve Resolution No. 273 – Amending The 2020 Ulster County Budget-CHIPS / PAVE NY / Extreme Winter Recovery (EWR) Funding Adjustment - Department Of Public Works (Highways And Bridges)

Resolution Summary: This Resolution amends the 2020 Ulster County Budget upon notification by the New York State Department of Transportation of an increase in Consolidated Local Street and Highway Improvement Program (CHIPS) funding in the amount of \$1,511.63, of an increase in PAVE NY funding in the amount of \$345.04, and of Extreme Winter Recovery (EWR) funding in the amount of \$401,697.35 for Ulster County Highway Capital Improvements for the State fiscal year 2020-2021.

Motion Made By: Legislator Walter
Motion Seconded By: Legislator Maio

Discussion: None

Voting In Favor: Legislators Archer, Gavaris, Haynes, Maio, and Walter, and Legislative Chairman Donaldson
Voting Against: None
No. of Votes in Favor: 6
No. of Votes Against: 0
Disposition: Approved

Motion No. 11: To approve Resolution No. 274 – Authorizing The Required Steps For The Transfer Of Real Property Owned By Ulster County And Located On Golden Hill, City Of Kingston To The Ulster County Housing Development Corporation – Department Of Planning

Resolution Summary: This Resolution authorizes the undertaking of the disposition, including transfer of title and/or a leasehold of up to ninety-nine years, to the Property together with the equipment and assets situate thereon, to the Corporation pursuant to a deed and/or lease to be approved by the County Attorney provided however, that any sale or lease of these lands by the Corporation shall be in accordance with the goals of the County as articulated in this Resolution.

Motion Made By: Legislator Maio
Motion Seconded By: Legislator Haynes

Discussion: Chairman Donaldson asked where the process of forming of the LLC is at this point. Deputy County Executive Evelyn Wright answered that all forms have been submitted to State and Kayleen Scali, Confidential Secretary to the County Executive, will be reaching out to Chairman Donaldson and Legislator Ronk to schedule the Organizational meeting.

Voting In Favor: Legislators Archer, Haynes, Maio, and Walter, and Legislative Chairman Donaldson

Voting Against: None

Votes Abstained: Legislator Gavaris

No. of Votes in Favor: 5

No. of Votes Against: 0

No. of Votes Abstained: 1

Disposition: Approved

Motion No. 12: To approve Resolution No. 275 – Authorizing The Chair of The Ulster County Legislature To Execute An Agreement With The Town Of Shandaken For The Direct Invoicing Of Bus Fares For Shandaken Summer Day Camp Students – Department Of Public Transportation (Ulster County Area Transit)

Resolution Summary: This Resolution authorizes the Chair of the Legislature to execute an agreement, and any amendments thereto, with the Town of Shandaken to provide transportation to Shandaken Summer Day Camp students and invoice the Town of Shandaken directly for the service.

Motion Made By: Legislator Donaldson

Motion Seconded By: Legislator Walter

Discussion: None

Voting In Favor: Legislators Archer, Ronk, Bartels, Gavaris, Haynes, Maio, and Walter, and Legislative Chairman Donaldson

Voting Against: None

No. of Votes in Favor: 6

No. of Votes Against: 0

Disposition: Approved

Motion No. 13: To discuss Resolution No. 276 – Authorizing The Chair Of The Ulster County Legislature To Transfer Title Of An Ulster County Sheriff's Office Dive Van To The Greene County Sheriff's Office – Ulster County Sheriff's Office

Resolution Summary: This Resolution authorizes the Chair of the Legislature to execute all documents necessary to transfer title of Ulster County Sheriff's Office's older dive van to Greene County Sheriff's Office in exchange for \$1.00.

Motion Made By: Legislator Walter
Motion Seconded By: Legislator Donaldson

Discussion: Legislator Gavaris questioned if anyone has researched out to any rescue or other agencies within Ulster County to inquire of any interest to obtain this vehicle, stating that the Ellenville Rescue Squad was not contacted and they probably would have accepted the vehicle if offered. Chairman Donaldson said he believes there's another agreement impacting this issue but the Sheriff should be asked.

Motion No. 14: To postpone Resolution No. 276 – Authorizing The Chair Of The Ulster County Legislature To Transfer Title Of An Ulster County Sheriff's Office Dive Van To The Greene County Sheriff's Office – Ulster County Sheriff's Office

Resolution Summary: This Resolution authorizes the Chair of the Legislature to execute all documents necessary to transfer title of Ulster County Sheriff's Office's older dive van to Greene County Sheriff's Office in exchange for \$1.00.

Motion Made By: Legislator Gavaris
Motion Seconded By: Legislator Walter

Discussion: None

Voting In Favor: Legislators Archer, Gavaris, Haynes, Maio, and Walter, and Legislative Chairman Donaldson

Voting Against: None

No. of Votes in Favor: 6

No. of Votes Against: 0

Disposition: Postponed

Motion No. 15: To approve Resolution No. 278 – Amending Resolution No. 286 Of 1968, Adopted February 13, 1969, Imposing Taxes On Sales And Uses Of Tangible Personal Property And Of Certain Services And On Occupancy Of Hotel Rooms And On Amusement Charges, Pursuant To Article 29 Of The Tax Law Of The State Of New York, As Amended On Various Occasions To Increase The Rate Of Sales And Compensating Use Taxes

Resolution Summary: This Resolution amends Resolution No. 286 of 1968 as disclosed therein.

Motion Made By: Legislator Walter
Motion Seconded By: Legislator Donaldson

Discussion: None

Voting In Favor: Legislators Archer, Gavaris, Haynes, Maio, and Walter, and Legislative Chairman Donaldson

Voting Against: None

No. of Votes in Favor: 6

No. of Votes Against: 0

Disposition: Approved

Motion No. 16: To approve Resolution No. 279 – Authorizing The Issuance Pursuant To Section 90.00 And/Or Section 90.10 Of The Local Finance Law Of Refunding Bonds Of The County Of Ulster, New York, To Be Designated Substantially “Public Improvement Refunding (Serial) Bonds”, And Providing For Other Matters In Relation Thereto And The Payment Of The Bonds To Be Refunded Thereby – Department Of Finance

Resolution Summary: This Resolution authorizes the refunding of bonds to be issued in one series in the principal amount of \$1,610,000, for an estimated savings of \$133,869.00.

Motion Made By: Legislator Donaldson

Motion Seconded By: Legislator Walter

Discussion: Chairwoman Archer noted the memorandum received from the Commissioner of Finance on this topic.

Voting In Favor: Legislators Archer, Gavaris, Haynes, Maio, and Walter, and Legislative Chairman Donaldson

Voting Against: None

No. of Votes in Favor: 6

No. of Votes Against: 0

Disposition: Approved

Motion No. 17: To approve Resolution No. Resolution No. 280 – Amending the 2020 Ulster County Budget – Transferring Conflict Defender Administrator Position From Public Defender’s Office To The Department Of Finance – Department Of Finance

Resolution Summary: This Resolution amends the 2020 Ulster County Budget in the amount of \$21,153.00 to transfer the position of Conflict Defender Administrator from the Public Defender’s Office to the Department of Finance, upon notification of a potential conflict in duties with the Conflict Defender Administrator position being in the Public Defender’s Office or the County Attorney’s.

Motion Made By: Legislator Walter

Motion Seconded By: Legislator Gavaris

Discussion: None

Voting In Favor: Legislators Archer, Gavaris, Haynes, Maio, and Walter, and Legislative Chairman Donaldson

Voting Against: None

No. of Votes in Favor: 6

No. of Votes Against: 0

Disposition: Approved

Motion No. 18: To approve Resolution No. 281 – Rescinding Resolution No. 167 of April 28, 2020, Which Authorized The Conveyance Of County-Owned Properties To The Original Owners - Department Of Finance

Resolution Summary: This Resolution rescinds Resolution No. 167 of April 28, 2020 which authorized the Chair of the Ulster County Legislature to make, execute, and deliver a deed to the parties specified therein.

Motion Made By: Legislator Maio
Motion Seconded By: Legislator Donaldson

Discussion: None

Voting In Favor: Legislators Archer, Gavaris, Haynes, Maio, and Walter, and Legislative Chairman Donaldson

Voting Against: None

No. of Votes in Favor: 6

No. of Votes Against: 0

Disposition: Approved

Motion No. 19: To approve Resolution No. 282 – Authorizing The Conveyance Of County-Owned Properties To The Original Owners – Department Of Finance

Resolution Summary: This Resolution authorizes the Commissioner of Finance to accept payment as set forth therein with respect to the disclosed parcel, and authorizes the Chair of the Legislature to make, execute, and deliver to the owner making payment, a quitclaim deed conveying the interest of the County in the parcel.

Motion Made By: Legislator Donaldson
Motion Seconded By: Legislator Maio

Discussion: None

Voting In Favor: Legislators Archer, Gavaris, Haynes, Maio, and Walter, and Legislative Chairman Donaldson
Voting Against: None
No. of Votes in Favor: 6
No. of Votes Against: 0
Disposition: Approved

Motion No. 20: To approve Resolution No. 283 – Authorizing The Conveyance Of County-Owned Properties To The Original Owners – Department Of Finance

Resolution Summary: This Resolution authorizes the Commissioner of Finance to accept payment as set forth therein with respect to the included parcels, and that upon receipt of such payment with respect to each parcel, authorized the Chair of the Legislature to make, execute, and deliver to the owner making payment, a quitclaim deed conveying the interest of the County in the parcel.

Motion Made By: Legislator Donaldson
Motion Seconded By: Legislator Maio

Discussion: None

Voting In Favor: Legislators Archer, Gavaris, Haynes, Maio, and Walter, and Legislative Chairman Donaldson
Voting Against: None
No. of Votes in Favor: 6
No. of Votes Against: 0
Disposition: Approved

Motion No. 21: To approve Resolution No. 285 – Adopting Proposed Local Law No. 7 Of 2020, A Local Law Amending The Code Of The County Of Ulster In Relation To Local Law No. 5 Of 1991 (A Local Law Adopting A Hotel And Motel Room Occupancy Tax) To Clarify The Tax Law’s Application To Short-Term And Vacation Rentals

Resolution Summary: This Resolution adopts Proposed Local Law No. 7 of 2020, and, pending the approval of the County Executive, assigns a local law number consecutive to the last local law adopted and approved in 2020.

Motion Made By: Legislator Donaldson
Motion Seconded By: Legislator Walter

Discussion: Deputy County Executive Marc Rider noted that the County Attorney sent the Legislature a memo regarding this Resolution in July stating the Executive Office still has concerns over this Local Law, asking that it be changed to speak to the Executive’s power

to negotiate. Legislator Walter stated that the Local Law has been approved by public hearing and such an adjustment would qualify as a substantial change, thus requiring another public hearing. Legislative Counsel Ragucci stated he does not agree with the position that the current language prohibits the ability to negotiate an agreement. Deputy County Executive Evelyn Wright informed the Committee that the County Executive and Air BnB have reached an agreement with their negotiations, but stated that the language in the local law is “very dangerous” because it does not specifically state the allowance for negotiations. Legislator Walter noted that this Resolution is not for the contract but for the ability to enter into a contract. Legislator Ronk expressed concern with the legality of the Local Law, arguing that the proper way to change the County’s occupancy tax to allow for such an agreement is through Home Rule request. Legislator Walter countered that there is added information from County Counsel arguing in favor of the legality of the Local Law. Minority Counsel Pascale noted there is a difference of opinion on the determination of the Expedia case, explaining his interpretation that this case doesn’t apply to these circumstances. Legislative Counsel Ragucci said he agrees with the County Attorney’s position. Discussion pursued on the legality of the local law.

Voting In Favor: Legislators Archer, Bartels, Gavaris, and Walter, and Legislative Chairman Donaldson
Voting Against: Legislators Ronk, Haynes, and Maio
No. of Votes in Favor: 5
No. of Votes Against: 3
Disposition: Approved

Motion No. 22: To approve Resolution No. 287 – Approving The Execution Of A Contract In Excess Of \$50,000.00 Entered Into By The County – Hudson Valley Fire & Safety, Inc. D/B/A Haight Fire Equipment Supply – Department Of Public Works

Resolution Summary: This Resolution approves the execution of a contract with Hudson Valley Fire & Safety, Inc. D/B/A Haight Fire Equipment Supply from August 1, 2020 through December 31, 2020 to provide and install Mako Cascade air tank filling equipment in the amount of \$71,954.45.

Motion Made By: Legislator Ronk
Motion Seconded By: Legislator Donaldson
Discussion: None

Voting In Favor: Legislators Archer, Ronk, Bartels, Gavaris, Haynes, Maio, and Walter, and Legislative Chairman Donaldson
Voting Against: None
No. of Votes in Favor: 8
No. of Votes Against: 0
Disposition: Approved

Motion No. 23: To approve Resolution No. 288 – Approving The Execution Of A Contract Amendment Causing The Aggregate Contract Plus Amendment Amount To Be In Excess Of \$50,000.00 Entered Into By The County – Alindus, Inc. – Information Services

Resolution Summary: This Resolution approves the execution of a contract amendment with Alindus, Inc. to extend the term of agreement and increase funding for Cherwell incident request software maintenance and support from August 31, 2020 to August 31, 2021 for an additional \$12,900.00, making the contract total \$164,650.00.

Motion Made By: Legislator Ronk
Motion Seconded By: Legislator Donaldson

Discussion: None

Voting In Favor: Legislators Archer, Ronk, Bartels, Gavaris, Haynes, Maio, and Walter, and Legislative Chairman Donaldson
Voting Against: None
No. of Votes in Favor: 8
No. of Votes Against: 0
Disposition: Approved

Motion No. 24: To approve Resolution No. 289 – Approving The Execution Of A Contract Amendment In Excess Of \$50,000.00 Entered Into By The County – Gioia P. Ambrette, Inc. D/B/A Newcastle Communications – Information Services

Resolution Summary: This Resolution approves the execution of a contract amendment with Gioia P. Ambrette, Inc. d/b/a Newcastle Communications to extend the term of agreement and increase funding for maintenance and support of the VoIP telephone system from October 21, 2020 through October 21, 2021 for an additional \$165,550.04, making the contract total \$727,292.95.

Motion Made By: Legislator Donaldson
Motion Seconded By: Legislator Walter

Discussion: None

Voting In Favor: Legislators Archer, Ronk, Bartels, Gavaris, Haynes, Maio, and Walter, and Legislative Chairman Donaldson
Voting Against: None
No. of Votes in Favor: 8
No. of Votes Against: 0
Disposition: Approved

Motion No. 25: To approve Resolution No. 290 – Approving The Execution Of A Contract Amendment In Excess Of \$50,000.00 Entered Into By The County – United Way of Ulster County, Inc. – Employment And Training

Resolution Summary: This Resolution approves the execution of a contract amendment with United Way of Ulster County, Inc. to decrease funding and reduce the number of participants from July 13, 2020 through October 31, 2020 for a reduction of \$83,445.00, making the new contract total \$241,490.00.

Motion Made By: Legislator Bartels
Motion Seconded By: Legislator Ronk

Discussion: None

Voting In Favor: Legislators Archer, Ronk, Bartels, Gavaris, Haynes, Maio, and Walter, and Legislative Chairman Donaldson
Voting Against: None
No. of Votes in Favor: 8
No. of Votes Against: 0
Disposition: Approved

Motion No. 26: To approve Resolution No. 291 – Approving The Execution Of A Contract In Excess Of \$50,000.00 Entered Into By The County – Barton & Loguidice, D.P.C. – Planning Department

Resolution Summary: This Resolution approves the execution of a contract with Barton & Loguidice, D.P.C. from September 1, 2020 through August 31, 2021 for a feasibility study of the U&D Corridor between Big Indian and Highmount for the purposes of developing a recreational trail in the amount of \$79,015.75.

Motion Made By: Legislator Bartels
Motion Seconded By: Legislator Ronk

Discussion: None

Voting In Favor: Legislators Archer, Ronk, Bartels, Gavaris, Haynes, Maio, and Walter, and Legislative Chairman Donaldson
Voting Against: None
No. of Votes in Favor: 8
No. of Votes Against: 0
Disposition: Approved

Motion No. 27: To approve Resolution No. 292 – Approving The Execution Of A Contract In Excess Of \$50,000.00 Entered Into By The County – Idemia Identity & Security USA, Inc. – Ulster County Sheriff

Resolution Summary: This Resolution approves the execution of a contract with Idemia Identity & Security USA, Inc. from August 1, 2020 through June 30, 2021 for support and maintenance services for the LiveScan / Card Scan equipment and software in the amount of \$125,000.00.

Motion Made By: Legislator Donaldson
Motion Seconded By: Legislator Haynes

Discussion: None

Voting In Favor: Legislators Archer, Ronk, Bartels, Gavaris, Haynes, Maio, and Walter, and Legislative Chairman Donaldson
Voting Against: None
No. of Votes in Favor: 8
No. of Votes Against: 0
Disposition: Approved

Motion No. 28: To approve Resolution No. 293 – Approving The Execution Of A Contract In Excess Of \$50,000.00 Entered Into By The County – William E. Munson Co., Inc. D/B/A Munson Boats – Ulster County Sheriff

Resolution Summary: This Resolution approves the execution of a contract with William E. Munson Co., Inc. D/B/A Munson Boats from July 1, 2020 through September 30, 2021 for construction of a new Sheriff's Dept. boat in the amount of \$470,702.00.

Motion Made By: Legislator Walter
Motion Seconded By: Legislator Ronk

Discussion: Legislator Walter asked if the contract is worded in such a way that protects the County if Federal or State funding does not come through. Deputy County Executive Marc Rider suggested postponing the Resolution to make sure the contract is correct.

Motion No. 29: To approve Resolution No. 293 – Approving The Execution Of A Contract In Excess Of \$50,000.00 Entered Into By The County – William E. Munson Co., Inc. D/B/A Munson Boats – Ulster County Sheriff

Resolution Summary: This Resolution approves the execution of a contract with William E. Munson Co., Inc. D/B/A Munson Boats from July 1, 2020 through September 30, 2021 for construction of a new Sheriff’s Dept. boat in the amount of \$470,702.00.

Motion Made By: Legislator Ronk
Motion Seconded By: Legislator Walter

Voting In Favor: Legislators Archer, Ronk, Bartels, Gavaris, Haynes, Maio, and Walter, and Legislative Chairman Donaldson
Voting Against: None
No. of Votes in Favor: 8
No. of Votes Against: 0
Disposition: Postponed

Motion No. 30: To approve Resolution No. 294 – Approving The Execution Of A Contract Amendment In Excess Of \$50,000.00 Entered Into By The County – Liberty Resources, Inc. – Department Of Social Services

Resolution Summary: This Resolution approves the execution of a contract amendment with Liberty Resources, Inc. to extend the term of agreement and increase funding for PINS case management services from June 30, 2020 through June 30, 2021 for an additional \$69,000.00, making the contract total \$345,000.00.

Motion Made By: Legislator Donaldson
Motion Seconded By: Legislator Ronk

Discussion: None

Voting In Favor: Legislators Archer, Ronk, Bartels, Gavaris, Haynes, Maio, and Walter, and Legislative Chairman Donaldson
Voting Against: None
No. of Votes in Favor: 8
No. of Votes Against: 0
Disposition: Approved

Motion No. 31: To approve Resolution No. 295 – Approving The Execution Of A Contract In Excess Of \$50,000.00 Entered Into By The County – Health Research, Inc. – Department Of Health

Resolution Summary: This Resolution approves the execution of a contract with Health Research, Inc. to provide funding to hire new personnel to increase capacity for COVID-19 case investigations and contact tracing from July 1, 2020 to June 30, 2022 in the amount of \$1,477,048.00.

Motion Made By: Legislator Donaldson
Motion Seconded By: Legislator Ronk

Discussion: Deputy County Executive Marc Rider provided a brief summary of the Resolution, stating that is CARES funding that is being distributed all over the State to Health Research, Inc., that \$1,000,000.00 is a placeholder in case there is future Federal funding, and that \$477,048.00 will be used over the next three years to fully cover the creation of three new positions which will go away if the funding goes away.

Voting In Favor: Legislators Archer, Ronk, Bartels, Gavaris, Haynes, Maio, and Walter, and Legislative Chairman Donaldson

Voting Against: None

No. of Votes in Favor: 8

No. of Votes Against: 0

Disposition: Approved

Old Business: Chairwoman Archer inquired of Deputy County Executive Marc Rider as to why an update on Tech City expenditures has not been received as today was the due date to the Legislature. Mr. Rider answered he does not believe there were any updates since his last memorandum, but he will follow up. Chairwoman Archer requested formal notification when no updates exist.

New Business: Chairman Donaldson reminded Deputy County Executive Marc Rider that the Legislature is waiting for a list of expenditures associated with the July 4th Fireworks display and each of the past and upcoming anticipated movie nights.

Motion No. 32: To discuss Resolution No. 191 – Establishing A Policy For Funding Non-County Organizations – Ulster County Legislature

Resolution Summary: This Resolution adopts a Policy for Appropriating Funding to Non-County Organizations, and resolves that any non-county organization with funding appropriated by the Ulster County Legislature shall adhere to accountability standards and procedures set by the Legislature and as required by law, including compliance with applicable financial,

performance measurement, and any additional reporting requirements, deadlines, and deliverables stated in the County contract.

Motion Made By: Legislator Maio
Motion Seconded By: Legislator Ronk

Discussion: Legislator Ronk proposed an amendment to remove the involvement of the Legislative Programs, Education and Community Services Committee. Legislator Walter noted the deliverables required at various steps of the process, vocalizing concern that this list may be interpreted as requiring a very comprehensive evaluation which could be costly to the Organization. The policy was amended to remove the Legislative Programs, Education and Community Services Committee from section 5.3 and to add “, subject to each Organization’s Schedule A” to the last sentence in section 5.3. Discussion pursued on these amendments, the requirement that Organizations be in existence for a specified period of time, the timeline for submissions and contractual agreements, and the requirement that the Organization be not-for-profit. Legislator Haynes expressed desire for Organizations to have some sort of self-funding mechanism in place before asking for funding from the County. Legislator Bartels noted there is no definition of “Non-County Agency”, requesting this be added for clarity.

Motion No. 33: To postpone Resolution No. 191 – Establishing A Policy For Funding Non-County Organizations – Ulster County Legislature

Resolution Summary: This Resolution adopts a Policy for Appropriating Funding to Non-County Organizations, and resolves that any non-county organization with funding appropriated by the Ulster County Legislature shall adhere to accountability standards and procedures set by the Legislature and as required by law, including compliance with applicable financial, performance measurement, and any additional reporting requirements, deadlines, and deliverables stated in the County contract.

Motion Made By: Legislator Ronk
Motion Seconded By: Legislator Haynes

Discussion: None

Voting In Favor: Legislators Archer, Ronk, Bartels, Gavaris, Haynes, Maio, and Walter, and Legislative Chairman Donaldson

Voting Against: None

No. of Votes in Favor: 8

No. of Votes Against: 0

Disposition: Approved

Chairwoman Archer asked the members if there was any other business, and hearing none;

Adjournment

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

Time: 6:17 PM

Respectfully submitted: Amber Feaster
Minutes Approved: September 8, 2020

**Ways &
Means Committee
Regular Meeting Transcript**

DATE & TIME: August 11, 2020 – 5:00
LOCATION: Powered by Zoom Meeting by dialing 1-646-558-8656,
Meeting ID 960 3140 6068
PRESIDING OFFICER: Lynn Archer, Chairwoman
LEGISLATIVE STAFF: Natalie Kelder, Amber Feaster, and Jay Mahler
PRESENT: Legislators Kenneth J. Ronk, Jr. (arrived at 5:33 PM), Tracey
Bartels (arrived at 5:35 PM), John Gavaris, Heidi Haynes;
Mary Beth Maio, and Eve Walter, and Legislative Chairman
David B. Donaldson
ABSENT: None
QUORUM PRESENT: Yes
OTHER ATTENDEES: Legislators Albert Bruno, Brian Cahill, Jonathan Heppner;
and Laura Petit; Legislative Counsel Christopher Ragucci;
Minority Counsel Nicholas Pascale; Deputy County
Executives Marc Rider, and Evelyn Wright; Comptroller,
March Gallagher; Deputy Comptroller Chris Quirk; Clerk
of the Legislature, Victoria Fabella; Tom Kadgen, League
of Women Voters; Mario Tagliaferro, Sheriff

Chairwoman Archer: I see, and Legislator Bartels and Ronk are running a little late. So, let's call the Ways and Means, August 11, 2020 meeting to order. Could you do the roll call please?

Amber Feaster: Yes. Archer.

Chairwoman Archer: Here.

Amber Feaster: Bartels.

Ronk.

Gavaris.

Legislator Gavaris: Present.

Archer: Haynes.

Legislator Haynes: Here.

Amber Feaster: Maio.

Walter.

Legislator Walter: Here.

Amber Feaster: And Donaldson.

Chairwoman Archer: And he is here.

Okay, thank you. I'd like to take a motion to approve the minutes of the July 14th Regular Meeting, the July 16th Special Meeting, the July 21st Regular Meeting, and the July 29th Special meeting.

Legislator Walter: I'll make that.

Legislator Maio: Move.

Legislator Haynes: I'll second, Haynes.

Chairwoman Archer: Eve and, and Heidi will second. Okay.

Legislator Ronk has asked that we take resolution 191 out of order and wait till he can arrive.

So, we're going, ready to go ahead, let's go to Resolution 240 and this is: Requesting The New York State Legislature Introduce, And The Governor Sign the 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.

This is Chairman Donaldson.

Legislator Maio: I'll move it.

Chairwoman Archer: Second?

Legislator Walter: Second.

Chairwoman Archer: For discussion, Chairman Donaldson. Well, I can speak to this while they're working on his. We do have a special meeting set up for this Thursday, to have a conversation about this. The meeting where this was brought up, I was not present, but I know that there were a number of concerns or issues that came out of that. And so, everybody should have Thursday's meeting on their calendar and there's some material both from the Comptroller's Office, that we forwarded for discussion. So, at this juncture, I'll take a motion to postpone.

Legislator Maio: Motion to postpone.

Chairwoman Archer: Second?

Legislator Haynes: I'll second that.

Chairwoman Archer: Okay so, Mary Beth postponed and Eve seconded.

All in favor of postponement?

Group: Aye.

Chairwoman Archer: Opposed? So moved.

Resolution 267: Approving A Home Rule Request For Senate Bill No. S8546 And Assembly Bill No. A10616, Authorizing The County Of Ulster To Elect To Reopen The Provisions Of Section 552 Of The Retirement And Social Security Law.

Legislator Walter: I'll move to discuss.

Chairwoman Archer: And do we have a second?

Legislator Haynes: Haynes.

Chairwoman Archer: Thank you, and does anyone have any questions or concerns regarding this?

Marc?

Legislator Haynes: Marc.

Deputy Executive Rider: I was just notified, I was told earlier today by the County Attorney's office that there's some place where it says that we will be paying immediately or immediate. They wanted us to strike the word immediate as they've been working with the State Comptroller. And there's a five-year or a 10-year repayment plan that we would like to be able to possibly use. So, I'm not, I'm trying to find the language, I apologize.

Chairwoman Archer: That's okay. I'm looking as well.

Legislator Maio: It's in the bottom part, where it says financial impact.

Deputy Executive Rider: Oh, it is already crossed off.

Chairwoman Archer: It's already, they already, it's already been taken care of.

Deputy Executive Rider: Okay.

Chairwoman Archer: in this document. It's amended.

Deputy Executive Rider: Thank you.

Chairwoman Archer: Okay. Any other questions, concerns? Okay. All in favor?

Opposed?

I see everyone is in favor. Is that correct? There's no opposition? Okay. All right.

Chairwoman Archer: Resolution Number 268: amending the 2020 Ulster County budget to accept an allocation of funds from the Redlich Horwitz Foundation to support home finding activities within the foster care program.

Legislative Chairman Donaldson: Move it. I finally got my

Chairwoman Archer: Move it.

Legislative Chairman Donaldson: Am I?

Chairwoman Archer: We can hear you, welcome.

Legislative Chairman Donaldson: All right. Yeah, I couldn't get on. My speaker wasn't working so.

Chairwoman Archer: Well it's working now.

Legislative Chairman Donaldson: Well I'm with Jay, I'm on Jay's thing.

Chairwoman Archer: Yes, you're, you're listed as Jay but we know you're Dave. So, Okay, who'd like to move Resolution 268?

Legislative Chairman Donaldson: I'll move it.

Legislator Walter: I'll second it.

Chairwoman Archer: Second?

Eve Walter, second. Any questions or concerns? All in favor?

Opposed? No opposition.

Resolution 269: Authorizing The Chair Of The Ulster County Legislature To Execute A Grant Application With Required Assistance, Assurances For The Medicare Improvements For Patients And Providers Act (MIPPA) And Amending The 2020 Ulster County Budget To Include Additional Funding From New York State Office For The Aging.

Move?

Legislative Chairman Donaldson: Move it.

Chairwoman Archer: Second?

Legislator Maio: Maio.

Chairwoman Archer: Maio. Okay, any questions? All, all in favor?

Opposed? So moved.

Resolution 270: authorizing the Chair of the Ulster County Legislature to execute a grant application with required assurances for the New York Connects Program with the New York State Office for the Aging. Move?

Legislative Chairman Donaldson: I'll move it.

Chairwoman Archer: Chair Donaldson, second?

Legislator Maio: Maio.

Chairwoman Archer: Maio. Thank you. All in favor?

Opposed. So moved.

Resolution 271: Approving The Execution Of A Contract In Excess Of \$50,000.00 Entered Into By The County for T. McElligott. This approves the execution of a contract for the installation of the new HVAC unit in Vanderlyn Hall.

Chairman Donaldson: I'll move it.

Chairwoman Archer: Second? Maio.

Legislator Haynes: Haynes.

Chairwoman Archer: Okay, any questions? All in favor?

Opposed? So moved.

Resolution 272: Authorizing The Chair Of The Ulster County Legislature To Enter Into A Lease Agreement With CPR Associates, LLC For Public Defender Office Space. Move?

Chairman Donaldson: I'll move it.

Chairwoman Archer: Chairman Donaldson. Second Eve Walter. Any questions? Legislator Gavaris.

Legislator Gavaris: Marc, can you or whoever can answer this, what is the, what were the other alternatives to this? Because there's a lot of money for leasing of space. I mean, you're talking about an additional \$9,500 a month, over the next five years. That seems like a lot for rental office space.

Deputy Executive Rider: It, I mean, so part of it is an increase in the actual just the, the square foot cost going from \$14 to about \$17.50. And this is similar to the Board of Elections lease where they, they wanted to start even higher than that.

But another piece of this is, that this is allowing us to expand, because of the Hurrell-Harring Settlement, we're going to be adding positions in the Public Defender's Office. This expands the, the footprint of the office.

It's completely covered by a grant. If we were to locate that office elsewhere, we would lose some state funding because we, we receive state funding by basically moving it across the street from the courthouse, which ILS decided, you know that, that's an improvement to the Public Defender's Office, because it, it's in close proximity to the courthouse. So, if we were to move it away to a location, that's, you can't get closer to the courthouse really than that spot. So if we were to move it further away, we would lose funding, as well. So, I get that this is an expensive lease. There's a \$24,000 payment upfront that is, has to do with the work to renovate the current space into what we need to expand. But looking at, you know, what was available, Public Works in the Public Defender's Office, felt this was the best case scenario.

Legislator Gavaris: How, how much is that money that we get for this?

Deputy Executive Rider: I believe the increase, from both the expansion and the increase in dollars is completely offset.

Legislator Gavaris: You mentioned that, you mentioned state funding. You mentioned we get money for being so close to the courthouse. How much is that?

Deputy Executive Rider: Yeah, I don't have that exact amount. I know that the amount over what we were paying is completely covered by the state. I don't. I can ask John. John, unfortunately, is away today. If you feel like that's a question you want to answered, you could postpone this till next Tuesday's Ways and Means meeting. But I don't have that exact number, although let me see if it's at the bottom.

Legislator Gavaris: Yeah not not. I mean, I don't know City of Kingston rental, you know, lease prices, but, boy, oh, boy. I mean, that's just seems like a lot of money for office space. I mean, you can get the same amount of space here for literally probably a quarter, or a fifth of that amount. It seems \$9,500 a month, for the next five years, that includes the cost that you mentioned as the renovation. That's a lot of money.

Chairwoman Archer: It, it Kingston is a different market, John. That is.

Legislator Gavaris: I, I, I understand that, but there's, I mean, you know, the City, the City of Kingston does have a bus system that doesn't limit transportation like our, like my area does. Maybe moving it a little further away if there isn't a significant money coming from the state might not be a bad idea to look at.

Chairwoman Archer: Legislator Maio.

Legislator Maio: Yeah, if we can't get our questions answered. I am not comfortable with this. So if you want to postpone it, or else I'm going to be a no, because I cannot in good conscious do \$9,500. That just sounds completely absurd right now.

Chairwoman Archer: Legislator Walter.

Legislator Walter: So, you know, typically I'm pretty fiscally conservative, but you know, in this particular case, this is money that's coming from ILS. They, they, and I was in the room with them when they identified that the move in the first place was matched the purpose of the Hurrell-Harring grant and that they would cover it. And so, I feel pretty confident that this, not only is it the location, being close to the court, but the Hurrell-Harring is to increase the number of public defenders so that more people have access. And this will allow for the hiring of new public defenders to have a space. So, I feel pretty, really, really comfortable, without even knowing the amount that, and again, I was in the room, and so were a couple of others, when ILS said, "this is the kind of thing we cover." You know, and it didn't matter, without a, a, a ceiling. But this fell into what they cover.

Chairwoman Archer: Okay, so, I think what would be helpful is, Marc, if we can get the square footage, the increase in square footage. And what I thought I heard, and I need confirmation on, is that net we're paying the same amount anything over is covered by Hurrell-Harring. If that's not the case, we just need to get a clarification on that.

Deputy Executive Rider: So, I'm, I'm sorry, I'm just I was on the phone with Deputy Milgrim. And he says the entire cost of this lease, and I think there's even a whereas that says it is offset by the Hurrell-Harring grants. So, it's covered by the state grant. 100% of the cost of the lease, not the expansion or the improvement, but the overall cost.

Chairwoman Archer: I'm just, I'm just pulling up the resolution, sorry.

Legislative Chairman Donaldson: Yeah, Lynn?

Chairwoman Archer: Legislator, Chairman Donaldson. Yes.

Legislative Chairman Donaldson: Yes, I concur what Eve said, because I was in the room also, when they had that, we had that discussion. Actually, I wasn't in the room, I was in the video right behind the room and watched the entire room. It was actually one of the best Skype things I've ever had because it was on a big TV right in the library. So I saw everybody's actions and I saw the information I was going through, and I have the exact same understanding that Eve has. And that that would be totally covered. It's the purpose of it is to get better service. And the mindset of being that close creates better service because they can meet with their client and then walk across the street, go right into the court. And that's part of the court ruling that created these grants.

Deputy Executive Rider: So I just want to clarify one piece. That the prior lease, and, and a big portion of this lease is covered by the state under the formula grants, the, the various different distributions. Any addition, or expansion, or increased cost, is covered under Harrell-Herring. So, it's 100% state-funded. But in one aspect, it's, it's from our regular state funding and, and the expansion is the Hurrell-Harring. So, there is no county cost.

Legislator Maio: That's not what it says in the resolution.

Legislator Haynes: I have a question.

Chairwoman Archer: Yes, Legislator Haynes.

Legislator Haynes: Who owns this building? Who is CPR LLC.

Deputy Executive Rider: They just recently bought it from Ulster Savings Bank, within the last year.

Legislator Haynes: And we never used this building before?

Deputy Executive Rider: No, we, we've been in this building. We moved off of Golden Hill probably within the last four or five years.

Legislator Haynes: So, CPR LLC. Nobody's familiar with who they are?

Deputy Executive Rider: They're an LLC that just bought, you know, I don't know who the owner is.

Legislator Haynes: Who was the former owner?

Deputy Executive Rider: Ulster Savings Bank.

Legislator Haynes: Is this upstairs?

Deputy Executive Rider: Yes.

Legislator Haynes: Oh, okay. Thank you.

Chairwoman Archer: Any other questions? Has everyone's concerns been satisfied and questions been answered?

Legislator Gavaris.

Legislator Gavaris: As long as, I just want to reiterate again. So, I'm, I'm hearing Deputy Executive Rider correctly. It's 100% covered, except for the renovation cost of \$24,000 and change. We don't pay for anything, including the existing lease, plus now the new additional expense. That's all covered, in some way, shape or form for the next five years, by somebody else other than us. Is that correct?

Deputy Executive Rider: Yes. Through the, through the regular

Chairwoman Archer: Hurrell-Harring.

Deputy Executive Rider: The regular state funding process, for distribution funds from the state, they have distribution funds one through eight. That that covers the regular lease portion the expansion is covered by the Hurrell-Harring Settlement.

Legislator Gavaris: Okay, if that's the case, I'm fine.

Chairwoman Archer: Legislator Haynes.

Legislator Haynes: Hate to have to go here, however, in the climate that we have right now with grants drying up, are we secure in this thing?

Deputy Executive Rider: Yes, they've reviewed.

Legislator Haynes: What if that goes away? Are we on the hook for this money?

Deputy Executive Rider: The, the Hurrell-Harring Settlement is a court settlement, it's not a grant. So.

Legislator Haynes: Oh, that's right. Yeah.

Chairwoman Archer: Legislator Maio.

Legislator Maio: It's, it's, it's still a little concerning because you know what, it's all good till it's not good. You know, the money's there until it's not there. And you know, not \$9,500? I mean, who negotiated that? I don't know. I have to think about it. Thank you though.

Chairwoman Archer: Okay. All in favor of resolution 272?

Opposed?

So, Legislator Maio is opposed. Thank you.

Resolution 273 amending the 2020 Ulster County budget CHIPS PAVE NY extreme winter recovery funding adjustment.

Move.

Legislator Walter: Move it.

Chairwoman Archer: Legislator Walter.

Second? May I have a second?

Legislator Maio.

Any questions?

All in favor?

Opposed?

Legislator Walter: I think Jay had a question.

Deputy Clerk Mahler: I just want to know if you can hear me.

Chairwoman Archer: I can hear you fine.

Deputy Clerk Mahler: Thank you all.

Chairwoman Archer: Are you going to switch seats now? Are you going to switch seats with the Chairman?

Okay. So, did we vote on this? All in favor?

Opposed? Okay. Thank you.

Resolution 274: Authorizing The Required Steps For The Transfer Of Real Property Owned By Ulster County And Located On Golden Hill, City Of Kingston To The Ulster County Housing Development Corp.

Legislator Walter: Move it.

Legislator Haynes: Second, Haynes.

Chairwoman Archer: Haynes. Any questions? Concerns?

Okay. All in favor?

Opposed?

Legislator Gavaris: I'm going to be abstaining, for purposes of employment.

Chairwoman Archer: We have one abstention, all the rest are in favor of, thank you.

Resolution 275: Authorizing The Chair of Ulster County Legislature To Execute An Agreement With The, With The Town Of Shandaken For The Direct Invoicing Of Bus Fares For the Shandaken Summer Day Camp Students.

Legislative Chairman Donaldson: Lynn.

Chairwoman Archer: Yes, Chairman Donaldson.

Legislative Chairman Donaldson: I'm sorry, I was switching over, back to where my spot was. And on 274, can Evelyn answer where the LLC, the forming of that is, and you know, where that process is at this point?

Deputy Executive Wright: Yeah, sure. So, the LLC has been incorporated. The incorporation papers have been filed with the state. There's, there's several additional filings to make in terms of tax exempt status and getting a Federal EIM, that paperwork is all underway. And Kayleen should be reaching out Dave, to you and Ken, very shortly to schedule the organizational meeting. So, in summary, the corporation is formed and now it's, it's getting the board in place, accepting the bylaws, you know all the governance policies and everything. But we're, we're basically ready to go.

Legislative Chairman Donaldson: Very good. Thank you.

Chairwoman Archer: Okay, back to resolution 275. Do we, did we move it? Amber, Natalie? We did.

I cannot hear you, Natalie.

Legislative Chairman Donaldson: I'll move it.

Natalie Kelder: I don't think we had a second.

Chairwoman Archer: A Second?

Legislator Walter.

Any questions on this? All in favor?

Opposed? No opposition.

Okay. Resolution 276: authorizing the chair of the Ulster County Legislature to transform title of an Ulster County Sheriff's Office dive into the Greene County Sheriff's Office.

Legislator Walter: I'll move it.

Legislative Chairman Donaldson: I'll second it.

Chairwoman Archer: Okay, as it was amended in Law Enforcement. All in favor?

Oh, yes. Legislator Gavaris.

Legislator Gavaris: Has anybody seen if any agency fire or EMS would have wanted it in Ulster County? I'm going to assume that the answer is no. And the reason I say that is because the Ellenville Rescue Squad, which I'm a member of was never asked about this. And we have a dive team that we've been trying to work with the Sheriff's Department with and we probably would have taken this vehicle if it was offered. I'm just throwing that out there.

Chairwoman Archer: Yeah, my, Chairman Donaldson.

Legislative Chairman Donaldson: I believe that part of that was because the Sheriff's had an agreement with Greene County in other aspects. So, I think there's some type of other sharing that's going on besides this. But we can certainly ask the Sheriff if you want to postpone and ask.

Legislator Gavaris: Yeah, I'm either in favor of postponing or I'm going to vote no, not sure which way.

Chairwoman Archer: Would like to make a motion to postpone?

Legislator Gavaris: I'll make a motion to postpone.

Legislator Walter: Second.

Chairwoman Archer: Do we have a second? Legislator Walter. All in favor of postpone until next week?

Opposed? So, moved.

Okay, and you'll follow up with the Sheriff on this, Legislator Gavaris? Great.

Resolution 278: Amending Resolution No. 286 Of 1968, Adopted February 13, 1969, Imposing Taxes On Sales And Uses Of Tangible Personal Property And Of Certain Services And On Occupancy Of Hotel Rooms And On Amusement Charges, Pursuant To Article 29 Of The Tax Law Of The State Of New York, As Amended On Various Occasions To Increase The Rate Of Sales And Compensating Use Taxes.

Legislative Chairman Donaldson: Move it.

Legislator Walter: I'll move it. I'll Second.

Chairwoman Archer: All in favor?

Opposed? Okay, so moved.

Resolution 279: Authorizing The Issuance Pursuant To Section 90.00 And/or Section 90.10 Of The Local Finance Law Of Refunding Bonds Of The County Of Ulster, New York, To Be Designated Substantially "Public Improvement Refunding (Serial) Bonds", And Providing For Other Matters In Relation Thereto And The Payment Of The Bonds To Be Refunded Thereby.

I believe you all received a copy of the letter from the Commissioner of Finance explaining of that this resolution authorizes the refunding of bonds and will save us an estimated \$130 odd thousand. So, any other questions on this?

Legislative Chairman Donaldson: I'll Move it.

All in favor?

Legislator Walter: I'll Second.

Chairwoman Archer: Oh, I'm sorry. Thank you. Moved by the Chairman, seconded by Walter. All in favor?

Opposed? Okay, so moved.

Resolution 280: Amending the 2020 Ulster County Budget – Transferring Conflict Defender Administration Position From Public Defender's Office To The Department Of Finance.

Move?

Legislator Walter: I'll move it.

Chairwoman Archer: Legislator Walters. Is that who moved it?

Legislator Walter: Yeah.

Chairwoman Archer: Second.

Second, Legislator Gavaris. Okay. Any other questions on this? All in favor?

Opposed? So moved.

Resolution 281: Rescinding Resolution No. 167 of April 28, 2020, Which Authorized The Conveyance Of County-Owned Properties To The Original Owners.

Move? Legislator Maio, seconded by.

Legislative Chairman Donaldson: Seconded.

Chairwoman Archer: Chairman Donaldson. Any questions on this?

All in favor?

Opposed? So moved.

Resolution 282 authorizing the conveyance of County owned properties to the original owners.

Move?

Legislative Chairman Donaldson: Move it.

Chairwoman Archer: Seconded by Legislator Maio. All in favor?

Opposed? so moved.

Resolution 283 authorizing the conveyance of, Oh, I'm sorry, we just did that one. Nope. 283: Authorizing The Conveyance Of County-Owned Properties To The Original Owners.

Legislative Chairman Donaldson: I'll move it.

Chairwoman Archer: Second?

Legislator Walter: Second.

Chairwoman Archer: All in favor?

Opposed? Okay. So moved.

Resolution 285: Adopting the Proposed Local Law No. 7 Of 2020, A Local Law Amending The Code Of The County Of Ulster In Relation To Local Law No. 5 Of 1991 (A Local Law Adopting A Hotel/Motel Room Occupancy Tax) To Clarify The Tax Law's Application To Short-Term And Vacation Rentals.

Legislative Chairman Donaldson: I'll move it.

Legislator Walter: I'll second.

Chairwoman Archer: Any discussion. Any questions?

Marc.

Deputy Executive Rider: I just, on July, back in July. Our, the county attorney had sent both Legislative Counsel and Minority Counsel a memo in reference to this resolution. I just want to make sure that it made its way to this committee. The Executives office still has concerns. We, we agree with you in the substance of this local law. And, and in fact, I mean, Evelyn can speak to where we are with, you know, the Airbnb negotiations. We just feel like if, if this can't be tweaked to say, you know, we'll negotiate a contract, or we'll sign a contract that's acceptable to the county attorney, something we believe that this language requires us to sign any contract put in front of us.

Chairwoman Archer: Is there an attorney here from our side, Chris?

Chairman Donaldson: Chris?

Legislator Walter: I'll just add, while you're looking.

Chairwoman Archer: Please.

Legislator Walter: From the Clerk was that because it had been approved by Public Hearing, that that would be considered a substantial change and the, the, the Chris had informed me that he did not feel that it was necessary. I was concerned about the fact that it had already been approved by Public Hearing. And so, the change hadn't been made. The decision was to not change, make the change.

Deputy Executive Rider: So, I'm sorry. It's a substantive change just to require that whatever form of an agreement would be acceptable to the county attorney that's, that's substantive?

Legislator Walter: It was, well, I don't know, Vicky, do you want to speak to, or not?

Clerk Fabella: No, what we talked about was not what Marc is saying.

Legislator Walter: No, it was a "shall", a will, versus to a "may."

Clerk Fabella: Yeah

Legislator Walter: We never got that sentence that you said, Marc.

Deputy Executive Rider: Okay.

Legislator Walter: We got a "may" changing the "shall" to a "may".

Chairwoman Archer: Which we've done, correct?

Legislator Walter: No. We're keeping it as a shall.

Legislative Chairman Donaldson: I think Chris is trying to weigh in, but he's having trouble.

Legislator Archer: Having a hard time?

Deputy Executive Rider: He's on mute. It might be that.

Legislative Chairman Donaldson: Jay, can you unmute him?

Chairwoman Archer: Try it now, Chris.

Christopher Ragucci, Esq.: Thank you.

Legislative Chairman Donaldson: There you go, Chris.

Christopher Ragucci, Esq.: Can everybody hear me okay?

Chairwoman Archer: Yes, Thank you.

Legislative Chairman Donaldson: They didn't want you to talk. Afraid of what you were going to say I guess.

Christopher Ragucci, Esq.: Sorry, I'm in my car. No, Marc, first off, I did get the memo. Thank you very much to you and the County Attorney for forwarding it to us. I, and I certainly appreciate the memo. I actually don't feel that the current language would inhibit the County Attorney's ability to negotiate an agreement. Specifically, there's no deadline by which the County Attorney has to execute a document. Obviously, negotiations are ongoing.

This law, as it presently stands, simply requires that a document get executed, obviously, upon the completion of a successful negotiation. There's no hard and fast turnaround time here. So, I mean, while I understand the document that you feel like you may box you in a little bit, I just don't happen to see it that way. With respect to the substantive versus un-substantive changes, you know, obviously, it would be potentially a significant change. I don't know if it would require a another public hearing per se. But I think it would be close enough to where we'd really have to think hard about changing it at this point.

Chairwoman Archer: Evelyn.

Deputy Executive Wright: Just to chime in here, as, as Marc alluded to, as of this morning, the County Attorney's office has reviewed the latest language we've gotten back from Airbnb. And we have reached agreement with them on all of the points that, that we were negotiating with them. So,

we are ready to enter into an agreement with them. And so, I, I just want everybody to know that the primary policy objective here, which was to get into an agreement with our, you know, the company that's doing the majority of our hosting, is on the brink of being achieved.

And we share with you as Marc said, that goal of maximizing the revenue collection, while assuring that we still have transparency, that we can keep our registration process and so on. We are really concerned that the language in here could be very dangerous, because it does not specify what Chris just said. That that we will enter into a contract subject to a successful negotiation process.

And, you know, there are there are several other companies in this space, there could be new entrants any day. And we don't want to get into a situation down the road where a different legislature, and a different set of attorneys, who weren't part of this conversation that we're having right now, says, you know, and we have some kind of unsuccessful negotiation process. You know, says, well, look, you got to enter into a contract, get on it. And we could have a company come forward with all kinds of terms that we would consider unacceptable, including charging us a fee for doing this, or, or having non-compete clauses, or any number of things. And we just think it's too important to leave up to interpretation. And what the people on this call think is obvious today, but is going unstated.

Chairwoman Archer: Legislator Walter and then Chairman Donaldson. I'm sorry, Chris. One second here.

Legislator Walter: So yeah, so I, I again, I would agree with what the counsel had said, this is not we're not approving an actual contract. And at that point, we would have the opportunity to chime in related to that. This is to, you know, go forward with these contracts. So, I feel pretty comfortable with the wording as it is, in that light.

Chairwoman Archer: Chairman Donaldson.

Legislative Chairman Donaldson: Yes and not only that, but the Executive has to negotiate contracts with the various unions, that is part of the requirements, that he has to negotiate them. But that doesn't mean he has to accept anything that the union puts out. They still have to negotiate and this is the same mindset. They're going to negotiate and they're going to come up with the best, for what is best for the county. And if they don't, we as a body can reject it. So I don't see the problem here. So, I'll agree with our attorney on that.

Chairwoman Archer: Chris, do have something you want to add?

Christopher Ragucci, Esq.: No, that's okay.

Chairwoman Archer: And I'd like the record to show that both Legislator Ronk and Legislator Bartels have joined the meeting. For your benefit, were on Resolution 285. And Legislator Ronk did you have something you wanted to add?

You're on mute.

Legislator Ronk: It's wise sometimes in these meetings. So, I, I, I do have some things I'd like to add. And I know that my Minority Counsel, Nick Pascale, is on the line as well. I have a concern

about the legality of this, the same way I've had concern about the legality of every one of these laws that intends to amend our bed tax for short term rentals since I joined the legislature. And back several years ago when former Chairman John Parete put one of these in the, you know, county attorney, as well as all legislative counsel had said that it's impermissible. And in the follow-up ones, Legislator Joe Maloney and others have sponsored resolutions purporting to deal with this, with this for laws, purporting to do what this law is doing. And as far as either Counsel Pascale, or I are aware, nothing has changed legally to allow this to move forward. So, this would just be a, as far as I see, the will of the legislature would be to choose to ignore the law rather than a, you know, abide by it and change it in the right manner. The proper manner for us to change our occupancy tax to allow for this is by home rule, which I attempted to do several years ago, which was blocked by the New York City Hotel Trades Council. Their lobbyists up in Albany, through the majority counsels in both the Senate and Assembly. So, I just, I want to air those concerns. I'll be voting no on it tonight for those reasons. If we can find a way to do it legally, that satisfies both myself and my attorney, you know, I'm all in favor of entering into these agreements and amending our bed tax to allow for it. But until then, it's you know, even if 20 other counties do it, it's still illegal.

Chairwoman Archer: Chairman Donaldson.

Legislative Chairman Donaldson: Well, then, your, what you're saying is also the negotiations by the County Executive are also illegal then, is that correct?

Legislator Ronk: Yes, absolutely. I find, I find fault with both halves of it. In fact, I you know, if, if we weren't doing all this remote stuff, I would have already been walking down to the fifth floor asking the County Attorney's Office exactly what state law has changed that allows this because we've got opinions from sounds like Bea Havranek and Mark Longtoe, previous county attorneys that say that this is impermissible. And all of a sudden it's permissible. So, I, you know, I think that both from a Legislative point of view, and from the Executive's point of view, you know, somebody, in order to get my vote on this, somebody needs to tell me what's changed to allow it.

Chairwoman Archer: Legislator Walter.

Legislator Walter: Thank you. So, I'm not sure exactly the timing. There is added information included with this resolution from county counsel, basically providing the language from the state saying that an entity that collects the tax is entitled to provide the payment of the tax. There was also a lawsuit against Expedia that was lost. That was cited by county counsel. And so I just want to make sure people note that there is that information. I had known about it before when it was time for public hearing, but I didn't have it in writing from county counsel. So I just wanted to make sure that everyone sees that it's, it's included in there.

Chairwoman Archer: Legislator Ronk.

Legislator Ronk: Thanks. Yeah, I believe myself and legislative council reviewed that Nick, or Minority Counsel. Nick, if you could just confirm that.

Nicholas Pascale, Esq.: Yeah, no that I guess there were two observations we made. And one was on the use of the mandatory, you know, "shall sign" versus "may sign" which I think the county attorney continues to have an objection to. If they don't, then. That's old news.

The other discussion I have with them concerning the Expedia case, we have a difference of opinion on it. The Expedia case relates to an attempt by New York City to impose a tax on a service fee that Expedia was charging for booking through its platforms. And the Court of Appeals found in favor of New York City and said, you know, you, you can go ahead and tax Expedia. I won't go into all the reasoning but my take on that case, which was decided before, Bea and others weighed in on the legality, or putative legality of this measure. That really doesn't apply. Because New York City has different taxing authorities than Ulster County has. It's the City's authorities concomitant without the state. And frankly, Expedia was acting in a way, with regard to service fees that it was charging, in a way that Airbnb is not acting with respect to the collection of rent charges. So, I think the county attorney has an argument and is prepared to make the argument if the county is sued. Ultimately, they'll you know, they'll go ahead and try to make new law. I don't think it's been conclusively determined one way or the other.

So, my take on it is all the Expedia case provides is an argument in an appellate brief, or a defense brief, that the county attorney will certainly make, and maybe successful, may not be. I just don't agree with their construction of that case.

Chairwoman Archer: Legislative Counsel

Christopher Ragucci, Esq.: Sure. And I certainly appreciate Minority Councils interpretation in that case, I happen to have reviewed that case, as well, and agree with our County Attorney's position. I, you know, rarely do we find a case that is 100% analogous. But in the Expedia matter, I feel like there is certainly enough guidance provided by the Court of Appeals to leave us on sure footing here.

Chairwoman Archer: Legislator Walter.

Legislator Walter: I'll just say, and I'm not sure if Republican Counsel had read, And, you know, you may very well have but, you know, I've read extensively that, what the state guidance is and how they reference it. And the relevance of the Expedia is the idea of the law that says that if an entity is collecting this tax, and they can be requested to pay it, and, and there's, I feel like it's pretty clearly articulated. So, again, I feel very comfortable with the County Counsel's interpretation, as well as all the other counties that have interpreted in that way.

Nicholas Pascale, Esq.: Yeah, sure. I could just very briefly just speak to that, is that the fee that Expedia was charging was its fee, it was charging a service charge, not rent. So, the City was entitled to tax the service charges that Expedia was entitled to collect. Airbnb is not entitled to collect rent, the owner operator is, and you're charging your hotel motel tax on the occupancy, on the rent. So, I, I think it is analogous, perhaps, but it's a stretch. All it is an argument. It's certainly not dispositive. And I'm not aware of any precedent that authorizes what's being done here. So, I guess I would just leave it at that. And you know, certainly reasonable minds can disagree.

Chairwoman Archer: Chairman Donaldson.

Legislative Chairman Donaldson: Yes, I mean, as we know, we live in America, you can be sued for anything, at any time, by anyone. It doesn't mean you win, doesn't mean you lose, it means you can do that. So, we have 20 other counties that are doing the exact same thing. And I think that our argument is strong enough. And we can, we will prevail. I doubt very much that it'll come up and

throw all these others out. But can it happen? Obviously, it can. So, I mean, I think we talked about it. I wouldn't mind having a vote.

Chairwoman Archer: Legislator Ronk.

Legislator Ronk: Thank you. Just, just a minor, I guess, closing statement on my end. And that's, you know, dangerous for me to say as you all know. But I, you know, I'm, I'm aware, you know, thank you Chairman Donaldson, for reminding me that you can sue anybody, from any time, in fact, you sued me one time and I just so happen to be successful.

Chairwoman Archer: Can we stay on points please; let's stay on point.

Legislator Ronk: If he can talk about you can sue anybody for anything. I can point out that he sued me over language in a referendum and I won. I think, I feel like that's the point, Legislator Archer.

Legislative Chairman Donaldson: That was sad though that he did win, you know that right.

Legislator Ronk: No, it is what it is. But, you know, I feel like it is on the point because I was going to say that, you know, you go in with a good argument if you're going to, you know, if you're going to get hit with a lawsuit. And I don't believe the county has a good argument here. To Legislator Walters point, yes, you know, the state has guidance on this. But we also have authorization to levy an occupancy tax that is approved by the State of New York, that according to all of the attorneys, including at that time, Legislative Minority Counsel Ragucci, who is now a Legislative Counsel Ragucci. You know, that said that, you know, it is impermissible for us to collect bed tax from a third party vendor under our occupancy tax authority.

So, we would be, we would be ignoring, by passing this we would be ignoring our occupancy tax authority. And while a quick, you know, influx, or what we see, or what some may see as a quick influx of cash, to the county might be nice. I also believe that it going to hurt the, you know, the resorts in the county who have, all the Lodging Coalition has all come out, now, in opposition to this, the Town Supervisors Association has come out in opposition to this. So, when the stakeholders are coming out and saying we're not in favor of this, you know, I don't understand why we're rushing to move forward on it.

Chairwoman Archer: Deputy Executive Rider.

Deputy Executive Rider: I just want to bring up one last point, which is in the County Attorney's memo, which hasn't been brought up to date. But the fact that, it's in their last paragraph, that they raised the issue that they believe that this should have been done with a mandatory referendum, which it's not, because they believe it's taking a power from the County Executive by requiring a contract to be signed.

Chairwoman Archer: Okay, on the resolution, all in favor?

Opposed?

Legislator Ronk: Opposed.

Chairwoman Archer: We have Ronk, Maio and Haynes opposed.

Gavaris, are you for? Yes. Okay.

All right. Resolution, I think we passed that, correct? Yes.

Resolution 287: Approving The Execution Of A Contract In Excess Of \$50,000.00 Entered Into By The County with Hudson Valley Fire & Safety. This approves the execution of that contract from August 20th through December 2020, and provides the install for the Mako Cascade air tank filling equipment.

Legislator Ronk: I'll move it.

Chairwoman Archer: Second? Chairman Donaldson.
Any questions on this? All in favor?

Group: Aye.

Chairwoman Archer: Opposed?

Okay, so moved.

Resolution 288: Approving The Execution Of A Contract Amendment Causing The Aggregate Contract Plus Amendment Amount To Be In Excess Of \$50,000.00 Entered Into By The County with Alindus, Inc.

This is the Cherwell incident request software maintenance support.

Move?

Legislator Ronk: Moved, by Ronk.

Chairwoman Archer: Seconded, Chairman Donaldson.

Any questions? All in favor?

Group: Aye.

Chairwoman Archer: Opposed? So moved.

Resolution 289: Approving A Contract Amendment In Excess Of \$50,000.00 with Gioia P. Ambrette, Inc.

Move?

Legislative Chairman Donaldson: Move it.

Chairwoman Archer: Chairman Donaldson. Second?

Legislator Ronk: Second.

Chairwoman Archer: All in favor?

Group: Aye.

Chairwoman Archer: Opposed? So moved.

Resolution 290: (sneeze). Bless you.

Legislator Ronk: Sorry.

Chairwoman Archer: Approving The Execution Of A Contract Amendment In Excess Of \$50,000.00 Entered Into The County with United Way of Ulster County.

Legislator Bartels: Move, Bartels.

Legislator Ronk: Second, Ronk

Chairwoman Archer: Second, Ronk. All in favor?

Group: Aye.

Chairwoman Archer: Opposed? So moved.

Resolution 291: Approving A Contract In Excess Of \$50,000.00 with Barton & Loguidice, for the U&D corridor between Highmount and Big Indian.

Legislator Bartels: Move, Bartels.

Chairwoman Archer: Second?

Legislator Ronk: Second.

Chairwoman Archer: Any questions? All in favor?

Group: Aye.

Chairwoman Archer: Opposed? So moved.

292: Approving The Execution Of A Contract In Excess Of \$50,000.00 with Idemia Identity & Security USA. This for the card scan. Who moved it? Tracey?

Legislator Bartels: I didn't, but I will.

Chairwoman Archer: Oh, I'm sorry. I heard somebody say it, I didn't see.

Legislative Chairman Donaldson: I moved it.

Chairwoman Archer: Oh, okay. Sorry, Chairman Donaldson.

Second?

Heidi Haynes. Any questions on this? All in favor?

Legislator Walter: Wait, Can I, I'm sorry, I have a question.

Chairwoman Archer: Opposed, yup yup.

Legislator Walter: Did it ever come down. We concluded that and I guess this question is from Marc, or Evelyn, did we conclude that the wording of this protects us if the money doesn't come through?

Deputy Executive Rider: With this?

Legislator Walter: This is, we're on the, the boat.

Chairwoman Archer: Life Scan.

Legislator Walter: Oh, sorry. I got the wrong one. Sorry. Sorry. Pay no attention.

Chairwoman Archer: Okay, So, all in favor of the Live Scan resolution 292.

Group: Aye.

Chairwoman Archer: Opposed? Okay, so moved.

293 approving the execution of a contract in excess of \$50K. This is the William E, this is the one you're concerned about.

Legislator Walter: I'll move it for discussion.

Chairwoman Archer: William E. Munson. Move?

Legislator Ronk: Second.

Legislator Walter: Now I have my question.

Legislator Archer: Okay. Now, you have your question. Okay. Legislator Walter.

Legislator Walter: So I don't, so Marc, do we feel comfortable?

Deputy Executive Rider: I was not in law enforcement. I, I don't know. Was this not raised to the sheriff?

Legislator Walter: It wasn't the Sheriff so much, it was the wording of the contract. It was just confirmation that the, that you all feel comfortable that the contracts worded in a way that if for some reason, federal or state money didn't happen, we wouldn't be owing all of this to the, I think it went back and forth.

Deputy Executive Rider: I know John, sorry.

Legislator Walter: I think John said he was going to...

Chairwoman Archer: John was going to have the attorney, John, was going, as I recall, John was going to have the County Attorney take a look at just to make sure the language protected us.

Deputy Executive Rider: I don't know if that's happened yet. My suggestion would be that this gets postponed for a week to make sure that, that can happen.

Legislator Ronk: I'm move to postpone for the week.

Chairwoman Archer: Okay. Second, Legislator Walter. Okay. All in favor of postponement?

Group: Aye.

Chairwoman Archer: Opposed. So moved.

Resolution 294 approving the execution of a contract in excess of \$50,000 with Liberty Resources. This is to extend the term of the agreement increased funding for PINS case management.

Legislative Chairman Donaldson: Move it.

Chairwoman Archer: Second?

Legislator Ronk: Second.

Chairwoman Archer: Legislator Ronk. Any questions? All in favor?

Group: Aye.

Chairwoman Archer: Opposed? So moved.

Resolution 295: approving the execution of contract in excess of \$50K with Health Research Inc. This is providing a contract with help to provide new hire personnel to increase capacity for COVID case investigation and contact tracing.

Legislative Chairman Donaldson: I'll move it.

Legislator Ronk: Second.

Chairwoman Archer: Any questions?

Deputy Executive Rider: Can I just, real quick, give a real quick summary. So this is basically CARES funding that's being funneled through the state to Health Research, Inc. And we'll go to our health department. The million dollars is a placeholder in case there's future federal funding. \$477,000 will be available over the next two years to hire three additional public health staff and when that funding goes away, those positions will go away, but they will focus on COVID case investigations and contact tracing.

Chairwoman Archer: Any other questions?

All in favor of the resolution?

Group: Aye.

Chairwoman Archer: Opposed? So moved.

Okay. Marc, maybe you could help us with this today. We had a deliverable from you all regarding Tech City and an update on spending and contracts for Tech City, as per the resolution that we passed last month.

Deputy Executive Rider: Yeah, I will. I'll send something tomorrow. I don't believe since the last memo that I sent to Legislator Bartels, I guess I sent to all of you. I don't believe we've spent any additional spending there at the building but I will follow up with buildings and grounds.

Chairwoman Archer: Yeah. So, even if not, then if you could at least through notification, let us know, nothing new this month, etc. That would be helpful.

Chairman Donaldson.

Legislative Chairman Donaldson: Yeah. But also the update on what actually was spent for the fireworks and along with the

Deputy County Executive Rider: The movie night.

Legislative Chairman Donaldson: Thank you.

Chairwoman Archer: Anybody else have anything new or old business?

Legislator Walter: Where are we going to do resolution 191?

Chairwoman Archer: Oh, right. I'm sorry. Yes.

We deferred it till you were here.

Legislator Ronk: I, I thoroughly appreciate it.

Legislator Bartels: Yeah. Okay. Resolution 191. Legislator Ronk is moved, second?

Chairwoman Archer: Legislator Maio.

Legislator Ronk.

Legislator Ronk: You know, I think we've talked about it a bunch of times. I would love to have some debate on it. Some things have been changed. And actually I would like to discuss a, I would like to discuss an amendment that I have. I spoke to Laura about earlier. I think it came out of Legislator Walters. I think Laura had amended it to include something that Legislator Walter had suggested that I don't necessarily agree with. So I'd like to discuss it. Which was adding the Legislative Programs Committee to the list of, you know, committees that handled it, it may not have, I was talking to Nick about earlier. I see Eve shaking your head.

Legislator Walter: No, I don't, I didn't specify. I, sorry.

Legislator Ronk: That's okay.

Chairwoman Archer: Why don't we all go to the backup. So, if you could highlight for us, Legislator Ronk where you're proposing to make a change.

Legislator Ronk: I will, I'm just trying in the OneDrive. I'm trying to open it, standing by. I apologize for my lateness, it's caused me to be slightly unprepared, or under.

Legislative Chairman Donaldson: I don't have a copy that in front of me.

Chairwoman Archer: Jay, can we get a copy?

I don't see Jay. Can we get a copy, Natalie or Amber, of that piece online, on, on the screen?

Legislator Ronk: I'm pulling it up, it's in the resolutions, Dave

Legislator Archer: It's the first one, 191.

Legislative Chairman Donaldson: I don't have, I don't have them in front of me on the computer here.

Legislator Ronk: Okay. Um, so.

Legislative Chairman Donaldson: Maybe I can get a copy from.

Legislator Ronk: And again, you know, we don't.

Legislative Chairman Donaldson: Jay or Vicky, can you run me up a quick copy of that. Thank you.

Legislator Ronk: Uh, it's in, a 5.3, "non-county contract agencies requesting funding, maybe subject to a periodic program evaluation by the Ways and Means Committee and or the Legislative Programs, Education, Community Services Committee of the Legislature on such terms" and now it's gone because.

Chairwoman Archer: Oh, here it is.

Legislator Walter: So, so Marc, just to clarify, I never, I do have a comment on 5.3. But it had not, it had no specification of Programs. I was just, and I think you addressed it, I was concerned about, you know, that it sounded before like it was going to require program evaluation at a high level, which can be very expensive. And where we going to cover the cost of that. And I think that, I don't know how it is, but I just want to make sure it didn't sound like we were expecting this high level of evaluation from all of them, because that's costly. But the other part I had no comment about.

Legislator Ronk: All right. I mean, you know, if somebody has a better way to word it that, that would put potentially eliminate the cost, the potential cost of that then I've got no opposition to it. I just I don't know how to change it unless.

Legislator Walter: Well I guess the comment I had, sorry to, is that, you know, there was the Schedule A where we provide the deliverables.

And that would just, requiring that we get the deliverables that are outlined in their Schedule A's, would that potentially be sufficient? Because they're slightly tweaked according to each one. And that those are what we would expect to get from them. And that maybe we could just articulate that that we would want those Schedule A scopes and work outcomes.

Legislator Ronk: Okay.

Chairwoman Archer: So, the only thing that, and correct me if I'm wrong here, Amber and Natalie, is the component here... So, your objection is to the 5.3.1, 5.3.2, Legislator Walter?

Legislator Walter: I was concerned about this suggestion that this was expecting a very comprehensive evaluation, which could be very, very expensive. And at the same time suggesting if we have this system of having a Schedule A, of deliverables, which are slightly different for each one, but where we are really working on trying to, you know, make sure there's a solid Schedule A, why not just articulate that that's what we're looking for?

Legislator Ronk: I mean, I'm fine with that. It does say program evaluations can include, but are not limited to the following items. So, it wouldn't necessarily include all of the items on there, but

Chairwoman Archer: Maybe we should put, add one that says, you know, according to each, each contract Schedule A. Maybe we make a reference to Schedule A so that would address the differences.

Legislator Ronk: So, then, "program evaluations can include but are not limited to the following items subject to each organization's Schedule A."

Chairwoman Archer: Yeah.

Legislator Ronk: I move we make that amendment right now. And remove the Legislative Programs Education Community Services Committee because to me, the whole point of this is to

streamline the process and, and make it more fiscally responsible. To me, that's my reason for doing this. So.

Legislator Walter: Can I just add you know, and that we can be cognizant of the fact that we don't always ask for some of these things like cost benefit analysis in our Schedule A, and we can. We can think about for each one as they come up.

Legislator Ronk: Yep.

Legislator Walter: what we really want to get from them.

Legislator Ronk: I think it's a good change.

Chairwoman Archer: Did somebody capture that? Hopefully, Natalie or Amber?

I cannot see anybody if you're shaking your head, so.

Legislator Ronk: So, I'll just.

Legislator Archer: So, verbally respond

Legislator Ronk: I'll just repeat it.

Chairwoman Archer: Thank you.

Legislator Ronk: After, after the word "items," at the bottom of that page, not at the bottom but the last paragraph, before 5.3.1, etc.; it should read "subject to each organization's Schedule A."

Chairwoman Archer: Perfect. She's doing that right online there. Okay.

Legislator Ronk: I propose that amendment.

Legislator Maio: I'll second it, Maio.

Legislative Chairman Donaldson: Now how does this change dealing with the Legislative Programs overseeing these programs?

Legislator Ronk: I believe that they would still oversee the contracts. I believe that that would still happen. This is just where it comes to periodic program evaluation.

Chairwoman Archer: So, you still envision that Legislative Programs would be reviewing all of these, as, as people are bringing them forth, they, that would be.

Legislator Ronk: I mean either, no, no, they would come before budget time, they would come to Ways and Means.

Chairwoman Archer: Okay.

Legislator Ronk: Under this, under this, the Ways and Means Committee, since we were the committee that does the budget anyway, you know, the Ways and Means Committee would be getting the requests. And then I would think that the next year, I mean, the Clerk can jump in if she has a different vision. Because technically in our rules, the Clerk routes resolutions. But a lot of these would be under Legislative Programs Committee, as a committee of original jurisdiction, except wherein they wouldn't, such as fire training money or things like that, would most likely be before the Law Enforcement Committee. Or, so, it's going to change, I think it's going to change things slightly. But I don't think, I wouldn't say that Legislative Programs is losing all of their oversight of the contract state, if that makes sense.

Legislative Chairman Donaldson: Well, I mean, right now, Legislative Programs recommends on various programs. And then they don't, they're not just blanketly accepted. Finance, Ways and Means has always looked at that.

Legislator Ronk: Yeah, but usually the process happens in October, and Ways and Means gets them at the budget appeals process, which becomes a marathon four-hour meeting where we need to decide if we're going to give more money to the arts, and if we're going to give more money to CASA, if we're going to give more money to these things. And then they get amended on the floor anyway. I just I, I've felt for a long time like we need to, to have earlier thought and more fiscally-related thought to the programs that we're funding.

Chairwoman Archer: I'm just looking to see in here if we, oh, I see you did put a July 15. Okay, I missed that.

Legislator Ronk: Yeah.

Chairwoman Archer: So, which means that each of the various, whether it's coming out of Law Enforcement, or coming out of Legislative Programs as a recommendation, it all has to be done prior to the budget cycle.

Legislator Ronk: Yep.

Chairwoman Archer: Legislator Walter.

Legislator Walter: And just two other elements for discussion, if possible. One is 3.3. I just wanted a conversation about the idea that they, these, I understand the intent of that they should be programs that have been operating for at least two years. However, sometimes there are emerging things. And I think of some of the programs that have been formed to respond to opioid addiction that may not have had two years that they've been here, but might be something we'd want to support. And so, I guess I, so, that that was, you know, I'm not like stuck on this, but I just wanted as a conversation. I have another one, but I'll start with this one.

Chairwoman Archer: Legislator Ronk.

Legislator Ronk: I would say that the catch all to that is that this is a policy the Legislature is creating for itself, and in extraordinary circumstances, it could be ignored.

Legislator Walter: Okay.

Legislator Ronk: So that's, I think, I think as a best practice, two years in operation is a good best practice to have and then if something comes along that, you know, is beyond the norm, I think that the Legislature could appropriate whatever it wants in the budget.

Chairwoman Bartels: Legislator Bartels.

Legislative Chairman Donaldson: I think.

Legislator Bartels: Sorry, I was having a problem of unmuting. Yeah, I don't I don't love the idea of creating a policy with the intention of potentially ignoring it.

Legislator Ronk: I did not say that we were, that that was with the intention of ignoring it. So, I'd appreciate it if you'd not characterize it in that manner.

Legislator Bartels: Okay, but if it. I don't like the idea of creating a policy with the possibility of ignoring it. I mean, you said the Legislature could always ignore it, and I don't love that idea.

Legislator Ronk: The Legislature can ignore any policy it passes. So, then perhaps you don't want to pass any policies.

Legislative Chairman Donaldson: All right.

Legislator Bartels: That's a ridiculous argument and can I finish my comment without having to banter?

Chairwoman Archer: This is about, this is about just getting clarity on it for discussion. So, let's keep it civil. And the reality is, if in fact, maybe we add something here that basically says, "if the program is a new offering, it could be considered." Because we all go back to language that's in a resolution and use it as the guidance for what we can and can't do. So, that's the point of having a conversation about what people are comfortable with and not.

Chairman Donaldson.

Legislative Chairman Donaldson: Yeah, I'm not thrilled with that either. I mean, I don't think that should be in there. Or if you want to like make a suggestion type of thing that, you know, that considerations for that type of, you know, at least two years, but not a catch all, the way it does. The way it says here, that means you can't do anything. Well then, let's ignore the policy, or then we'd have to have another resolution to appeal it, or to change it. And, you know, you're creating a problem you don't need to create. I mean, I think the easiest way is either reword this. Then you might be able to say, you know, preferences for those people maybe for having at least two years, or something of that nature might make sense, if you want to do that. But I don't think saying "must have been" in for the past two years.

Chairwoman Archer: Legislator Ronk.

Legislator Ronk: I apologize Legislator Bartels, but you, you were characterizing my comments, and I don't appreciate it. I'm not, you know, I'm, I apologize for cutting you off, but I want to make

sure these are being recorded. And I don't want anyone to think that my intention is to pass this policy with the intention of it being ignored. That's an incorrect statement. I think that many times we pass resolutions and local laws as a best practice, and a best policy. And of course, you're never going to you're never going to think of every eventuality. Um, you know, I know that when we passed a plastic bag law, and we passed a straw law, and we passed a Styrofoam law. You know, all those laws were like, well, we don't expect this to be enforced. We just expect people to do the right thing. You know, we aren't going to have the bag police. We aren't going to have the straw police. These are all things that were said at legislative meetings regarding local laws where we're creating fines and penalties. Here we are. I, I think that two years in operation is a good best practice. If we want to say it's a best practice to have two years in operation, then that's fine. But that's not a policy. It's for show. I don't do things for show.

Chairwoman Archer: Legislator Bartels.

Legislator Bartels: I mean, I think I think it's a smart idea to say that we shall, you know, there should be preference giving to those with two years, or however you wanted, whatever Legislator Donaldson just said. Something that that would acknowledge that we prefer experience but allow for an exception without ignoring the policy. That's, that what I would prefer seeing.

Legislator Ronk: That's not a policy, I'm sorry.

Chairwoman Archer: Legislator Haynes.

Legislator Haynes: Yeah, I think that my biggest concern with these organizations and agencies is that if they don't have some form of their own self-funding mechanism. And how would you, how would you be self-funding if you've been in operation or existence for less than a year or so? I think that it's only fair that they have some type of their own self-funding mechanism in place before they come to the legislature. For extra, you know, funding or help. That's my point.

Chairwoman Archer: Legislator Bartels.

Legislator Bartels: With just with all due respect to that, Legislator Haynes, you could have a startup organization that's funded with \$50 million, the first year, I mean, without outside funding. So, you could very well have a very well-funded organization that's a new, that's a new organization. And I think that that's potentially the concern, originally raised by Legislator Walter that there may be these innovative organizations that that are new, but are worthy of trying. And we kind of boxed ourselves into a corner with that 3.3.

Legislator Haynes: Yeah, and conversely, you can have a new organization that doesn't have any funding, that is solely relying on the county for the funding of the organization. I've basically seen that happen.

Legislative Chairman Donaldson: What would we be, we would consider that.

Chairwoman Archer: That line basically says, the County does not fund startups. So, if they're not coming to the table with some funding already, to the point everybody's making, I think that's the whole point. We don't want to fund startups. We want to have some a.

Legislative Chairman Donaldson: Well sometime we may want to fund a startup, you don't know. I mean, what if, we may have a startup that makes sense to fund. I don't know. I mean, you know, particularly with the light of COVID, and all these other things that we've been running through. So, my mindset is, I really think you should make it a preference, but not a concrete stand. And this is a concrete stand that you're taking.

Chairwoman Archer: So, we're changing "must" to "prefer" will get us the same thing? Legislator Ronk.

Legislator Ronk: Thank you, Madam Chair. I believe that we're running up on our public hearings. So, we should probably wrap this up. We still have next week. I don't mind postponing it until next week, but I would really like to have a vote on this next week.

Chairwoman Archer: Okay, Legislator Walter.

Legislator Walter: Can I just, so that for process, the one other issue, I'm just going to state and we could just talk about it next week. Is just with 4.5, being someone personally has had a contract with this county or other counties, in all due respect to the attorneys in the Zoom, but sometimes contracts take a long time because attorneys are deciding over a "T" versus an "I" and it can go over 30 days. And I would hate for an organization to be penalized because of that. So, I'm just suggesting a consideration of maybe a little bit longer time period, and we can talk about it next time. I just want to say that was the only other issue.

Chairwoman Archer: Legislator Bartels.

Legislator Bartels: And I just want to raise two issues that have been brought up before but haven't been addressed. And the first is 3.1, the requirement that they be nonprofit or governmental agencies. I just want to understand why they can't potentially be for-profit. I, I cannot right now think I'm an example but there may be examples of someone we might want or need to contract with that is for profit.

And my second kind of bigger, overarching, which I raised in the very beginning, is that there is no definition of non-county. So, when I first read this, it was very confusing to me, I thought initially that it was talking about out-of-county organizations. I understand now that we're talking about legislative, but it doesn't technically say legislative contracts. So, the county has, the county, the Executive's Office, and through the budget process, we have lots of non-county organizations. So, I just want to come up with some kind of clarity in the policy in terms of that, that word probably can be solved with a definition. We can talk about that next week, as well.

Legislator Ronk.

Legislator Ronk: Thank you. What's that.

Chairwoman Archer: Are you making a

Legislator Ronk: Not yet.

Chairwoman Archer: motion to postpone?

Legislator Ronk: I want to clarification on Tracey's. I really needed clarification on Eve's as well. So, just to Legislator Bartels, I'll try to come up with something, um, you know, if, if you wouldn't mind putting some thought into how to do it, I would, I would appreciate that as well. Because I'm not quite even sure how to define it. That's how it came up to non-county organizations. Because, you know, there has never been, we've. The reason for the need of this policy is because this has been a back-of-the-napkin process since I've been a Legislator for all 13 years. So, I, I think that it's, it's going to be a challenge to come up with a distinction for it, or a, a title for it. But I think that, you know, between the two of us, and all of us, we can make that happen. So, I think that's not a problem.

Legislator Walter, where is the, where's the, can you just point me to where your 30-day concern is?

Chairwoman Archer: I thought she said.

Legislative Chairman Donaldson: We're getting behind on a public hearing right now.

Chairwoman Archer: Okay, so we're going

Legislator Bartels: 4.5, Ken, it's 4.5.

Chairwoman Archer: 4.5

Legislator Ronk: Thank you.

Chairwoman Archer: Now Ken, would you like to make a motion to postpone?

Legislator Ronk: I make a motion that we postpone for one week until our next meeting.

Chairwoman Archer: And do I have a second?

Legislator Haynes: I second it, Haynes.

Chairwoman Archer: Thank you.

Legislator Walter: Sorry Ken, I didn't realize I was muted.

Legislator Ronk: It's all good.

Chairwoman Archer: Do I have a motion to adjourn so we can go to the public hearing.

Legislator Ronk: Moved to adjourn by Ronk.

Legislator Haynes: Second

Chairwoman Archer: Second? All in favor? Oh, all in favor of the postponement. I'm sorry, I didn't get that. All in favor the postponement. Great.

Group: Aye.

Chairwoman Archer: Okay, and adjournment.

Group: Aye.

Chairwoman Archer: Thank you, everyone.