

**ULSTER COUNTY LEGISLATURE
LAWS & RULES COMMITTEE
MEETING MINUTES – July 6, 2009
LOCATION – Chambers, 6th Floor, COB**

COMMITTEE MEMBERS

PRESENT:

Legislator Gary Bischoff, Chair
Legislator Sue Cummings, Deputy Chair
Legislator Brian Cahill
Legislator Jon Decker
Legislator Robert Parete
Legislator Hector Rodriguez
Legislator Brian Shapiro
Legislator James Maloney
Legislator Kevin Roberts

OTHERS ATTENDING:

Elliott Auerbach, Comptroller
Marianne Collins, SUNY Ulster
Bill Ryan, Attorney, SUNY Ulster
Meg Dellay, Deputy Clerk, Legislature
Tom Kadgen, LWV
Len Bernardo

Legislator Gary Bischoff (Chair) called the meeting to order at 6:01 PM.

1. Elliott Auerbach, Comptroller

Comptroller Elliott Auerbach was at the meeting for the purpose of having Laws & Rules work on a Whistle Blower law. Comptroller reviewed his Internal Controls Report focusing on whistle blowers. Several counties already have this law, including Albany and Erie County. UCIDA completed one too. Chairman Bischoff suggested a subcommittee come back with a draft law. Legislators Cahill, Rodriguez, Shapiro and Roberts volunteered to work with Dan Heppner and Comptroller, and return to next meeting with a draft proposal.

2. Marianne Collins and Bill Ryan, SUNY Ulster

Discussion continued from May's meeting about fingerprinting county employees who work at UCCC as adjuncts, work-study students or student aids, and non-credit exempt course instructors.

Points made include:

- Law limits/discourages participation by instructors who come once from a distance or out of state to teach a single 3 ½ hour course.
- If regular instruction three times a year, person will be fingerprinted.
- If youth involved or summer camp, yes, definitely person fingerprinted.
- Important to eliminate any grey area in the law; or if unavoidable, then it must be clearly stated who is responsible and how to ensure accountability..
- Include other areas besides school age children, such as security guards.

Motion by Chairman Bischoff to have the college attorney and legislative attorney come up with language to change law on fingerprinting to reflect concerns listed above. Seconded by Legislator Shapiro. Passed Unanimously.

3. Resolution #221 Webcasting

Requesting Transfer Of Funds From The Contingent Account For Live Webcasting Of Monthly Legislative Meetings – Amending The 2009 Ulster County Budget – Legislature.

Discussion included comments to pass this with an eye toward a permanent structure / fixed system which does not have to be live.

Moved by Legislator Rodriguez, seconded by Legislator Cahill. Passed unanimously.

4. Resolution #222 Representation at Budget Review Sessions

Authorizing The Ulster County Legislature To Have Representation At Departmental Budget Review Sessions With The County Executive’s Office And To Receive Copies Of All Departmental Budget Requests And Accompanying Documentation.

Moved by Legislator Bischoff, seconded by Legislator Cahill for purposes of discussion.

After a great deal of discussion and several amendments proposed, the following points noted:

- This resolution simply requests putting legislative budget officer in the same room as County Executive budget officers.
- Legislature does not have authority to direct / affect personnel.
- Redo resolution and request complete budget narrative.
- Budget Review Committee in the past recommended changes that never happened.
- Narrative important especially with budget line breakdown.
- Process still young and we need to let system work.
- Legislative committees in the past too close to department heads; rubber stamped requests.
- Leadership meeting last week with County Executive to formalize reporting requirements.
- End of the day, legislators approve/amend budget; documentation critical.

Call for the vote “as is”: Defeated - one aye (Legislator Roberts) – eight no’s

5. Resolution #224 Intro LL #8 – Dorothy Burke Property

Adopting Introductory Local Law No. 8 Of 2009 (A Local Law authorizing Sale Of Surplus County Real Property To Dorothy Burke – Private Sale), Hereinafter Known As Local Law No. 6 Of 2009.

Remarks from Legislators Cummings, Maloney and Roberts recommended a reduction in price of the property to simply cover the advertising costs plus one dollar in consideration of Mrs. Burke’s frail health and the lack of clarity whether there was an exchange of money when the Burke’s gave the property to the County in 1930. Other Legislators concerned about this setting a precedent and why considering it now? Legislator Shapiro who initiated this resolution said it was not apparent during early discussions between parties that there would be a price, and family was surprised.

It was agreed to wait and amend this resolution on the floor.

Request to get a ruling from Dan Heppner if this changes the local law substantively and if another public hearing is necessary. Legislator Shapiro will contact the family’s attorney to find out if there’s a delay due to another hearing, does this makes a difference to the family who may just want to proceed and cover the cost with reverse mortgage funds.

Moved “as is” by Legislator Shapiro, seconded by Legislator Parete. Passed unanimously.

6. Resolution #227 Amateur Radio Communications

Supporting HR2160, The Amateur Radio Emergency Communications Enhancement Act Of 2009.

Moved by Legislator Bischoff, seconded by Legislator Cummings. Passed unanimously.

7. Resolution #228 Department Heads Communication Policy

Creating A Legislative Policy For The Communication/Interaction With The Department Heads Of Ulster County And The Members Of The Ulster County Legislature.

For purposes of discussion, moved by Legislator Roberts, seconded by Legislator Maloney.

Comments include these points:

- Some committees still have department heads attending meetings on a regular basis, but not true for all committees.
- Need to establish reporting policies, as in previous resolution.
- There is uneven communication, e.g., in one committee meeting three members who sit on another committee learned of matters from a department head of which they should have been informed.
- **Resolution will be referred on the floor to be reworded for a more comprehensive reporting and communication policy.**

Call for the vote on the resolution: Defeated: 3 ayes (Legislators Cummings, Maloney, Roberts) to 6 noes (Legislators Bischoff, Cahill, Decker, Parete, Rodriguez, Shapiro)

8. Resolution #229 Pedestrian & Bicycle Policy

Establishing a Pedestrian And Bicycle Policy.

Legislator Parate reported this was flushed out by Trails Advisory Committee and every Capital Project will consider pedestrian and bicycle facilities.

Moved by Legislator Parete, seconded by Legislator Shapiro. Passed unanimously.

(Resolution still needs approval at Public Works Meeting tomorrow.)

9. Late Resolutions – BOE Chargeback Revised

Adopting A Methodology to Charge Back The Towns And The City Of Kingston For The Costs Of Election Services – Board of Elections.

Legislator Mahoney asked what's different? Legislator Bischoff explained the county is picking up the travel expenses for BOE inspector trainings, with a cap at \$15,000 total. It addressed overage if cap is exceeded, which is not expected.

Moved by Legislator Bischoff, seconded by Legislator Cummings. Passed with one no (Legislator Cummings).

10. Other Business -

Legislator Shapiro had questions for Dan Heppner related to Crossroads:

- Does the licensing before potential sale mostly benefit taxpayers of NYS?
- Is a license needed for a potential sale?
- Is it landlocked? Is it necessary?

Meg will relay questions to Dan as soon as possible.

Meeting adjourned at 8:05 PM.

Respectfully submitted,
Meg E. Dellay
Deputy Clerk, UC Legislature