

**ULSTER COUNTY LEGISLATURE
LAWS & RULES COMMITTEE
MEETING MINUTES – June 1, 2009
LOCATION – Chambers, 6th Floor, COB**

COMMITTEE MEMBERS

PRESENT: Legislator Gary Bischoff, Chair
 Legislator Brian Cahill
 Legislator Robert Parete
 Legislator Hector Rodriguez
 Legislator Brian Shapiro
 Legislator James Maloney
 Legislator Kevin Roberts

ABSENT: Legislator Jon Decker (excused)
 Legislator Sue Cummings (excused)

OTHERS ATTENDING: Tom Turco, Commissioner, BOE
 Kathleen Mihm, Commissioner, BOE
 Dan Heppner, Counsel to Legislature
 Meg Dellay, Deputy Clerk, Legislature
 Tom Kadgen, LWV

Legislator Gary Bischoff (Chair) called the meeting to order at 6:02 PM.
Legislators Rodriguez and Roberts are expected shortly.
Legislator Parete said he has to leave by 6:30 PM.

1. Resolution #194 – Amending Rules of Order / Chairman Ex-Officio Member of All Legislative Committees.

Legislator Bischoff explained that the proposed change enables the chairman’s presence to affect the number needed for a quorum but does not increase the majority vote needed to pass a motion.
Moved by Legislator Cahill, seconded by Legislator Parete. Passed 5-0; Legislators Bischoff, Cahill, Parete, Shapiro, Maloney.

Legislators Rodriguez and Roberts arrived.

2. Resolution Draft – Pedestrian & Bicycle Policy - discussion only.

Legislator Parete said draft resolution stipulates that any capital project will include a program to consider pedestrian and bicycle pathways. For example, a bridge to be built or widened will be reviewed to accommodate walkers and bikers. It will be done on a case by case basis. The resolution is now in Public Works Committee and Commissioner Dave Sheeley is on board.
Legislator Rodriguez said his committee on Economic Development deals with a part of this issue because of the trails involved and he supports it.
Legislator Bischoff pointed out this will only apply to county roads and projects, and not towns.
Legislator Cahill moved to table the resolution, seconded by Legislator Maloney. All Agreed.

3. Resolution #202 – Supporting the Proposed United States Public Service Academy.

Legislator Parete reported Harv Hilowitz from his district asked for sponsorship of a memorializing resolution to support a bill in Congress. HR 2012 would create an undergraduate institution designed to cultivate and groom a new generation of young leaders dedicated to public service.

The US Public Service Academy will be modeled after the military service academies, and provide a four-year federally-subsidized college education for more than 5,000 students a year. This resolution strongly supports consideration of the academy to be located in Ulster County.

Motion made by Legislator Parete, seconded by Legislator Cahill. Passed 7-0, Legislators Bischoff, Cahill, Parete, Rodriguez, Shapiro, Maloney, Roberts.

Legislator Parete excused.

4. Board of Elections Report -

Commissioners Tom Turco and Kathy Mihm attended and handed out copies of the NYS Board of Elections' Pilot Program Narrative as submitted to the Department of Justice. Discussion raised several points, including verifying the machine count by doing a hand count. Committee members were in favor of doing a hand count to verify the optical scanner results. Commissioners noted that they would follow New York State Board of Elections guidelines regarding hand recounts. Questions were raised about the electronic image taken of each ballot and how that relates to keeping voters privacy. The concern is that someone with enough knowledge of the software could determine which ballot a particular voter (or voters) submitted. Commissioners assured committee that this could not happen.

5. Resolution #195 – Proposed Local Law Policy.

Legislator Bischoff pointed out this resolution must be read twice, as stated in Rules of Order.

Dan Heppner asked if Laws & Rules could ever scuttle a local law after a Public Hearing. He suggested making the language clearer in first Resolved, #5 where it states “Laws & Rules may approve the proposed law...or may send the law back to originating committee...”

Discussion included these points:

- In the event that the committee should disapprove of the law does not preclude a legislator from bringing it to the floor.
- This part of the resolution can be clarified when presented on the floor.
- Intent is not to kill any law. Plastic Bag Law is a good example where it was sent back to committee for reconsideration of proposed changes made at public hearing.

Dan Heppner also pointed out, as an FYI, that although this resolution states any substantive change would require another public hearing, this is not backed up by any laws of State of NY.

Legislator Bischoff said it would only be right to have another public hearing, especially if there is a substantive change.

Motion by Legislator Cahill, seconded by Legislator Rodriguez. Passed 6-0, Legislators Bischoff, Cahill, Rodriguez, Shapiro, Maloney, Roberts.

6. Resolution #196 – ILL 8 of 2009 to set a Public Hearing on D. Burke property.

Moved by Legislator Shapiro, seconded by Legislator Cahill. Passed 6-0, Legislators Bischoff, Cahill, Rodriguez, Shapiro, Maloney, Roberts.

Meeting adjourned at 7:05 PM.

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