

**ULSTER COUNTY LEGISLATURE
LAWS & RULES COMMITTEE
MEETING MINUTES – May 11, 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: Dan Heppner, Counsel to Legislature
 Meg Dellay, Deputy Clerk, Legislature
 Tom Kadgen, LWV
 Kathy Nolan

Legislator Gary Bischoff (Chair) called the meeting to order at 6:05 PM.
Gary reported Legislators Cummings and Rodriguez would be in a little later.

**1. Resolution #141 – *Establishing A “Use What We Make” Policy for Ulster County.*
Legislator Cahill sponsored this resolution to create a systematic way to inform business owners of County needed goods and services.
Moved by Legislator Parete, seconded by Legislator Cahill. Passes Unanimously.**

Legislator Maloney asked if everyone can be added to this resolution. Laws & Rules members will be added; other members of majority and minority parties can be added on the floor.

**2. Introductory Local Law # 3 (revised 5/11/09) – *Establishing Plastic Bag Fee.*
Discussion with following points:**

- **Legislator Parete** pointed out there is no description of a plastic bag in the law. He just learned there are different types of plastics, some are even biodegradable within two years. Also he wondered if the Health Department is the best enforcer of law.
- **Legislator Bischoff** noted that the Environmental Committee had discussed various enforcement bodies within county, such as Consumer Affairs, Weights & Measures. Dean Palen came to EC to speak and said Health Dept. can do with existing personnel.
- **Legislator Shapiro**, Chair of Environmental Committee, noted that a lot of issues have come up since law was first introduced and especially since the Public Hearing. He said the Environmental Committee would like the best law to be passed, and only once.

After further discussion, **Legislator Cahill made the motion to refer plastic bag law back to the Environmental Committee, seconded by Legislator Rodriguez (who arrived at 6:10 PM). Passed unanimously.** It was noted that either Legislator Cahill or Legislator Shapiro will make a motion on the floor for another public hearing.

3. Resolution #139 – Railroad Advisory – Referred back to committee.

Legislator Parete questioned why this item was taken off agenda; it was introduced at Caucus last week, scheduled to come to Laws & Rules tonight, and should not be pulled off the agenda.

Legislator Decker explained that it needed to be reworked since the County Executive said he does not want his department heads to be mandated to attend. Several departments had been represented on the committee prior to the charter change (e.g., Planning, Public Works, County Attorney).

Legislator Cahill said the licensing agreement between Catskill Mountain Railroad and IDA needs to be reviewed. **Legislator Parete** agreed and recommended L&R ask the Comptroller to audit it.

After considerable discussion, **Legislator Rodriguez recommended that Laws & Rules send a letter to County Comptroller to examine, audit and verify the performance of licensing agreement between CMRR and IDA. All agreed; Dan Heppner and Gary Bischoff will confer on the letter.**

4. Fingerprinting County Employees –

Bill Ryan, attorney for Ulster County Community College, requested several categories be considered for changes in this policy:

- Adjuncts come and go - amend finger printing to be good for three years.
- Exempt work-study students or student aids who are paid very little and have very little resources for additional expense.
- Exempt non-credit course instructors at Business Resource Center who are hired last minute and whose courses involve no children; need flexibility with time constraints.

Legislator Cahill said he is opposed to exempting anyone from the policy unless further clarification can be made regarding the instructors at the BRC. Mr. Ryan said he would obtain this information and present a formal request at the next meeting.

Legislator Sue Cummings arrived at 7:00 PM.

Brenda Bartholomew, UC Personnel Director, reported on the procedure thus far:

- Prospective employees are hired on a conditional basis until fingerprints are cleared.
- There have been instances where a “hit” comes through and a person is let go.
- Recommends including summer employment because not all hired are young.
- If prospective is a minor, parental consent is obtained.
- If Legislature does not want seasonal help included, then local law needs to be changed.
- Currently, Sheriff’s Office can only do fingerprints for criminal matters.
- Poll workers are now paid by the county; therefore, may need to be fingerprinted.

Legislator Hector Rodriguez left at 7:15 PM.

5. Rules of Order – Chairman / Ex-Officio

Legislator Bischoff explained the draft resolution to amend the Legislative Rules of Order.

Currently, Rule # 6 reads: The Chairman’s presence at a meeting shall be counted in determining whether a quorum is present, thereby increasing the majority vote based upon the number constituting a quorum. (Adopted December 2008; Effective January 1, 2009)

Proposed Amendment reads: The Chairman's presence at a meeting shall be counted in determining whether a quorum is present; however, the presence of the Chairman at such meeting will not increase the number of votes necessary to pass a particular matter.

Legislator Bischoff moved for discussion, Legislator Decker seconded.

Discussion included adding gender neutral language to the Rules, plus Administrative Code.

VOTE: Yes (three) – Legislators Bischoff, Cahill, Decker; No (five) – Legislators Parete Shapiro, Cummings, Maloney, Roberts. DID NOT PASS.

6. Proposed Local Law Policy - Discussion about changing Rules of Legislature because other committees bound by this policy. Recommendation to prepare a resolution with a few minor changes noted: 1) Add “or Legislator” to Step 1; and 2) Delete “for” and add ”on” in Step 3.

Legislator Parete made the motion, and Legislator Cahill seconded, to vote to approve the wording as amended in this document. Passed unanimously. Dan Heppner will prepare a resolution for June.

Legislator Cahill suggested setting hearings on session night, not caucus night.

7. Public Hearings -

- Introductory LL #4 – *A Local Law Establishing A Charge Of Aggravated Harassment For The Throwing, Tossing Or Expelling Of Bodily Fluids On Residents Of Ulster County.*
- Introductory LL #5 – *A Local Law Prohibiting The Use Of Wireless Handsets To Compose, Read Or Send Text Messages Or Twitter While Operating A Motor Vehicle In The County Of Ulster.*
- Introductory LL #6 – *A Local Law Requiring Non-Toxic Landscape Maintenance On Land Owned Or Leased By The County Of Ulster, With Exceptions And Waivers In Appropriate Circumstances.*

Motion by Legislator Parete to consider all three, seconded by Legislator Maloney for purposes of discussion.

Dan Heppner said Bea Havranek stated County Executive would comply with LL #6.

Legislator Cahill said Legislature sets policy and wants to assure that it will be on the books in case of a change in County Executive.

Legislator Cummings questioned the need for this policy.

Legislator Bischoff pointed out sometimes county subcontracts work.

Call for the vote:

Vote on LL #4 – Passed unanimously.

Vote on LL #5 – Passed with one no, Legislator Roberts.

Vote on LL #6 – Passed with one no, Legislator Cummings.

Note: Legislator Rodriguez left before the votes.

8. Late Resolutions –

A. Intermunicipal Collaborative Council – Introductory Local Law #7

The Charter states: *Membership of the Intermunicipal Collaboration Council shall include the Count Executive, the majority leader of the Ulster County Legislature or his or her respective designee, the minority leader of the Ulster County Legislature or his or her respective designee...*

Either “majority leader” refers to the Chairman of the Legislature (i.e., as the leader of the party with the majority number of members just as “minority leader” refers to the leader of the party with the minority number of members) **OR** the title “Chairman” was omitted in error. Either way, a correction needs to be made. Chairman Donaldson spoke to County Executive Hein who agreed to Chairman’s suggestion to add two positions to the Council: 1) The Chairman and 2) One community member, appointed by the County Executive.

Moved by Legislator Parete, seconded by Legislator Cahill. Passed Unanimously.

B. Real Property Sale (Dorothy Burke)

Sale of small piece of land located along Route 212 in Town of Woodstock – recommended by Legislator Brian Shapiro, Public Works Commissioner Dave Sheeley, and members of Public Works and Capital Projects Committee – to be sold to elderly resident in order to reacquire her source of drinking water and enable her family to obtain a reversible mortgage to continue her home care.

Moved by Legislator Parete, seconded by Legislator Maloney. Passed Unanimously.

Legislator Roberts left at 7:45 PM.

C. Banking Fees

A resolution initiated by Chairman Donaldson to request further regulation of credit card fees and practices, as members of Congress are currently pursuing.

Moved by Legislator Decker, seconded by Legislator Bischoff. Several members suggested it be reworked and presented again when properly worded and formatted.

Call for Vote: Yes (two) - Legislators Bischoff, Decker; No (five) Legislators Cahill, Parete, Shapiro, Cummings, Maloney. DID NOT PASS.

Meeting adjourned at 8:01 PM.

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