

**OFFICE OF THE ULSTER COUNTY LEGISLATURE
MEETING MINUTES**

NAME OF GROUP: Commission On Reapportionment

DATE: February 23, 2011

TIME: 3:00 P.M.

PLACE: UCOB, Legislative Library Conference Room, 6th Floor

MEMBERS PRESENT: Vernon Benjamin, Paul Benkert, Michael Catalinotto, Cynthia Lowe, Rich Messina, Dare Thompson, Bill West

MEMBERS EXCUSED: None

OTHERS ATTENDING: Bea Havranek, UC Attorney; Robert Leibowitz, Sr. Planner; Vic Work, Commissioner of Elections; Ken Gilligan, Legislative Counsel; Tom Kadgen, LWV; Lee Cane, LWV; Victoria Fabella, Deputy Clerk, Legislature; Fawn Tantillo, Beth Murphy, Michael Harkavy, Rokki Carr, Chris McKeever

- The meeting was called to order by Dare Thompson at 3:02 PM.
- A motion was made by Richard Messina, Seconded by Paul Benkert, to approve the Minutes as amended from the February 16, 2011 Meeting. All in favor, Carried.
Amendment: The following information was included in the February 16, 2011 Minutes at the request of Michael Catalinotto: Michael Catalinotto suggested that in the future any appropriation for the Reapportionment Commission be made to the Commission, under its control.
- Bea Havranek- Review Summons and Complaint

A motion was made by Michael Catalinotto, Seconded by Bill West, to enter Executive Session to discuss litigation. **ENTER EXECUTIVE SESSION: 3:04 PM**

A motion was made by Michael Catalinotto, Seconded by Paul Benkert, to exit Executive Session.
EXIT EXECUTIVE SESSION: 3:27 PM

A motion was made by Michael Catalinotto, Seconded by Cynthia Lowe, to have County Attorney Bea Havranek represent the Commission in the lawsuit brought by Tom Kadgen and John Parete. All in favor. Carried.

- Robert Leibowitz- Software Update/ Block Map Demo

Rob told the Commission that 3 copies of the software are on order: one full version and 2 lite versions. He hopes they will be in prior to the next meeting.

Bill West: Q./ When will we find out if we can have the software on our home computers? A./ Rob: That's a Sylvia question. Rob said he believes the lite version can be downloaded onto most relatively new

computers; those purchased within the last 4 or 5 years, and certainly those that have Windows XP. Rob said the Commissioners could send their home computer specs to him or Sylvia if there was concern.

Bill West said the sooner the Commissioners have the software and the instruction session, the more quickly they will be able to go to work when the data comes out. If the data comes out exceptionally late then there will be a compression of time to complete the task.

Dare said the concept is to work with the old data to get a pretty good idea of what the Commission will be dealing with and then tweak it when the new data comes out.

Paul Benkert motioned, Seconded by Vernon Benjamin, to purchase software for all members of the Commission. All in favor. Carried. A point of clarification: 6 additional lite versions of the software will be ordered in addition to the 2 lite versions and 1 full version already on order. The full version will be installed in Planning, one lite version will be in the Legislative Office and the other 7 lite versions will go to the Commissioners.

Rob gave the Commissioners a 2000 census data block map for the City of Kingston. Rob demonstrated how to create a district using the software by picking a starting point and clicking blocks to add them to the district until the desired population is reached.

Vernon Benjamin commented that the meetings with the Town Boards are essential to drawing the districts because there are ways in which towns operate and move, economically and socially, that determine the different geography of a town. The more the Commission gets intimately involved with its task, knowing the nature of a town will help aid in knowing the right direction to draw a line. It may not be the case but just as an example, maybe the people who live in Glasco are not on the same wave length as the people who live in West Camp. Maybe they would consider themselves in a different geographic area that has its own definitions. Michael Catalinotto echoed Vernon's sentiments about knowing the intricacies of each town.

Cynthia Lowe: Q./ Is there exception reporting within the program where you can ask what towns already meet the population guidelines? A./ Rob Leibowitz: You may be able to add data to the program to see. Rob said he would have to play with the full version once it's in-house.

Cynthia pointed out that in the Commission's drawing endeavors, if a town was artificially divided when it probably didn't have to be, and in doing so that town ended up with two representatives, the Commission could create unfair representation in a kind-of reverse way. Dare said that this is discussed in terms of ethnic groups. If you wanted to increase the diversity of your Legislature and you have say a large African American population in one part of the Town, you may want to make sure that population doesn't get divided.

Vernon commented that neighborhoods should not be split. Cynthia questioned how to determine what constitutes a neighborhood. Rob said that the Planning Department could provide aerial maps.

Bill West: Q./ Somewhere I read that we have to take election districts into consideration. Is there a mechanism for geographically describing election districts in conjunction with these types of maps? A./ Rob: Voting Districts can't cross Legislative Districts. So, first you determine Legislative Districts and then the Election Districts are changed accordingly. That's how it was done last census.

Vernon commented that he thinks the Commission should look to retain the existing election districts in the final boundary lines if at all possible.

Commissioner of Elections Vic Work commented that state law says an election district can not be greater than 1,050 voters. If in the new census, a whole bunch of people moved in some place and blew up a current election district so it's more than 1,050, then it's going to have to be broken up. Drawing new election districts is not a terrible problem. Vic predicts that 90% of the election districts won't change because the population won't have changed and the election districts will be within the boundaries of the new Legislative Districts. It's only an issue where you get to the margin and you have to split something. It's the call of the Commission in such instances if you do or don't split the election district.

Bill West to Bea Havranek: Q./ We were told here that we can not subdivide a municipality unless it is 110% of the mean. We were unsure of that statute. Have we ever determined how the 110% of the mean issue resolves itself in relation to our work? A:/ No. We talked about crossing that bridge when we got there. We have Charter language and we do need to follow Municipal Home Rule Law, but it does give you a way out from the 110% by saying "to the extent applicable." It would be impossible to make each district equivocal in population. Your goal would be as close to 5% deviation as possible.

Vernon believes there was a Westchester County decision or maybe some other decision that said the County Charter trumps Home Rule Law.

Bea said County Charter trumps Home Rule Law in certain instances. It depends on whether it is a general law or a special law. Bea said she would do more research and see if she can find case law on this subject to provide clarification to the Commission.

- Timeline

At the end of March the Board of Elections will issue an official calendar. Per Vic Work, the first day you can carry petitions is going to be June 6, 2011. Conventions are two or three weeks before that.

Vernon commented that the Board of Elections would need two weeks time prior to the conventions. Bill West said there needs to be time to recruit candidates. Bea said if the results of the lawsuit concur with her opinion, there is also a timeframe for adopting the Commission's plan via Local Law (approximately 2 weeks).

For practical purposes the Commission decided to have their work completed by April 19th, the regular date that Legislative Session would fall on, although Session will most likely be rescheduled as to not conflict with Passover.

- Town of Ulster Town Board Meeting Review

Paul Benkert said the Board Meeting went well. Cynthia, Paul, Michael, Bill, and Vernon were all in attendance. There were six or seven questions asked of the Commission, one of which was repeated, "Are you going to divide the Town of Ulster?"

Cynthia found the talking points to be very useful in explaining the Commission's guidelines for drawing the districts. The Board Members and many people who attended the meeting were interested in the brochures.

There was a question from the Supervisor about the lawsuit. The Commission only became aware of the lawsuit hours before the Board meeting. Dare: Q./ What is the proper language to be used when speaking about that topic? A./ Bea: Sorry I can't discuss it. It's in litigation.

- Next Week's Agenda

Rob is hoping to have the initial order of software in-house before the next meeting. If the software arrives, the Commission would like to have their meeting at the IS building, followed by a training session. The IS building is located at 25 S. Manor Avenue in Kingston.

If the software does not arrive, the Commission may cancel their meeting. A determination will be made by Friday (2/25/11).

If there is a meeting, the agenda would include approval of minutes and review of Town Board Meetings attended.

Cynthia is the next Meeting Facilitator.

- New Business

A motion was made by Vernon Benjamin, Seconded by Michael Catalinotto, to keep a running list of items to be included in the Commission's Report and to be recommended to the Charter Revision Commission. The first item would be Michael's recommendation to have any appropriation for the Reapportionment Commission be made to the Commission, under its control. The second item is that the language be clarified regarding the adoption of the Commission's final plan by the Legislature. All in favor. Carried.

- Adjournment

A motion was made by Bill West to adjourn the meeting, Seconded by Michael Catalinotto, All in favor. Carried. The meeting was adjourned at 4:42 P.M.

Respectfully Submitted,

Victoria Fabella, Deputy Clerk, Ulster County Legislature