

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

**NAME OF GROUP:** Commission On Reapportionment

**DATE:** March 9, 2011

**TIME:** 3:00 P.M.

**PLACE:** UCOB, Legislative Library Conference Room, 6<sup>th</sup> Floor

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

**MEMBERS EXCUSED:** Michael Catalinotto

**OTHERS ATTENDING:** Legislator Jack Hayes; Bea Havranek, UC Attorney; Robert Leibowitz, Sr. Planner; Tom Turco, Commissioner of Elections; Laura Walls, Deputy Comptroller; Lee Cane, LWV; Victoria Fabella, Deputy Clerk, Legislature; Hugh Reynolds, Reporter; Beth Murphy, Rokki Carr, David Gross

- The meeting was called to order by Cynthia Lowe at 3:02 PM.
- A motion was made by Vernon Benjamin, Seconded by Richard Messina, to approve the Minutes from the February 23, 2011 Meeting. All in favor, Carried.
- Recap Town Board Meetings: New Paltz, Marlborough, Marbletown, Saugerties, Shawangunk, Esopus, and Woodstock

Paul Benkert said that the New Paltz Meeting was the longest meeting he attended thus far, as the Commissioners were there almost an hour answering questions. Paul attended four of the town board meetings and the common concern was each town being represented by one, or as close to one, representative as possible. Paul found that the same question was asked 8 or 10 different ways, but in a nutshell, each town wants its own identity.

Cynthia Lowe said that some people in New Paltz believed that there 23 towns and going to 23 Legislators means that each would have their own representative, with no issues relative to the population. It was beneficial to go into these towns to clear up misconceptions.

Vernon Benjamin commented that New Paltz was a very interesting meeting. Each place the Commission went they got a very unique perspective. The Woodstock meeting was last night and there, too, they have specific interest in a particular geography. Vernon said the Commissioners have to keep their mental notes going and look at these when they get to the divisions. The interests are probably reflected in how the lines are drawn today so it may not be as complicated as it could be. It's fascinating how specific people get about their territory.

Bill West commented that the different culture the towns have is interesting. Woodstock is different than Saugerties, etc., etc. There are variations in the culture and it's going to be hard to reconcile when the Commission slices and dices the county up.

Dare Thompson recalled that in Esopus they said, "We can go with anybody, but don't put us with the City of Kingston." You can see that the issues would be different.

Vernon said Ulster expressed a similar feeling.

Paul stated that a good point was raised in New Paltz; to keep an eye on school districts. Some towns seem to associate themselves with the school district boundaries. Paul didn't realize that there are three different school districts in Esopus.

Dare said fire districts were also mentioned. She said that New Paltz and Shawangunk were the most pronounced about telling tales of woe from past redistricting; how they have been divided up and they didn't feel like they had a voice. It is a good feeling to know that the Commission can fix some of that.

- Software for Libraries

Vernon explained that this issue came up in New Paltz and Saugerties. He therefore raised the question to see if anything can be done.

Bea Havranek said there is a procurement issue. Under the State constitution, the County cannot give out grants. There must be consideration for whatever you do, even with not-for-profits. You have to be really careful if you give them assets or money or funding that belongs to the County without getting something contractual in return.

Dare said that she was talking to Rob Leibowitz about this and it sounded practically complicated. Dare asked Rob to elaborate.

Rob said that he believes the best way to handle it is to give them the information about the software and if they want to make a purchase they can. Otherwise, there are logistics of the County going out and having to install software when we don't know if it will actually be used, do they know it's there, how will they know how to use it, etc.

Cynthia said it is her understanding that the Commission is not empowered to make or request purchases on behalf of anyone other than the Reapportionment Commission. We need to be transparent but providing the software is not part of that responsibility.

Rich Messina doesn't think the Commission should be put in a position to decide who gets the software and who doesn't.

The requests were not formal. The Commission agreed that Vernon will speak to those expressing interest in the software and suggest it be purchased.

- Public Access to Computers: Timeframe and Scheduling

Bill West explained that he believes the Commission should have access to the legislative conference room, where it was agreed the computer with software would be set up, as much as needed/requested. There should be parameters set up so the Commission doesn't place the responsibility on the staff to manage public requests for use. Bill thinks that there should be sign up periods, no more than 2 people in a room, and state that the staff is not there to instruct them. It is unfair to the Legislative staff to put the onus on them to manage the process.

Rob Leibowitz said there is currently a cubicle available in the Planning Department from 9AM to 5PM. It's not shared space. We can put a computer there with the program on it and put a sign-up sheet at our front desk. Rob said he would be there to help anyone that comes in and he can train other people in his office to help in the event he is not there.

Bill West said he still believes the best way to go would be to set the parameters. Bill asked if the computer gets set up in Planning and not up by the Commission meeting space, how would the Commission do work as a group using the software.

Rob Leibowitz said he could bring up the program up on a laptop and use the projection screen for the Commission to work as a group. Dare said her version of the software will be put on her laptop and she can bring hers to the meetings.

Vernon suggested having one computer with the software up in the Legislative Offices and one in the Planning Department, as he believes that would be the most convenient plan to accommodate all.

Cynthia pointed out that there would be a licensing issue with that idea.

Paul asked if the computer in the Legislative Office had the lite version of the software installed on it, could the computer that would be set up in the cubicle in Planning have the full version of the software so no additional license would need to be ordered. Rob said no because the full version is built into GIS. The public and the Commissioners will want to use the lite version.

Deputy Clerk Vicky Fabella told the Commission that Michael Catalinotto requested it be communicated with the rest of the Commissioners that he believes providing utilization of the software to the public is not a necessary requirement of transparency. He believes all information pertaining to the software and draft plans should be posted on the website for the public to view when desired to ensure transparency.

Bill West: Q./ Will that public computer have access to anything/everything the Commission is working on? Whatever we do within the Commission should be maintained until we formalize it.

A./ Rob: We can create multiple log-ins; one for the Commission and one for the public. When someone from the public logs-in they will have access to the data and the software to manipulate the data.

A./ Bea: There is an exemption under FOIL for a draft or a document that is not finalized. You are not required under the law to make it accessible to the public until you finish it, and it becomes a final document.

Dare commented that if the Commission doesn't show all draft plans along the way, then they can't get input about the lines that were drawn.

Cynthia thinks as a Commission it will be decided what plans will be released. Individual plans won't be released.

Rich Messina said the Commission needs to do its homework before it brings anyone else in.

Vernon said he wants to make sure no plan details are overlooked and therefore wants to get as much input as possible.

Cynthia commented, taking into consideration Mike's comment about public access to computers, there's a difference between the letter and the spirit of the law. Maybe we don't absolutely have to allow the public to access the computer, but it was the thought of many of us that we would like to provide that access. Q./ Is there any issue with the County as to whether we should or shouldn't allow public access? A./ Bea: The more

transparent you are, the less of an issue we may have as a challenge to what you did. Obviously you are on the right path.

Dare Thompson motioned, Seconded by Paul Benkert, to have the computer with the lite version of the software set up in the Planning Department. All in favor, Carried.

Rich said that at the Esopus Meeting Cynthia brought up a good point, that the next time redistricting is done, there should be a longer time period to get it accomplished. Although it's no one's fault, because of the software situation, the Commission is three weeks behind. Cynthia said it was something discussed to add to the Commission's Report, to figure out a way so that you are not back-to-back with the census.

Cynthia asked Rob for an update on the software and having a training session.

Rob said the software is ready for download. The issue is that for training, the new data is needed. Probably tomorrow we'll find out if we can get the data for next week.

Cynthia: Q./ New data, are you talking about new census data? A./ Rob: Yes, 2010 census data.

Cynthia: That is not the impression we had when we talked about ordering the software. We were under the impression that we would be using the same data that you were using to demo it.

Rob: Unfortunately, the vendor has told us that the program does not support the old data. Once the data comes out it will take him a day or two to process it so that it is formatted right for the program. We have reserved time next Wednesday, 3/16, and the Wednesday after that, 3/23, at the IS building. Whichever one we have the data for is when you can have your training session.

Bill West suggested having a dry run even if the data is not available. He would like to explore the pull down menus and have the opportunity for further discussion about the software functionality. He said the first training session could be hands on with just the program and the second training session could be with the data, if it comes in. Bill also asked that Rob send to Vicky any documentation regarding the software.

Rob said he thinks he can get another states' data if NY's in not here. There is a website where you can go to find out if/when data is released. Rob will e-mail the site to Vicky to share with the Commission.

- Next Week's Agenda

The Commission agreed to have a training session next Wednesday, 3/26, in the IS building. It will follow a brief regular meeting at 3PM which will take place in the IS building as well.

The meeting agenda will include Approval of Minutes and the Rosendale Town Board Meeting Recap.

Rich Messina will be unable to attend next week's meeting.

- New Business

Dare said Gerry Benjamin commented about the Voting Rights Act and that the Commission should make a statement that this area is not under any special restrictions as NYC is. Bea said she is unsure if that is necessary, but she will look into it.

Tom Turco was given the floor to address two issues. First, Tom told the Commission that it had previously received incorrect information as to the number of voters an election district can have per state law. An election

district cannot be greater than 1,150 voters (not 1,050 as previously reported). Secondly, Tom wanted to address the issue of dissecting an election district. He said he believes the goal is to leave all election districts as they are now. However, if necessary, by law the Board of Elections can change an election district. First and foremost comes equal representation, which is what the census is all about in terms of redistricting. Obviously as the Commission goes through creating those single member districts, it will do its best to keep everyone's election district intact. However, the Commission will get into those situations where changes might have to be made, especially when discussing the City which has a lot of wards and districts within wards. The BOE can change those districts. The key should always be representation.

Bill West: Q./ What happens if you chop an aldermanic ward in half? A./ Turco: That will now change so we'll address the representation and what alderman represents what section. As long as the representation is the same, we will address that issue.

Tom advised the Commission to keep in mind that the new machines can be set up, programmed by the Board, to accept different ballot styles. No matter what the Commission does, the voter would still go to their same polling site. Tom commented that the Board would be happy to address any further questions.

Vernon brought up the issue of waiting on the State for the prison population numbers. Rob said the census data will have the prison population in it. It will not be broken out. It will be a pure, raw population total for each census block. When the group quarters data comes out in a month or two, we'll know which is correctional population. We won't know where they are originally from. It's up to the State to send something that reassigns them somewhere. The number of people reassigned to UC will probably be marginal. Most of them get reassigned downstate. Bea said that in the past, the County Attorney's Office queried each correctional facility as to their numbers. She will do that again for the Commission.

Paul: Q./ When are the arguments and is it open to the public? A./ Bea: March 28<sup>th</sup> tentatively at 1:30PM. Court is open.

Vernon said the Commission needs to keep in mind that a report will be submitted with the redistricting plan. There are some things already discussed to be included in the report. Vernon believes the Commission should be working on that report in early April. Maybe there is a draft report that the Commission could work from. Bea said she could provide the draft resolution from the 2003 redistricting.

Paul Benkert suggested setting dates for public hearings. The Commission agreed to hold three public comment meetings around the County. The dates will be April 11<sup>th</sup>, 12<sup>th</sup> and 13<sup>th</sup>. The Commission will request a meeting with the Legislature on the evening of April 12<sup>th</sup>, followed by a Public Hearing in Chambers. Vicky will reach out to other places, one north and one south of Kingston and see which venues would be open on April 11<sup>th</sup> and 13<sup>th</sup>.

The Commission asked that Vicky contact the Town of Olive and see if it is possible to reschedule their appearance at the Town Board meeting on April 12<sup>th</sup>, as the Commission's work will be complete by then and input provided at that time would not be fully utilized. The Commission is open to meeting with them anytime in the next three weeks.

- Adjournment

A motion was made by Bill West to adjourn the meeting, Seconded by Rich Messina, All in favor. Carried. The meeting was adjourned at 4:14 P.M.

**Respectfully Submitted,**

**Victoria Fabella, Deputy Clerk, Ulster County Legislature**