

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

NAME OF GROUP: Commission On Reapportionment

DATE: March 30, 2011

TIME: 3:00 P.M.

PLACE: UCOB, Legislative Chambers, 6th Floor

MEMBERS PRESENT: Vernon Benjamin, Paul Benkert, Michael Catalinotto, Cynthia Lowe, Richard Messina, Dare Thompson

MEMBERS EXCUSED: Bill West

OTHERS ATTENDING: Legislator Jack Hayes; Legislator Roy Hochberg; Dennis Doyle, UC Planning Director; Robert Leibowitz, Sr. Planner, UC Planning Department; Bea Havranek, Ulster County Attorney; Laura Wall, Deputy Comptroller; Vic Work, Commissioner, BOE; Hugh Reynolds, Reporter, Ulster Publishing; Lee Cane, LWV; Tom Kadgen, LWV; Victoria Fabella, Deputy Clerk, Legislature; Michael Baden, Town of Rochester Planning Board; Fawn Tantillo; Beth Murphy; Mike Harkavy; Rokki Carr; Chris McKeever

- The meeting was called to order by Vernon Benjamin at 3:04 PM.
- A motion was made by Rich Messina, Seconded by Paul Benkert, to approve the Minutes from the March 16, 2011 Meeting. All in favor, Carried.
- April 9th All Day Session

Vernon explained that there has been some concern about having such a meeting because of the expense to the County. People would need to be brought in to open the building. Security would have to be paid for the duration of the meeting, as it would be an open meeting. Cost for Rob's time, Vicky's time, and any other staff member's time would have to be factored in. Vernon said he was unsure about the exact expense but it could be in the thousands.

Michael Catalinotto believes the Commission should not conduct the weekend meeting.

Paul Benkert asked if Bea had given a determination as to whether the meeting should be open. Vernon and Dare believe it should. Paul said if it does not have to be, then it can be hosted at his office as to not cost the County anything. The Commissioners agreed to wait and hear Bea's opinion.

Vernon suggested meeting a couple of nights during the week if necessary, as the building would be open and staffed. He said the Commission should move forward and complete the work scheduled today. The software is ready to be downloaded and the Commissioners will have an opportunity to really get into their task this coming weekend. If the Commission e-mails back and forth with ideas and comments, then a good deal of work will be accomplished by the next meeting. At that point, the Commission can reassess how frequently it must meet in order to be ready for the meeting with the Legislature on April 12th.

Cynthia reminded the Commission that she would be out-of-town from Thursday thru Sunday, and therefore not sure she would be able to make significant progress.

Paul reiterated that he will be away for the first week of April, not returning until the 8th. He said that the 9th was the first day all Commissioners were available to meet as a group.

Vernon suggested a day meeting on Monday the 11th. Michael Catalinotto is not available in the am. Paul could make time in the afternoon, but must attend another meeting in the evening.

Vernon advised the Commission to maintain e-mail communication as best as possible and to try to come to next week's meeting fairly well versed in how the Commission should achieve its goal. He said he was unsure if that meant having an actual plan or not. Vernon hopes the workshop session today gives the Commissioners a good enough understanding of the program to be able to meet in open session next week and get ideas and plans on the table.

- Bea Havranek

Bea advised the Commission on several items:

- 1) Voting Rights Act- Ulster County is not subject to any Voting Rights Act enforcement policies. There are some municipalities that are, but UC is not.
- 2) April 9th All Day Session- If there are more than 4 Commissioners in the room and you meet publicly, the meeting must be open to the public. Even though it is believed that decisions may not be made, the Commission would still be talking about the public's business. You can however meet in groups of 3, 2 and 2. Vernon said the Commission had decided against the Saturday meeting for the time being.
- 3) Prison Population- In the past, the County has always included the inmate population in its deliberation, in its census and in its redistricting. The Charter says you must use the census information. No matter what the Commission decides Bea believes it is challengeable. She wouldn't let that interfere with deliberations and advised the Commission to make the best decisions it can. Bea has queried the prisons for their populations as of April 1, 2010, and has received 3 or 4 return responses: Shawangunk- 530, Wallkill- 571 and Ulster- 704. The last count in Eastern was 1,002. It is Bea's recommendation to the Commission for it to follow the same procedure as was followed in the past. That is what Bea believes she can best support and defend if the need arises.
After discussion about possible ways to best attack this issue, Michael Catalinotto made a motion to follow precedent, accepting the census numbers as presented with no adjustments to the prison populations. The motion was seconded by Cynthia Lowe, with all in favor. Carried.
Vernon asked for a motion recommending the Commission add to its final report information regarding the prison population issue and how to resolve it. Michael Catalinotto made such motion, Seconded by Cynthia Lowe, with all in favor. Carried.
- 4) Bea confirmed for the Commissioners that they may participate in a meeting by conference call, but cannot vote via conference call. Cynthia asked if that was under Municipal Law. Bea said it comes under Public Officers Law.
- 5) Update on Lawsuit- Arguments were heard on Monday, March 28th as to whether it is up to the Commission or the Legislature to adopt the final plan, whatever the adoption mechanism is. Bea said they asked the Judge, Kimberly O'Connor, to retain jurisdiction on any cases that would come out of this. Bea discussed the arguments. She believes the Judge will make a decision very soon.

- New Business

Cynthia informed the Commission that she had a discussion with Johann Huleatt, Outreach Director of Church Communities in Rifton. Johann asked that the Commission avoid fracturing Rifton and Ulster Park into two separate County Legislative districts. Although his opinion is similar to what was heard in Esopus, it is contrary to what the Commission heard at the Rosendale Town Board Meeting.

Vernon opened general discussion by asking Mike Catalinotto to explain the work he's done thus far with the census data. Mike said anyone could do what he did. He simply broke down the population, divided by the magic number of 7,934 and allocated a percentage to each town based on its population. He then came up with combinations that might add up to the magic number. He said the Town of Saugerties and Ulster would easily combine to make 4 Districts, while Esopus and Rosendale would easily combine to make 2 districts. Mike said it becomes difficult in the middle of the County.

Dare said she was speaking with people who know Wawarsing and Denning and they discussed similarities and ease of being put together.

Vernon said it almost looks like Shandaken and Olive fit together. He commented that Woodstock is interested in retaining Glenford, and Hurley would like to be kept with West Hurley.

Vernon said he calculated the 5% under and 5% over the mean to be 7,537 and 8,331. Dennis reminded the Commission the 5% it really wants to look for is from the lowest district population to the highest district population, not 5% on top of the magic number and 5% below the magic number. It's the spread between the lowest and highest. Cynthia reiterated that the Commission would like to be even closer than 5%. The deviation between population/Legislator within the current 12 districts is less than 5%. (See handout: Census 2000 Based Legislative Districts)

For clarification, Paul Benkert asked if the reported population of the Towns includes any respective village population. Rob Leibowitz said yes, it does.

Vernon agreed to entertain questions from the audience.

Fawn Tantillo said that if she correctly read a memo from Bea given to the Commission, it said any town that was 10% more than the mean number, which is now known to be 7,934 and 10% more would be 8,727, that any town with a population of less than 8,727 could not be divided. Bea said that is not what the memo said and that was just Fawn's interpretation. Bea said that there was a subsequent memo based upon the Charter itself, and how the Charter language compares to Municipal Home Rule. It doesn't say it must or shall be. It says to the extent possible. There was a second opinion rendered and in essence it says that it doesn't apply because this is a Charter County and there was some comparison with the language of a Charter County done with a case that had similar facts. The case came out of Westchester County. The opinion is publicly available.

Fawn then clarified with the Commission that it is a goal to have the biggest district be within 5% of the smallest district. She then asked if there was any size town that would be protected. If, at all possible, would the Commission try to keep any of the smaller towns that have, for example, less than 5,000 people whole? Michael Catalinotto said the goal was to comply with the law. Vernon said the Commission is encouraged to maintain town units. However, as you can see by the numbers it may not always be possible. Cynthia said the Commission also has to take geographic barriers into consideration as well.

Fawn also commented that if the Commission causes the need to create a new election district, then the Commission should pull several census blocks into that new district, as it would be costly to create a new district for only say 100 people.

Legislator Hochberg commented that next year Hurley will be celebrating its 350th Anniversary. About 100 years ago, someone put a reservoir in about the middle of it. In the town, the people work hard to keep Hurley, Glenford and West Hurley together as a community. Despite touching so many other towns, there is a lot of common history among Hurley, Glenford and West Hurley, and a conscious effort is made to stick together. There is a spirit that keeps Hurley, Hurley. Legislator Hochberg therefore expressed that the residents of that area would request to exist as one unit. Vernon questioned how the mountain range dividing Hurley from Woodstock comes into play? Legislator Hochberg said it is a non-issue.

Hugh Reynolds questioned if Ulster Publishing could have a copy of the software to develop a proposed plan. Bea Havranek said there are licensing issues. Rob Leibowitz said there is a computer set up in the Planning Department on the 3rd floor of the County Building and anyone is welcome to come in and use it. Rob's direct line is (845) 340-3337, and those interested in utilizing the software should call him to schedule a time to come in. Dare commented that the Commissioners are allowed to talk with anybody while the Commissioner's personal computers are in hand. Vernon confirmed this as true.

Michael Baden, from the UC and Town of Rochester Planning Boards, said he wanted to comment on the geographic areas being considered. In the Town of Rochester, for example, there is an area up in the Northern part of the Denning, Wawarsing border that to access it, say from Accord, it's an hour and $\frac{1}{2}$ drive. Politically it's in the Town of Rochester, but note that group of people don't consider themselves part of Rochester. Michael Catalinotto asked if there was a road that can be used as a divider, or does the Commission just need to look at the mountains. Mr. Baden said the area is essentially the upper corner along where the mountain range is. It's just one example of how geographic areas can play as much of a role as the actual boundary lines.

- Next Week's Agenda

The Next Meeting Date will be Wednesday, April 6, 2011 at 3:00 PM in the County Building. Vernon encouraged the Commissioners to work with the software and be ready to share ideas at the meeting.

- Adjournment

A motion to adjourn was made by Dare Thompson, Seconded by Rich Messina, with all in favor. Carried. The meeting was adjourned at 4:00 P.M.

Respectfully Submitted,

Victoria Fabella, Deputy Clerk, Ulster County Legislature