

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

**NAME OF GROUP:** Commission On Reapportionment

**DATE:** April 13, 2011

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

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

**MEMBERS PRESENT:** Vernon Benjamin, Michael Catalinotto, Cynthia Lowe, Richard Messina, Dare Thompson, Bill West, Paul Benkert (arrived at 3:34 PM)

**MEMBERS EXCUSED:** None

**OTHERS ATTENDING:** Legislator Maloney; Legislator Roberts; Beatrice Havranek, Ulster County Attorney; Dennis Doyle, Director, UC Planning Department; Robert Leibowitz, Principal Planner, UC Planning Department; Tom Turco, Commissioner, BOE; Vic Work, Commissioner, BOE; Laura Walls, Deputy Comptroller; Hugh Reynolds, Reporter, Ulster Publishing; Tom Kadgen, LWV; Lee Cane, LWV; Victoria Fabella, Deputy Clerk, Legislature; Michael Baden, Town of Rochester Planning Board; Fawn Tantillo; Beth Murphy; Rokki Carr;

- The meeting was called to order by Cynthia Lowe at 3:12 PM.

Facilitator Lowe began the meeting by saying the topic of a consultant is not on today's agenda, but needs to be discussed. She asked the Commissioners when they wanted to address to this issue. The Commissioners agreed to discuss this item at the end of the meeting under New Business.

- Review of Meeting With Legislature

Vernon said it was wonderful to see democracy in action.

Rich Messina said if the Legislators came to the meetings or sat down with the software, they would understand what the Commission is up against.

Dare believes that most of the Legislators recognize the problems.

Michael Catalinotto thinks last night's meeting demonstrates the tension between areas of government. He doesn't think that's a bad thing, it's just the reality of how government operates. He continued by saying the interest of the Legislature was demonstrated yesterday when they expressed concerns about whether the Commission's product was actually a product of the Commission, or whether it was coming from the Planning Department. Michael said it doesn't mean anyone is criticizing the Planning Department. This is just an example of the unavoidable tension between the Executive and the Legislature. It can't be ignored he said. The Legislature wants to ensure that what the Commission does reflects what the Legislature assigned it to do: create, design and propose its own plan. How the Commission gets there is the problem.

Cynthia said underlying this is what the Commission itself believes is the definition of what makes the product the Commission's product, and whether or not the Commissioners can ever agree on what makes the product the Commission's product vs. the product of an employee of the County, or a consultant. Cynthia reiterated this is a discussion the Commission has agreed to discuss at the end of the meeting.

Vernon asked if his fellow Commissioners recall anything from the meeting that the Commission should be immediately addressing. Cynthia said the application of the voting districts was a comment that she heard over and over again. She believes that it was the intent of the Commission all along to manipulate the legislative district lines first and then figure out where the voting districts fell and use that to make finishing tweaks.

Michael said he too believes following election districts should come at the foot of the process and although he understands concerns about what will happen to the election districts, he doesn't see this to be an insurmountable problem. Michael said his notes reflect the following concerns expressed by Legislators at the meeting:

1. They mentioned sections of towns compatible with adjoining towns, such as in Woodstock with Hurley and Ulster with the Town of Kingston.
2. Fire Districts should be kept in mind.
3. They were interested in a timeframe for completion of the Commission's work and when it would be presented again to the Legislature for input.
4. There was a comment made that it wasn't necessary to keep villages whole.
5. One of the Legislators commented that the Town of Rochester was made a mess. The Commission will have to attend to that and be sensitive to it. Keeping Rochester whole was a repeated concern.
6. One Legislator didn't want the Town of Plattekill divided. It has a sizable population so needs to be broken up but maybe it could be tweaked a bit.
7. They talked about historical relationships between towns. Hurley and Woodstock were used as an example.

Vernon said he recalls a repeated recommendation to consider the connection with school districts.

Dare said that New Paltz, Ulster and Rochester seemed to be the most verbal.

- Preparation for This Evening's Public Input Meeting for the South End of the County

The meeting will be held at the New Paltz Community Center. Draft map versions 1 thru 3, including any updates and changes to the maps made at today's meeting, will be distributed at the meeting, and members of the public in attendance will be given the opportunity to comment. Vernon, Bill and Michael will not be attending the meeting.

- Discussion: Draft Plans

Michael Catalinotto said one item that was brought up last night was the narrowness of the deviation the Commission is trying to accomplish. He asked if the Commissioners wanted to discuss increasing the deviation.

Bill West said that he thinks the Commission should increase the deviation to 5% in either direction to see if it will fix some of the specific problems that have been identified.

Bea Havranek said the Commission has built a record by producing potential maps with a strict deviation. She advised that since the attempt has been made to have such a small deviation, it would be acceptable for the Commission to now broaden its criteria in order to address specific goals.

- Old/New Business

Cynthia said that at the last meeting there was discussion about hiring a consultant. One of the issues under contention at the meeting was the process the Commission would have to go thru at the County level to hire that consultant. Cynthia informed the Commission that for a contract \$10K or under for professional services such as those which this consultant would render to the Commission, a RFP is not required. The Commission would need to enter into a contract. Cynthia told the Commissioners they need to collectively decide what the parameters of hiring this consultant would be, what the Commission would expect from the Consultant, how the Commission would expect the consultant to interact with the Commission, what the timeline would be, and whether or not the consultant would be available and qualified to act as an expert witness in the event that the Commission's plan is litigated. Cynthia said she has no experience hiring this kind of consultant and has a concern that they may work for a particular party. Now that the Commission is aware that it has the ability to hire a consultant, Cynthia thinks the Commission should decide if it wants to go forward with this idea, and if so, a process for selecting candidates should be determined. Cynthia said a Commissioner has brought forward one candidate.

Michael Catalinotto clarified that he spoke with one individual to get a cost estimate and general details, but no name has been given. He said the fee of \$10K includes expert testimony if there is a challenge. The expert will justify the solution the Commission has come up with. He/she will not testify if there is an argument about metes and bounds descriptions of the districts. That is part of the Legislative enactment. The attorneys for the Legislature should be able to come up with the metes and bounds descriptions. Michael said based on yesterday's meeting with the Legislature, there is clearly support from the Legislators to hire a consultant. He also said there has been a three-member group established, Michael, Bill and Cynthia, who can work out the details. Michael again proposed that the Commission consider hiring a consultant.

Cynthia said she understood the three-person group was established to participate in a one-time meeting, not to be a committee to act on behalf of the Commission to choose the consultant.

Dare said the idea of hiring a consultant is deeply disturbing to her. The whole country is mired in a problem with redistricting, and these consultants are part of that process. She believes the Ulster County Commission is fresh air. Dare proposed to stick with a citizen's commission to accomplish the work.

Bill West said, as it was expressed by some last night, there are people who are uncomfortable with the fact that this Commission has two individuals working for it that are from the Executive Branch. These individuals are providing the Commission with a great deal of input. The concept of hiring a consultant means the Commission can reach out to someone who is separated from the Executive Branch and get clear answers to problems and questions.

Bea Havranek said that the Commissioners should look at the law and see that she is the one, solely, who will defend this Commission when everything is done. She said she has not encouraged the Commission to draw a line, or do anything that has to do with the physical redistricting of Ulster County. What she has done is respond to the Commissions requests for opinions when asked.

Rob Leibowitz suggested the Commission have an open meeting beginning at 9AM and go as long as it takes to create a plan from scratch.

Paul Benkert said that he is in favor of hiring a consultant, and voted accordingly at yesterday's Commission meeting. However, at the meeting with the Legislature last night, the Commission agreed to have a final product presented by April 26<sup>th</sup>. Paul questioned if it was possible to hire a consultant and have a final product by that date.

Michael Catalinotto said that Rob's idea was a good one, and he would like to do that in parallel with hiring a consultant.

Bea reminded the Commission that there is an element of time when it comes to negotiating a contract.

Laura Walls, Deputy Comptroller, agreed that creating a map from scratch during an open meeting is a good idea. She suggested having Legislative Majority and Minority counsels attend the Commission's meetings as a way to combat partisanship.

Paul Benkert said he is in support of creating a plan from scratch. He believes that the Commission can come to an agreement on a final map that way. However, in the event that it can't, Paul said the Commission should gather names of consultants and start the process so the Commission has a backup plan if necessary.

Rich Messina said that none of the Commissioners have gotten any further along with the software within the last two weeks. Rich questioned if the Commission could accomplish its goal without the help of Rob or a consultant.

Cynthia said she doesn't believe it was ever intended that the Commission would do everything on its own. She thinks it is a waste of time to do the minutia that the software requires and lose sight of the bigger picture; the impact that the Commission will have on each town and the whole County. The benefit of sitting together and using Rob to manipulate the software allows the Commission to be concerned with the big problem and not the mechanics of a computer program. Cynthia continued by saying that she cares about what the end product is and wants to be in the room when the maps are being drawn or things are being altered.

Dare said the enemy is not the software, it's time. She would like to move on.

Michael Catalinotto said the Commission is tasked to create new districts. In getting there, the Commission must use census blocks. The Commission has to have someone manipulate the census blocks to come up with districts that the Commissioners are satisfied with. You can't just come in and say break up the town of Marbletown this way or the Town of Plattekill that way. The Commission must use the census blocks to figure out the population that will be in each newly created district.

Cynthia said it's not just about population. It's about people. Who better knows where people live, where the geographic issues are and the communities than someone who lives here. What does a consultant know about Ulster County?

Vernon said that this is not about redistricting or the Executive or Legislative branch. If you looked closely at the bunch in the room at last night's meeting, they said they don't want a Planning Department member to do this. They want this to be done by the Commission only. Yet, when Mike said that the Commission was considering hiring a consultant that same section of the room cheered. Vernon said this is about pushing a political agenda of the majority party. He said that he is confident that the task can be done without the aid of a consultant by using the personal knowledge of the Commissioners, the input heard at the Town Board Meetings, and Rob's expertise.

Michael said he is insulted by Vernon's remarks, and there is nothing he is trying to do other than get the product done that the Commission was assigned to create. Michael reiterated that he said it was a good idea for the Commission to create a map from scratch. He said to leave the politics outside and suggested picking a date and moving on. Michael made a motion for the Commission to meet on Wednesday, April 20<sup>th</sup> at 9AM until whatever time necessary to attempt to complete a map. All in favor. Carried. The Commission will also reserve Saturday, April 23<sup>rd</sup> in the event another all day meeting is necessary.

Michael Catalinotto said that since it was his motion to consider hiring a consultant, he will gather information on potential candidates and disseminate that information via e-mail to the Commission. Michael will obtain names, copies of contracts that have been used, specific information on what services are included, candidate employment history, and any affiliations.

- Next Meeting Agenda Items

The Commission will focus on creating its map.

Cynthia gave the floor to Tom Turco. Tom advised that overlaying the election districts on the map sooner than later will help the Commission with its process. He said he looked at the three draft map versions and the Commission has cut 1/3 of the election districts in half or into some odd segment. There would be a very large amount of corrections that would need to be made if the Commission waited until the end of its process to overlay the election districts. Tom said the census information is used to obtain the best representation for the people. Tom again advised the Commission to put the population centers in the election districts to make the process easier.

Dare said she is not concerned with how much work is created for the Board of Elections. However, she is concerned about voter displacement. Although it was going to be done later in the process, Dare would like to see election districts overlaid on the maps now to try to minimize difficulty for the voters.

Rob confirmed that the current election districts can be overlaid on the draft maps in the software. After some discussion, the Commissioners agreed to look at the election district overlay as they are creating their map at Wednesday's meeting.

Bill West requested a map that utilizes the highest allowable deviation in an effort to maintain the integrity of as many towns as possible. Dare added the criteria of minimizing the distortion caused by the prison population pool. (Districts containing the prisons should have a higher total population than the other districts)

- Public Comment

Mike Baden suggested starting Wednesday's meeting with a completely blank map. He also suggested not taking public comment at that meeting. Mike believes this is the only way no one can argue that the process wasn't completely fair. Michael Catalinotto confirmed that is the intention of the Commission.

Legislator Maloney offered an example of the negative effects of not considering election districts. In the Town of Ulster there is a neighborhood where at one time all its inhabitants voted about 400 feet down the road. In the last redistricting effort, a rail road line was used as a district boundary, cutting the neighborhood. As a result, people on one side of the road still go 400 feet to vote and people on the other side of the road have to drive 6 miles each way.

- Adjournment

A motion to adjourn was made by Bill West, Seconded by Michael Catalinotto, with all in favor. Carried. The meeting was adjourned at 5:03 P.M.

**Respectfully Submitted,**

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