

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

NAME OF GROUP: Commission On Reapportionment

DATE: April 23, 2011

TIME: 9:00 A.M.

PLACE: UCOB, Legislative Chambers, 6th Floor

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

MEMBERS EXCUSED: None

OTHERS ATTENDING: Legislative Chairman Fred Wadnola, Legislators Belfiglio, Frey, Hansut, Roberts, Ronk, Hochberg, Loughran, Rodriguez, Gregorious and Zimet; Dennis Doyle, Director, UC Planning Department; Robert Leibowitz, Principal Planner, UC Planning Department; Bea Havranek, Ulster County Attorney; Jim Quigley, Town of Ulster Supervisor; Carl Chipman, Town of Rochester Supervisor; Michael Novinson, Reporter, Times Herald Record; Victoria Fabella, Deputy Clerk, Legislature; Michael Baden, Town of Rochester Planning Board; Mario Catalano, Larry Kithcart, Frank Cardinale, Julian Schreibman, Mary and Bill Carey, Cecilia Madden, Loretta and Peter Yaple, Gloria VanVliet, Shirley Whitlock, Roger Rascoe, Diana Puglisi, MD, Tavi Cilenti, Kathleen Colletti, Tony Spano, Rokki Carr

- The meeting was called to order by Paul Benkert at 9:08 AM.

Facilitator Paul Benkert commented that the Commission has received many e-mails and has heard a great deal of input over the last few days. Paul said that the Commission would allow time at the end of the meeting for public comment, but will not be taking comments during the time the Commissioners are working on their map.

Commissioner Benkert said he believes there are four areas the Commission must address: Woodstock/West Hurley, Shawangunk/Plattekill, Kingston, and the 50 mile Walker Valley/Denning district.

Paul said Bea Havranek wants to discuss the City of Kingston. Bea clarified that she wanted to discuss the minority issue. She said that she is not promoting that lines be moved in any way, but she wants to fully understand what the Commission has done. She is aware that a district comprised of a 46% minority population was created. Bea said she has researched United States Supreme Court Cases and one state case and the issue is dilution. The cases raise the question, if you go less than 50%, are you diluting the vote of a minority group to choose their own candidate. If you are able to create a 50% voting block, are you somehow diluting the other districts? Bea noted this is not easy to do. She reiterated that she is not telling the Commission to do this or not, but she said there could be a minority challenge if the Commission creates a district that is less than 50% despite having the opportunity to be higher. Bea said that the Commission may not be able to do anything more, but she requested that the Commission take a look and see if there is any way to eliminate that issue. Bea also reminded the Commissioners that they must also keep in mind the regular criteria used when drawing lines: compactness, contiguousness, total population, etc.

Commissioner Thompson said the Commission had two thoughts on this issue. One being that the minority population was fairly spread out. Two, Dare noted that the Commission was looking at all minorities mixed together, not any one minority. Dare said the Commission was trying to recognize the spirit of the law. The Commissioners also recognized that they did abide by the typical criteria of compactness, contiguousness and total population when creating the districts within the City of Kingston.

Facilitator Benkert asked the Commissioners if they would like to start working with the City of Kingston.

Michael Catalinotto said that before working on the map, he would like to discuss another matter. He said that although the computer is a great instrument, it is insensitive to people. In trying to achieve perfection and use of the computer chessboard, the Commission has managed to butcher towns. Michael said that what the Commission did to Shawangunk, chopping it up so that it is with several different towns in three different districts, is an abomination. Mr. Catalinotto said people aggregate themselves in communities because they have something in common. He said when the Commission butchers the towns so it can come up with 182,493 lbs of chopped meat to put into 23 sausages it becomes a counter-democratic, flawed process. Michael believes the only way to solve the problem is to use proportional or weighted voting. This will keep the towns the way the people created them. When the Commission attended the town board meetings, all of the towns said they wanted to remain whole. The Charter says the Commission's goal is to obtain equal and fair representation of all people in Ulster County, keeping districts compact, contiguous, and taking into account existing town, city, village and election district boundaries. Michael said the Commission is doing the opposite and he is against it. He said that the Commission can continue on with the slicing and dicing process, but he believes it will result in the same problems. Michael said before the plan is submitted to the Legislature, he will make a motion to adopt weighted voting as the solution to the problem.

Facilitator Benkert asked Bea for legal input. Bea said it is discouraged. In areas where there is a board of supervisors, weighted voting is used because you have a town supervisor who represents the town and automatically becomes a member of the board of supervisors which is the legislature. Bea said she gave the Commissioners copies of the case law that addresses it. It is not unconstitutional per se, but it could be found to be unconstitutional depending on how it's done. Everything is up to a challenge.

Michael Catalinotto referenced one of the cases Bea provided and said that weighted voting was found to be constitutional and acceptable even though in that instance two towns represented more than 50% of the vote in the legislature. Michael said that is not the case here. Fortunately, in Ulster County it's spread out.

Bill West clarified with Bea that there are other counties that have legislatures that have weighted voting. Bea said there are. Bill also said that under the election law, which is a state mandated law, weighted voting is a part of the process.

Bea said there is also case law where it has been challenged and the challengers have been successful because of the way it was done. Bea reiterated that she is not here to tell the Commissioners to do it one way or another.

Cynthia Lowe suggested Michael Catalinotto move the question so the Commission can figure out where it stands. She said if the Commissioners are not going to fix the map, then they can all go home.

Bill West said the Commission has to figure out the City of Kingston regardless. Michael agreed saying part of his proposal would be to have three districts in the City of Kingston and the 20 towns being individual districts with one single member.

Commissioner Lowe said it should be determined now whether the Commission is going with proportional voting or whether the Commission will continue trying to come up with 23 individual districts.

Bill West commented that he believes that motion would be out of order. Bill said the Commission should try and make the map rational, and if it is unsuccessful, the people of Ulster County deserve to have each town wholly represented. He believes that would be the natural progression of events.

In reference to Michael Catalinotto's statement about the Commissions completed work in comparison to the description in the Charter, Vernon commented that it was completely unfair of Mike to state the Commission has failed to do that job. Vernon said each person sitting around the table knows there has been discussion about specific town boundaries, election districts; each of these matters. Vernon said the Commission took it a step beyond that and looked at creating a minority district. He said there is one area where the Commission failed- The City of Kingston because the Commission did not look at election districts. In retrospect, Vernon thinks the Commission may have diluted the voting and political power of the African American and Hispanic communities. Vernon would like to see the Commission revisit that. In reference to weighted voting, Vernon said he can't see abandoning the process that the Commission has embraced thus far and done a very good job at to date. He said the Commission is looking at relatively minor changes to the map. Vernon believes the Commission should move forward and complete the job, as it is very close to producing a map that can be submitted to the Legislature.

Michael Catalinotto passed out material which he said demonstrated how badly the Commission has chopped up the towns, disregarding the requests of the people from the towns to remain whole, and disrupted the communities which towns represent in order to achieve some mathematical satisfaction. (See handout *No. of Towns Involved, District #, Towns Involved*) Michael said the Commission is dealing with people, not little sections with colors on a map that looks attractive.

Commissioner Catalinotto made a motion to have 20 single member districts of the 20 towns and three districts in the City of Kingston to be apportioned to have three districts with minority representation. Seconded by Bill West.

Bea Havranek advised the Commission that the leading case law says when weighted districts are formed, there needs to be an analytical computerized plan done so that the weight of each district can be compared. It has to be shown that not one area, or political party or minority has any advantage over the other by doing this.

Cynthia Lowe said that she attended just about all of the town board meetings the Commission was invited to and no one proposed, questioned or advocated for proportional voting. Cynthia said the arithmetic has not changed since day one. The Commission was aware that it would not get equal districts. She said that at every town meeting the Commission went to, it discussed the problems it would have, that towns would be joined or divided based on population. Everyone that Cynthia heard from or spoke to accepted this. There was no question about that process. Cynthia said she is not in favor of changing the focus of the Commission. She is in favor of going forward with the districting the way the Commission has done it via the map, adding and subtracting towns, and utilizing all of the criteria the Commission has developed.

Dare said in support of the Charter, she believes it is so clear that no one was thinking of weighted voting as a solution. Dare believes the people wanted exactly what the Commission has been doing. Her perspective on weighted voting is that it is used in smaller counties. It's moving backwards to an older system.

Bill West believes there was language in the Charter that misled the people. The language he is referring to is "23 single member districts." Bill said that at all the meetings he attended people interpreted that language to mean each town would stand alone. Towns that have been sliced and diced in the past feel disenfranchised. Bill said weighted voting is an attempt to maintain the integrity of the towns.

Commissioner Benjamin objects to the language "slicing and dicing" that has been used repeatedly by some of the Commissioners. Vernon said that the Commission's process of obtaining public input has helped the Commission to

create a better picture of how Ulster County works and operates in a human sense rather than just breaking it up into proportional districts. Vernon also said proportional districts quickly get into a situation where the highly weighted districts control the actions of the Legislature. Joining the smaller towns with the larger towns and creating districts that represent the actual movement and life of people is more consistent with the needs of the County as a whole.

Rich Messina asked his fellow Commissioners if it would have made a difference if weighted voting was brought up in the beginning of the process rather than now. Vernon, Cynthia and Dare answered no. Michael Catalinotto commented that this is an attempt to remedy a flawed process, a process that results in the chopping of towns. Dare suggested this was being done last minute to stall the process. Mike said it became apparent last Wednesday after the Commission finished dicing and coming up with a map that chopped the towns up into various segments that this was a flawed process. Mike said he couldn't agree with it.

Facilitator Paul Benkert called for a vote.

MOTION DEFEATED BY THE FOLLOWING VOTE: 4- 3 AYES: Catalinotto, Messina, West

Paul Benkert commented that he is open to the weighted voting proposal. However, at this time he believes it is in the best interest of the County for the Commission to proceed with its work on a map.

- Draft Map

For use as a reference tool, Rob Leibowitz distributed a map that demonstrated what he felt was a "best-of" all of the plans the Commission has done thus far. Although appreciative of Rob's work, the Commissioners decided to resume their work where they left off at their last meeting on Draft Map Version 5.

Before any changes to the map were made, Dare Thompson gave a synopsis of the Public Comment Meeting in Olive.

The Commission took a recess at 10:11 AM and resumed at 10:28 AM.

The Commissioners agreed that the Shawangunk area needed to be addressed. They ultimately split Shawangunk into two districts, one inclusive of the west part of the town, and the other encompassing the eastern portion of Shawangunk along with a small section of Gardiner and a small section of Plattekill.

Again the Commission used a trial and error, addition and subtraction process to attempt to accommodate the wishes of the towns and honor their culture while staying within the allowable population deviation. After discussion and much effort, the Commission made the following additional adjustments to Draft Map Version 5:

- The portion of Gardiner where the Town Hall and post office are located was restored to the district that contains the rest of Gardiner (minus the small piece that was put with Shawangunk).
- Modena and Clintondale were placed with the Lloyd district.
- A district was created encompassing the Towns of Denning, Hardenburgh, the northwest corner of Rochester and a large portion of Wawarsing.
- Olive and Shandaken were joined to form a district.
- Woodstock was kept whole and joined with West Hurley to form a district.
- Hurley was joined with the portion of Marbletown that is north of Rte. 213 to create a district.
- The Rosendale/Marbletown district now obtains some population from New Paltz.
- Part of the Marlborough district now reaches into Plattekill.

The map reflecting these changes will be identified as Draft Map Version 5a.

Facing great difficulty in the eastern portion of the County, the Commission left a portion of Wawarsing, to the east of the Village of Ellenville, south of Rte. 55 down to the Town line, unassigned to a district. The Commission will address this at their next meeting.

Noting the time and current status of the draft map, Paul Benkert commented that he has doubts about the Commission completing its work by the original deadline of next Tuesday, 4/26/11. He asked his fellow Commissioners for thoughts on this. General consensus was to postpone the deadline.

Paul Benkert made a motion to delay the Commission's presentation to the Legislature until May 9, 2011 to allow the Commission more time to accomplish its goals. Seconded by Mike Catalinotto. All in favor, Carried.

- Next Meeting Date

The Commission agreed to meet next on Monday, April 25, 2011 at 5:00PM. There will also be a meeting on Wednesday, April 27, 2011 at 3:00.

The Commission recessed at 12:03PM and resumed at 12:08PM.

- Public Comment

1. Legislator Peter Loughran

Legislator Loughran said he appreciated what the Commission was trying to do, but he doesn't agree with it. He represents the "minority district." He said he has the following valid objections:

- Creating a minority district that is not comprised of a majority of minorities does not work and will turn into a real problem.
- In terms of representation, there are currently two Legislators that represent that area. Legislator Loughran said he and Legislator Donaldson have been representing that portion of the City for years. He said they know the people, who are obviously quite happy with what their Legislators are doing. The Commission's plan will remove representation. There will be one individual representing that district and the other individual will be removed completely from the people of that area.
- There are some people who have questioned whether or not it will become a containment area.
- Legislator Loughran suggested maintaining the current ward boundaries. There are nine wards in the City and the Commission could assign three wards to each new legislative district, creating 3 districts with equal population and the same representation.
- Again Legislator Loughran commended the Commission for its efforts, but said that creating this minority district implies that neither Legislator Donaldson nor he can adequately represent the people of that district. He noted it would be equally wrong for him to say that because there is not a minority on the Commission that the Commission is incapable of representing minorities.
- Legislator Loughran referenced some of the minorities in attendance at today's meeting who are currently politically active in that district and he said they, too, are not in agreement with what the Commission has done with the City.

Legislator Loughran said that he would also put his thoughts together in an e-mail to the Commission.

2. Legislator Susan Zimet

Legislator Zimet said that the Commission treated the Town of New Paltz like a second class citizen compared to the Village. The Commission left the Village whole, but split the town into three districts comprised of several different towns. Legislator Zimet said she came to express her concern that New Paltz had 3 Legislators in the previous maps, but after today's session, it is now four and the Commission has disenfranchised New Paltz even more. She noted that there is no one on the Commission from New Paltz and she feels New Paltz was chopped up and put aside to deal with later.

Although she knows this process is supposed to be devoid of politics, Legislator Zimet said prior to the last redistricting effort, it was impossible to get Democrats elected in the Legislature. It wasn't until they did certain redistricting to make it more even that the next election there were 16 Democrats and 17 Republicans. That was the first time the Legislature worked as a government, Legislator Zimet said. The 16 and 17 worked together for the good of the people of Ulster County. Therefore, Legislator Zimet said, in some ways the Commission has to keep an eye on where we are going with all of this. If you go back and put all of the power into the hands of one party, the County takes steps backwards to where we were all those years ago.

Legislator Zimet commented that some Legislators are leaning towards proportional representation thinking it is the only way towns will have a voice. Sitting here watching this, she said, is like, where is the representation?

Legislator Zimet thinks there are a lot of issues that have to be considered. At the end of the day she believes the Commission wants what is best for Ulster County but she thinks there are a lot of issues the Commission still needs to address.

3. Legislator Roy Hochberg

Legislator Hochberg thanked the Commissioners for their efforts, and commented that he agreed with the decisions made by the Commission in the creation of Draft Map Version 5. Like anything, he said, it has its advantages and disadvantages. He sees that the Commission is in the process of developing what appears to be version 6, and presumably will move onto versions 7, or 8. In doing so, Legislator Hochberg asked the Commissioners to look into the future a little bit. He said that according to the census data, the growth in Ulster County seems to be focused in the south, south-eastern portions of the County, and there is a decline in the Northwest. For example, Hurley went down 248 people. As the Commission does its percentages, it would seem to make sense to be a little bit under in the south and a bit over in the north to keep the voting proportional and balanced.

Legislator Hochberg also spoke to consolidation and regionalization which he said seems to be teed off of how the towns feel and their judgment of what they can consolidate and what they can regionalize, yet maintain, to some degree, their own character. Legislator Hochberg said that is an argument to maintain the integrity of the towns.

Legislator Hochberg reiterated the desire to keep Hurley intact, as the people work at that. Road and drainage projects go back and forth between West Hurley and Old Hurley. The town supports the libraries in both portions of Hurley. The town supports the fire department financially in both portions. There are government functions and operations that are holding and keeping the town together.

Legislator Hochberg said maybe a compromise is in order and there should be a hard look taken at proportional voting versus the, what was referred to earlier as the "balkanized approach," that has occurred here.

4. Legislator Ken Ronk

Legislator Ronk thanked the Commissioners for the way they took the concerns of the residents of the Town of Shawangunk into account today, particularly the residents of Walker Valley. Legislator Ronk said there is a great community in Shawangunk who understands that the town must be split because of its population. As the Commission makes future changes, Legislator Ronk asked that those changes not be made with only the goal of maintaining a population deviation, but also have the lines make sense for the people that live there. He believes people have a vested interest in knowing and having interaction with their representatives. Legislator Ronk noted that it is hard to do if you are in a convoluted district with three or four towns.

5. Legislator Carl Belfiglio

Legislator Belfiglio spoke about the Town of Esopus, saying that all of the draft map versions prior to version 5 kept most of Esopus intact, which he was very pleased about. He pointed out that there are religious communities located in Esopus that the Commission has now divided. Legislator Belfiglio said these types of organizations are facing tough times in this economic climate and he hopes the Commission would be sensitive to this particular area. He concluded by thanking the Commission for its work.

6. Mike Baden, Town of Rochester Planning Board Member

Mr. Baden pointed out that he is not an elected official representing anyone. He said he submitted a map to the Commission that he produced on the public computer. He noted some of the reasoning he used while making his map:

- His full range deviation is 4.86%
- He managed to keep the majority of towns under the mean population whole. He believes if the deviation was increased he could possibly do an even better job with this.
- He looked at regional issues as well as town/political boundaries.
- He created a district around the Rte. 28 corridor and around the reservoir with current issues in mind. The reservoir is a large County issue right now. He made it one person's responsibility.
- He broke up the larger towns in the south, separating them by corridors. For example, he created a Rte. 52 corridor, which is the village of Ellenville down into Walker Valley.
- Although Shawangunk gets split into four districts, one of those districts has a portion of Shawangunk with Plattekill, and that portion of Shawangunk is made up largely of the prison.

Mike said he would be happy to give out his contact info if anyone has any additional questions. He understands first-hand the difficulties the Commission is facing and asked that some of his suggestions be considered.

7. Legislator Don Gregorious

Legislator Gregorious thanked the Commission for its work. He recognized many of the criteria the Commission has considered during decision making, saying that he believes it is most important to keep cultural things together and keep in mind boundaries that are impassable, i.e. mountains, the reservoir. Legislator Gregorious said sometimes what appears to be simple is more complicated from a cultural standpoint and how life works.

8. Roger Rascoe

Mr. Rascoe advocated for proportional voting. He said it is the fairest solution. He reiterated that he has had a bad taste in his mouth about being disenfranchised in Shawangunk for the past 10 years. He said that although after today's session he is appreciative of the way the Commission redistricted Shawangunk, he knows the Commission will make changes to the Town while trying to fix the problems in Wawarsing.

Roger also understands that the Commission has pushed back their deadline until May 9, 2011, but he suggested that the Commission release its plan to the Legislature and to the public as soon as it is ready should that date be before the 9th.

9. Legislative Chairman Fred Wadnola

The Chairman thanked the Commissioners for their work. He commended them for keeping the City of Kingston whole, as he knows from representing the area in the past the issues faced there are unique to the City.

- Adjournment

A motion to adjourn was made by Bill West, Seconded by Rich Messina, with all in favor. Carried. The meeting was adjourned at 12:35 P.M.

Respectfully Submitted,

Victoria Fabella, Deputy Clerk, Ulster County Legislature