

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

NAME OF GROUP: Commission On Reapportionment

DATE: May 2, 2011

TIME: 7:00 P.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: Legislators Aiello, Felicello, Gregorius, Hayes, Hochberg, Madsen, Maloney and Ronk; Robert Leibowitz, Principal Planner, UC Planning Department; Sue Plonski, Asst. County Attorney/Contract Manager; Pam Longley, Paralegal, Ulster County Attorney's Office; Hugh Reynolds, Reporter, Ulster Publishing; Patricia Doxsey, Reporter, Daily Freeman; Michael Novinson, Reporter, Times Herald Record; Paula Sirc, Reporter, Shawangunk Journal; Lee Cane, LWV; Victoria Fabella, Deputy Clerk, Legislature; Michael Baden, Town of Rochester Planning Board; Julian Schreibman, Kathy Mihm, Brian Cahill, Glenn Noonan, Fawn Tantillo, Mike Harkavy, Diana Kline, Rokki Carr

- The meeting was called to order by Dare Thompson at 7:05 PM.

Facilitator Thompson told the members of the public in attendance that a sign up sheet for public comment was being circulated. She said that the Commissioners would first discuss where it stands with the map, and then the Commission would take public comment, which would be limited to two minutes per person.

Facilitator Thompson asked Commissioner Benkert to speak about the progress that has been made on the map. Paul started by explaining where the Commission last left off, with Draft Map Version 7, and how there was a goal to keep Walker Valley in a district with the Town of Shawangunk. In its efforts to accomplish this goal, the Commission ended up creating a funny shaped, eyebrow-raising district. Paul said he and Commissioner Messina worked on the map and were able to come up with some solutions. Walker Valley was kept whole, and placed into a district where western Shawangunk is joined with Wawarsing. The populations are very close, almost split 50/50 between the two towns. The jails were separated, one put into the Gardiner District and one put into the all-inclusive Shawangunk District. Paul said that one flaw is that the Gardiner District goes all the way down to the Orange County border, but the District follows the ridgeline. Paul feels that this is somewhat unavoidable. There was also a slight change made to include more of Wawarsing into the district that encompasses the Village of Ellenville. There were no other changes made. Commissioner Benkert thinks the map is better than what it was, but he is open to comments.

The Commissioners reviewed the map and determined that these changes were an improvement upon the last draft map that was worked on. The Commission agreed to move forward using the map with the changes recommended by Commissioners Benkert and Messina. Facilitator Thompson opened the floor to public comment, noting that comments should be directed towards the newly agreed upon map.

- Public Comment

1. Legislator Mike Madsen

Legislator Madsen said he was here to lobby for the Commission to swap two of the wards, one in proposed District 6 with one in proposed District 7, leaving District 5 as is. He said that he understands the wards were used to make up the new districts and everyone seems to be comfortable with District 5 encompassing wards 1, 2, and 4. He doesn't however feel the combination of wards 3, 5, and 9 in district 6 is the best combination. Legislator Madsen said he lives in ward 9 and feels the 7, 8, 9 combination represents a region of the City, as does the 3, 5, 6 combination. He distributed a map illustrating what his proposed change would look like saying that it reflects the three existing neighborhoods in the City of Kingston. Legislator Madsen said there is an uptown "Wiltwyck" district, a downtown Rondout area district, and a district which includes all the old farmland in the middle. He said the folks in these regions have similar building structures and history. He added that although he doesn't believe where incumbents live should be taken into consideration by the Commission, some people are telling him he has a better chance running in the district if it's left the way the Commission created it. Therefore, even though he's advocating for a map that is less likely to allow him a primary victory, he's sticking with his recommendation because it's a neighborhood issue. Legislator Madsen said the Commission's plan will be in place for 10 years and he wants it to be best for the people.

2. Fawn Tantillo

Fawn said she was working with the software in the afternoon and just missed the Commissioners who were working with the map in the morning. The map worked on by Commissioners Benkert and Messina was not authorized for release at that point, so she did not see it, but interestingly came up with very similar solutions. Fawn made the same change in the greater Ellenville area. She divided Shawangunk differently, but looking at the Commission's solution, she said she actually likes the Commission's better because it shares population evenly in the Wawarsing/Shawangunk district. She thinks the Commissioners produced a great plan. Having sat through a lot of the process, Fawn believes the Commission has a final map here.

3. Legislator Bob Aiello

Legislator Aiello said he was extremely satisfied with District 18 (Draft Map Version 5) up until last Wednesday. It was fair and equitable. He said he's lived there for 36 years. Legislator Aiello said had there been an incumbent in that area, he's not afraid of a challenge, so that is not his issue. He said his issue is that overnight, Bishop's Gate, which is really in Glasco, was somehow put into District 18. He explained that following the current election district boundaries, Bishop's Gate is with Glasco, not Barclay Heights. Legislator Aiello said there is an incumbent living in Bishop's Gate who has only resided in the area for two years. Legislator Aiello said he is here tonight to ask for fairness and to have the Commission restore District 18 back to the way it was. He believes the current district is unfair and borders on gerrymandering. Legislator Aiello said if in the end this district remains as it currently stands the Commission may face criticism for its failed attempt at creating a fair and equitable plan.

4. Legislator Roy Hochberg

Legislator Hochberg said he was here to speak on the Woodstock/ West Hurley issue. He gave the Commission a petition and said there were more like it being circulated as he speaks. Legislator Hochberg quoted the Ulster County Administrative Code saying that it was a charge of the Commission to reapportion as necessary, considering existing town boundary lines. He said in the existing Legislative districts, the Town of Hurley is whole, compact and contiguous. Town government provides needed services and support to Hurley, West Hurley and Glenford equally. A centrally located Town park, Town Highway Department and Town transfer station are adjacent to the Ashokan

Reservoir. He said that unfortunately, the new Legislative redistricting proposed by the Commission divides the Town of Hurley into different Legislative districts after being reunited into one Legislative district 50 years ago. Legislator Hochberg asked the Commission to keep the Town of Hurley whole, undivided and to acknowledge the history and the desire of the people as shown in the petition.

5. Mike Baden

Mr. Baden said that he wasn't going to criticize the Commission's plan, but instead offer some advice. A few years ago, Mike said he chaired a commission in his town that redid their zoning map. In the first go-round, the commission took everyone's comment and tried to make everyone happy. At the first public hearing, 250 people showed up and tore the commission to pieces. The town board tabled it. There were elections and a new Commission was formed. Mr. Baden was the only carry-over from the original commission. The second go-round, the commission didn't take public comment but made the best map it possibly could. The town board held a public hearing and 10 people showed up. One person sued and lost because the judge said the commission could justify every line on its map. Mr. Baden clarified he is not saying not to listen to people but he advised the Commission to make sure it can justify everything it has done at the end of the day.

6. Brian Cahill

Mr. Cahill said his comments are directed at the Town of Ulster, which has 12,327 residents. He said that the Commission has not developed one plan with the Town of Ulster in a self contained district. Every plan proposed has had the Town of Ulster either with the Town of Saugerties, the Town of Kingston, or the Town of Hurley. He asked that the Commission find a way to make a district within the Town, so that the Town of Ulster has at least one representative who is not diluted with other towns. He said there are plenty of people to make a whole district within the Town. Every other town in the County that has the population that allows them to have a stand-alone district within the borders, has it. The Town of Ulster doesn't have it now and never did on any plan. The Town of Ulster creates over 50% of the sales tax revenue for the County. It is a retail hub of the County. Yet, said Mr. Cahill, it won't have its own Legislator despite having more than enough population to do so.

7. Glenn Noonan

Mr. Noonan confirmed with the Commissioners that the prison populations were not taken out of the total population numbers. The Commissioners confirmed this as true. Mr. Noonan said the deviations among the districts may be skewed once these populations are removed. He added that the people of Gardiner do not have a connection to the prisons, nor are they part of the emergency planning. Mr. Noonan also said that since this is a 10 year plan, the map as it currently stands allows for the possibility of three legislators from Shawangunk and none from Gardiner. Although Glenn said he appreciates the work done by the Commission, there was a boundary line drawn on a street that a current legislator lives on. He believes this will create a negative public perception and advised the Commission to reexamine this.

8. Legislator Ken Ronk

Legislator Ronk said that he has witnessed some of the deliberations and also wrote the Commission a letter, and is pleased with the way the Commission has divided Shawangunk. He said he has spoken to several constituents in Shawangunk and Gardiner and both sets of people are very pleased. He said he hasn't spoken to anyone in his town that was unhappy. Legislator Ronk said it is fair to split the prisons between the Towns, as a lot of people who work in the prisons live in either town. He said upon viewing the map, it looks like it makes sense. The hamlet of Wallkill as well as the greater hamlet area is kept whole. Legislator Ronk said he understands how hard the Commission has worked and he appreciates it.

9. Legislator Frank Felicello

Legislator Felicello said that he knows the Commission is anxious because of all the work that has gone into this, but 10 years is a long time and all the I's should be dotted and all the T's should be crossed. In the current multimember districts, Marlborough and Plattekill are together. One area that Legislator Felicello is concerned about, speaking on behalf of the people that live in those areas he said, is school districts. Part of the school district in Plattekill is part of Marlborough and has been for many, many years. The school is the biggest area where people come to. There is a connection that is now being split and people are very upset. Legislator Felicello said he has received several phone calls and would be remiss to not bring this to the attention of the Commission.

10. Legislator Don Gregorius

Legislator Gregorius said that either Woodstock would be divided or Hurley would be divided. He supports the decision the Commissioners have made, keeping Woodstock whole and joining it with West Hurley. Legislator Gregorius noted that to change the map now would create a ripple effect change with the other districts. He said that the reservoir is a natural boundary that makes West Hurley and Woodstock go together. Some people living in West Hurley have Woodstock addresses. There are commissions and boards with members from both areas. There are little leagues, other sports leagues, shopping and a museum that people from both areas share. Woodstock Town TV gets into West Hurley. Legislator Gregorius said there is a natural formation of people and how they live their lives. He said he knows everyone wants their town whole but all of the people he spoke with were particularly happy about the Commission's most recent map because of the close association of the two entities of West Hurley and Woodstock. Legislator Gregorius added that he, too, is certain that he could get enormous support in terms of petitions. He again thanked the Commission for its work, rationale and attentiveness to all the letters received.

11. Julian Schreiber

Mr. Schreiber asked the Commissioners to look closely at the peninsula that extends from Gardiner into Shawangunk, as there may be issues with compactness. He said he appreciates that two Commissioners worked on the map, but he believes the entire Commission as a whole should closely evaluate the details of that area. Julian then said that in reference to the issues of Legislators Gregorius and Hochberg and Mr. Cahill, there is a solution to those problems. He said that although the Commission has worked hard to get where it is, at the end of the process it is important to step back and make sure small changes make the big picture make sense. Mr. Schreiber offered the solution of keeping both Woodstock and Hurley intact. He suggested taking the Town of Kingston and the surrounding areas in the Town of Ulster that have a lot in common with both the Town of Kingston and with Zena and joining it with Woodstock to create a district. That would then leave sufficient population to have a district with just the Town of Ulster. Mr. Schreiber believes it is worth the Commission's efforts to try to create a solution along those lines. Julian said the Commission should be wary of making changes that are responsive to certain things that exist today but may not be circumstances that exist in five or six years. Lastly, Mr. Schreiber asked that the Commission be cautious about anyone saying "I've talked to people," because it is unknown who the people are and how many there are. He believes the comment that the Commissioners should rely on their own good sense is very important input.

12. Diana Cline

Ms. Cline said she has lived in Hurley all her life and they have tried for decades to unite West Hurley with Old Hurley. She said that on every board that they have in their town, they split it evenly with someone from West Hurley and someone from Old Hurley. She does not believe the reservoir is a divider of the Town and by separating the Town there, the Commission is going against the decades of work that has been done to unify Hurley. She added

that the Town Hall is in Old Hurley so people from West Hurley are used to coming down for dealings there. Diana said she has spoken with many, many people and no one wants their town split. Diana concluded by supporting the idea of Julian Schreiber as a solution.

13. Legislator Jim Maloney

Legislator Maloney said that he is confused by some of the comments he's heard tonight. The Town of Ulster has been with the Town of Kingston for several Legislative cycles over the years and through past redistricting. Legislator Maloney said he believes the current configuration is fair and it's what the people asked the Commission to do. He said the current configuration creates an open race and that's the best thing for the people.

- Discussion

Facilitator Thompson said that at this late date, she thinks it would take a very compelling argument or several Commissioners wanting to address an issue from public comment for the Commission to entertain discussion on that comment. She asked the Commissioners if they heard anything they want to address.

Commissioner Benkert said he brought up the Town of Ulster issue at the last meeting and it had no traction among the Commission. The only thing he would consider looking at would be the City of Kingston to create downtown, midtown and uptown districts. Paul Benkert made a motion to consider redistricting the City of Kingston, Seconded by Vernon Benjamin. MOTION DEFEATED: AYES: 2 (Ayes: Benjamin, Benkert) NOES: 5

Dare Thompson said that all of these issues have been previously discussed and that is why the Commission is inclined not to open them again.

Vernon Benjamin said that these things have all been discussed in detail, looking at geography and how towns best fit together. Commissioner Benjamin said the critical issue that remained at the end of the process was how the Town of Shawangunk was divided. He thinks the way Commissioners Benkert and Messina have handled it is fine. Vernon also pointed out that if someone has a prison population in their district then theoretically they are a little better off than the other areas because that person has fewer people to represent. He said that theory may not work in practice, but dividing those two prison areas really helped to clean up that district and those areas. Vernon said after all the discussions, this is what the Commissioners have come up with and he thinks they should stick with it.

Commissioner West agreed with Vernon and said that with every comment heard, the Commission had gone back and forth on one, two or three times, wrestled with it and tried to correct it. Bill said unfortunately the census blocks are there; the numbers are there and the Commission is locked into a scheme that it cannot maneuver anymore than it has. If one district is moved, it disrupts several other districts. There comes a point, after unlimited discussion, where you have to draw the mark in the sand and say that's it, for better or for worse.

Commissioner Lowe agreed with Bill.

Facilitator Thompson asked if the Commissioners were ready for a vote. Vernon suggested that if indeed they are, the people who worked on the last part of the map deserve the privilege of making the motion and second.

Richard Messina made a motion to accept this version of the draft map, Version 8, and present it to the Legislature. Seconded by Paul Benkert, with all in favor, Unanimously Adopted.

Michael Catalinotto said that although he concurs, he has reservations. He does not believe that having to use a computer and go through mathematical machinations to go from a deviation of 2.5 on the upside and 2.5 on the

downside, but then in order to achieve what the Commission has, the deviation was increased to the maximum of 5. That, to him, is an indication that the process is flawed. It is also an indication to him that it ceases to be one man one vote. The way Commissioner Catalinotto thinks this needs to be done to achieve one man, one vote is to maintain the town lines as the Commission was directed to do by the Charter, and have weighted voting so that each town maintains its identity. Towns are communities. They exist because people got together and said "this is where and how we want to live." Michael said the Commission has accomplished the conglomeration, homogenization and cannibalization of various towns to come up with the product that will be submitted to the Legislature. He thinks it is flawed, but will vote for it to get it before the Legislature.

Dare Thompson added she originally thought 10% was a huge deviation and would have been horrified in the beginning to think the Commission was going to end up there. Yet, she said it worked and allowed the Commission to do more for more towns in the fairest way possible. She is therefore satisfied with the process and product.

Bill West said this was a very bittersweet vote for him. He realizes that the Commission was faced with the dynamics of the map, numbers, etc. He thinks it's a sad day for our communities because the Commission did not proceed with, or at least dig deeper into, weighted voting and the mathematical formulas that would be required to implement it. Bill said that towns do matter. Towns are people. Towns are the culture and the social center of a certain area. The Commission is disrupting this for many years to come he said, probably never to get back to having whole towns. Bill thinks what the Commission has done is take a step in the wrong direction, removing people from their government. The Commission has sliced up towns and increased the chances of the people in districts not knowing their Legislator or having experience with him/her. Although he votes yes, Bill said weighted voting deserved more attention from this Commission than it got.

- Final Report

There was discussion about the format of the final report and the recommendations to be included. The following recommendations were discussed:

- 1.) Any appropriation for the Reapportionment Commission should be made to the Commission, under its control
- 2.) Charter Language should be clarified regarding the adoption of the Commission's final plan by the Legislature
- 3.) Changing the timeline for completion of redistricting
- 4.) Addressing prison populations
- 5.) Clarification of the term "public official"
- 6.) Political party officials should not be eligible to serve as Commissioners
- 7.) Consideration should be given to hiring a consultant

Number 7, recommended by Michael Catalinotto, was highly debated. Bill West is in support of the recommendation and thinks future Commissions should divorce themselves from any connection with the County Executive's Office, including the County Attorney's Office. Vernon Benjamin strongly disagrees with the recommendation. He said at the beginning of the process, the Commission was given full use of all County resources necessary to complete its task, and he feels the Commission has been well-served by its staff. Paul Benkert believes this recommendation should be included in the final report and should be considered at the beginning of the next redistricting effort. He said some people are for it and some against, but that's why there are seven Commissioners.

Paul Benkert also noted that the Commission did not spend all of the money that was budgeted for it. Although he is unsure if the Commission is authorized to do so, he suggested transferring the money to the Board of Elections so they can hire someone to help figure out the new election districts. Although some Commissioners agreed it was a good suggestion, general consensus was that the Commission was not authorized to be involved in internal transfers.

Bea Havranek/Vicky Fabella will be providing a recommended template for the Final Report based on previously submitted reports of a similar nature.

- Next Meeting Date

The Commission agreed to meet next on Wednesday, May 11, 2011 at 3:00 PM.

Now that the Commission has adopted a plan, the Clerk of the Legislature will speak to the Chairman so that he can call a special meeting to adopt the resolution to call a public hearing.

- Adjournment

A motion to adjourn was made by Michael Catalinotto, Seconded by Vernon Benjamin, with all in favor. The meeting was adjourned at 8:10 P.M.

Respectfully Submitted,

Victoria Fabella, Deputy Clerk, Ulster County Legislature