

**Laws, Rules & Government Services Committee
Regular Meeting Minutes**

DATE & TIME: April 13, 2023 – 6:00 PM
LOCATION: KL Binder Library, 6th Floor, County Office Building, Kingston
PRESIDING OFFICER: Chair Heppner
LEGISLATIVE STAFF: Jay Mahler, Deputy Clerk
PRESENT: Legislators Gavaris, Levine & Roberts
ABSENT: Legislator Ronk
QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislators Erner and Uchitelle (via phone); Minority Counsel Pascale Legislative Counsel Ragucci & Gordon; Commissioners Torres & Quigley and Deputy Commissioner Fuentes – Board of Elections; Commissioner Wilson & Kathleen Harrison – Human Rights Commission; and Deputy County Executive Kelly

Chair Heppner called the meeting to order at 6:00 PM

Motion No. 1: **Moved to Approve Minutes of the March 9, 2023 Meeting**

Motion By: Legislator Roberts
Motion Seconded By: Legislator Gavaris

Discussion: None

Voting In Favor: Legislators Gavaris, Heppner, Levine & Roberts
Voting Against: None
Votes in Favor: 4
Votes Against: 0
Disposition: **Minutes Approved**

Resolutions for the April 18, 2023 Session of the Legislature

Chair Heppner advised the members that he would be taking Resolution Nos. 184 and 212 out of order in consideration of the Board of Elections Commissioners' time.

Resolution No. 184: Amending The 2023 - 2028 Capital Improvement Program - Amending Capital Project 621 – Voting System Replacement —Amending The 2023 Capital Fund Budget – Department Of Elections (Ulster County Board Of Elections)

Resolution Summary: This Resolution amends Capital Project No. 621 to increase the cost by \$600,000 for software, hardware and service to supply the Board of Elections with a new fleet of Voting Systems, bringing the total capital project cost to \$2,000,000.

Motion No. 2: **Resolution No. 184 Moved for Discussion**
Motion By: Legislator Roberts
Motion Seconded By: Legislator Gavaris

Discussion:

The Commissioners gave the members an update on the timeline for replacement commenting that they are aiming for 2023 to avoid rolling out new systems during a Presidential Election year. They explained that the requested capital project increase is a result of the quotes they have received from vendors for the replacement of the fleet, including software, hardware and service. Commissioner Torres mentioned that there may be state dollars becoming available to help offset the costs.

Legislator Levine asked if there any benefit or saving to consolidate poll sites or move away from an Election District specific voting. The Commissioners responded that there would be both an increase and a decrease on costs, adding that the ED model is still required, but that there is legislation at the state to allow for a voting center based model.

Legislator Gavaris asked if the \$2,000,000 capital project amount includes maintenance or ongoing support costs. The Commissioners responded that service/maintenance is included in the costs, adding that their staff are able to handle much of the service and maintenance themselves which has expended the useful life of the current fleet past the expiration of the previous service agreement at a significant savings to the county.

Chair Heppner asked if there was any further discussion and hearing none called for a vote in favor of the Resolution.

Voting In Favor:	Legislators Gavaris, Heppner, Levine & Roberts
Voting Against:	None
Votes in Favor:	4
Votes Against:	0
Disposition:	Resolution Adopted

Resolution No. 212: Authorizing The Chair Of The Ulster County Legislature To Sign Agreements With Various School Districts In Ulster County For The Use Of Polling Equipment And Material – Ulster County Board Of Elections

Resolution Summary: This Resolution authorizes the Chair to enter into intermunicipal agreements with the Highland Central, Kingston City, Marlboro Central, New Paltz Central, Onteora Central, Rondout Central, and Saugerties Central School Districts for the use of polling equipment and material for the May 16, 2023 School District elections, for an estimated revenue of \$16,000.

Motion No. 3:	Resolution No. 212 Moved for Discussion
Motion By:	Legislator Gavaris
Motion Seconded By:	Legislator Levine

Discussion:

Commissioner Torres stated that these were annual agreements and that the school district remained happy with the service. Chair Heppner asked if there were any questions or discussion and hearing none called for a vote in favor of the Resolution.

Voting In Favor:	Legislators Gavaris, Heppner, Levine & Roberts
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Voting Against: None
Votes in Favor: 4
Votes Against: 0
Disposition: **Resolution Adopted**

Resolution No. 124: Setting A Public Hearing On Proposed Local Law No. 3 Of 2023, A Local Law Amending Local Law No. 3 of 2019, A Local Law Establishing The Ulster County Electrical Licensing Board And Providing For The Qualifications, Examination, Licensing And Regulation Of Electricians In Ulster County, New York, To Be Held On Tuesday, May 16, 2023 At 7:10 PM

Resolution Summary: This resolution sets a public hearing on Tuesday, May 16, 2023 At 7:10 PM to provide the public an opportunity to comment on Proposed Local Law No. 3 of 2023

Motion No. 4: **Resolution No. 124 Moved for Discussion**
Motion By: Legislator Roberts
Motion Seconded By: Legislator Gavaris

Discussion:

Legislator Roberts stated that the legislation sponsor, Minority leader Ronk, was not present and has asked for postponement in his absence.

Motion No. 5: **To Postpone Resolution No. 124**
Motion By: Legislator Roberts
Motion Seconded By: Legislator Heppner

Discussion:

Chair Heppner asked if there was any further discussion and hearing none called for a vote in favor of postponing the Resolution.

Voting In Favor: Legislators Gavaris, Heppner, Levine & Roberts
Voting Against: None
Votes in Favor: 4
Votes Against: 0
Disposition: **Resolution Postponed**

Resolution No. 125: Adopting Proposed Local Law No. 2 Of 2023, A Local Law Designating Affordable Housing As An Ulster County Public Purpose

Resolution Summary: This Resolution adopts Proposed Local Law No. 2 of 2023

Motion No. 6: **Resolution No. 125 Moved for Discussion**
Motion By: Legislator Gavaris
Motion Seconded By: Legislator Levine

Discussion:

Legislator Gavaris had questions about the law, specifically how is the total amount of housing costs determined, especially in the absence of a definition of utility, i.e.: is internet included. He added those factor will effect the calculation of “30% of gross income spent on housing costs, including utilities”. He also asked if the law applied in terms of a mortgage. He also commented that the law is also quite broad and can apply to anything related to housing.

Legislator Erner briefly explained the amendment adopted in the Health, Human Services & Housing Committee to the definition of affordable housing. The members continued to discuss the calculation for eligibility. Legislator Roberts commented that he did not see a clear path on housing or an end game, expressing his concern that the housing is entering the housing game. He added that people are suffering from increases in electricity, and other factors making the cost of living increase, as well as a number of projects and programs on the table in the county that have significant price tags. He cautioned against spending county dollars without a plan in place.

Legislator Erner stated that he texted legislation sponsor Legislator Uchitelle who said he was available to dial in by phone. Legislator Gavaris state that the law is aiming to improve affordable housing availability, which needs to be addressed at the local level with restrictive zoning laws.

With Legislator Uchitelle on phone, Legislator Gavaris asked about the definition of utilities. Legislator Uchitelle stated that the section was added by the Planning Department to comport with state laws and was also under the advice of counsel. He added that further clarification could have created conflict with the state definition. Legislator Gavaris reiterated his concerns with eligibility requirements and calculations. Legislator Uchitelle responded that the legislation in front of them is not instituting or implementing a program, but rather providing the county the ability to put housing related programs in place.

Counselor Pascale conferred with Counselor Ragucci via phone and relayed to the members that his understanding of the intention and purpose of the law was not to define specific affordable housing programs, but rather to take it out of the gift clause of the Constitution to say that affordable housing is a public purpose allowing the county to spend public funds on what would otherwise be a private benefit.

Legislator Uchitelle advised the members that a there's a Comptroller opinion that they are drawing on that rests in the New York municipal law, around the police power, for the justification for associating affordable housing as a county purpose. He added that the law paves the way for the development and introduction of programs which will have their own parameter and definitions.

Legislator Roberts asked Legislator Uchitelle what program(s) he thought might be coming in the near future. Legislator Uchitelle responded that an example of a program he was hopeful would be forthcoming in the near future is the creation of a Housing Trust Fund which could provide housing programs that might help people with rent or mortgage payments, help towns with water and sewer to create the infrastructure necessary to build more housing, similar to the projects undertaken through ARPA funds. The members briefly discussed the makeup, financing and administration of the Housing Trust.

Chair Heppner asked if there were any further questions for the sponsor while he was still on the line or any questions for Counselor Ragucci who was en route. None were offered.

Chair Heppner asked if there was any further discussion and hearing none called for a vote in favor of the Resolution. Legislator Gavaris stated that he would vote in favor of the Resolution to allow it to go to the floor for a vote but remained undecided on his ultimate vote at Session.

Voting In Favor: Legislators Gavaris, Heppner & Levine
Voting Against: Legislator Roberts
Votes in Favor: 3
Votes Against: 1
Disposition: **Resolution Adopted**

Resolution No. 128: Adopting Proposed Local Law No. 1 Of 2023, A Local Law To Allow Enrolled Volunteer Firefighters And Volunteer Ambulance Workers To Be Eligible For A Real Property Tax Exemption Under Real Property Tax Law (RPTL) § 466-a

Resolution Summary: This Resolution adopts Proposed Local Law No. 1 of 2023

Motion No. 7: **Resolution No. 128 Moved for Discussion**
Motion By: Legislator Roberts
Motion Seconded By: Legislator Levine

Discussion:

Chair Heppner advised the members that he had been contacted by the president of the Ulster County Assessor’s Association who expressed a few concerns with the implementation of the Proposed Local Law. The members discussed the three concerns raised and agreed that two of the three were addressed within the proposed law as currently written.

The members agreed that the third concern regarding notice to the Ulster County Real Property Tax Director merited amending the law. The members agreed to table the discussion while Legislative Counsel drafted the appropriate amendment language.

Resolution No. 215: Setting A Public Hearing On Proposed Local Law No. 4 Of 2023, A Local Law Amending The Ulster County Charter, (Local Law No. 2 Of 2006), And Amending The Administrative Code For The County Of Ulster, (Local Law No. 10 Of 2008), To Establish The Department Of Budget, To Be Held On Tuesday, May 16, 2023 At 7:20 PM

Resolution Summary: This resolution sets a public hearing on Tuesday, May 16, 2023 At 7:20 PM to provide the public an opportunity to comment on Proposed Local Law No. 4 of 2023

Motion No. 8: **Resolution No. 215 Moved for Discussion**
Motion By: Legislator Roberts
Motion Seconded By: Legislator Gavaris

Discussion:

Legislator Roberts asked how the County Executive felt about the proposal. Chair Heppner responded that Deputy County Executives were at caucus and did not bring up any issues. Chair Heppner asked if there was any further discussion and hearing none called for a vote in favor of the Resolution.

Voting In Favor: Legislators Gavaris, Heppner, Levine & Roberts
Voting Against: None

Votes in Favor: 4
Votes Against: 0
Disposition: **Resolution Adopted**

The members resumed their discussion of **Resolution No. 128**. Counselor Pascale presented them with language to amend the Proposed Local Law to address the Ulster County Assessor’s Association’s concerns regarding notice.

Chair Heppner asked if there were any questions or discussion.

Motion No. 9: **To Amend Section 3, Subsection C-5 of Proposed Local Law No. 1 of 2023 to read as follows:**

"The Ulster County Director of Emergency Communications/Emergency Management shall then review all potential candidates and certify those that meet the necessary criteria to be eligible for this exemption, **and shall transmit the list of certified candidates to the Ulster County Real Property Tax Director no later than March 1st of each year, and the Real Property Tax Director is authorized to furnish the list of certified candidates to all local assessors in Ulster County**"

Motion By: Legislator Heppner
Motion Seconded By: Legislator Roberts

Discussion:

Chair Heppner asked if there was any discussion on the amendment and hearing none called for a vote in favor of the amendment.

Voting In Favor: Legislators Gavaris, Heppner, Levine & Roberts
Voting Against: None
Abstention: Legislator Gavaris
Votes in Favor: 3
Votes Against: 0
Disposition: **Resolution Adopted with Proposed Local Law As Amended**

Discussion:

Chair Heppner asked if there was any further discussion and hearing none called for a vote in favor of adopting the Resolution with the Proposed Local Law as amended.

Voting In Favor: Legislators Gavaris, Heppner, Levine & Roberts
Voting Against: None
Abstention: Legislator Gavaris
Votes in Favor: 3
Votes Against: 0
Disposition: **Resolution Adopted with Proposed Local Law As Amended**

Chair Heppner asked if there was further discussion, old or new business, and hearing none;

Adjournment

Motion Made By: Legislator Roberts

Motion Seconded By: Legislator Gavaris

No. of Votes in Favor: 4

No. of Votes Against: 0

TIME: 6:58 PM

Respectfully submitted: Deputy Clerk Mahler

Minutes Approved: May 11, 2023