

# Laws and Rules, Governmental Services Committee

## Meeting Minutes

DATE & TIME: June 15, 2015 – 6:30 PM  
LOCATION: Karen L. Binder Library, 6<sup>th</sup> Floor, COB, Kingston, NY  
PRESIDING OFFICER: Chairman Richard Parete  
LEGISLATIVE STAFF: Fawn A. Tantillo, Sr. Legislative Employee  
PRESENT: Legislators David Donaldson, Manna Jo Greene and Kevin Roberts (6:35), Kenneth Ronk, Jr, Legislative Chairman John Parete (6:36)  
ABSENT: None  
QUORUM PRESENT: Yes  
OTHER ATTENDEES: Legislator Carl Belfiglio; Legislative Majority Counsel Chris Ragucci; County Attorneys Clinton Johnson and Tracy Steeves,

Chairman R. Parete called the meeting to order at 6:33 PM.

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Motion No. 1: The minutes of July 15, 2015 were approved as distributed.  
Motion Made By: Legislator Donaldson  
Motion Seconded By: Legislator Ronk  
Discussion: None  
Roll Call Vote: No  
Voting In Favor: Legislators R. Parete, Roberts, Donaldson, Greene, Ronk and J. Parete  
Voting Against: None  
No. of Votes in Favor: 6  
No. of Votes Against: 0  
Disposition: Minutes Approved

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Motion No. 2: Resolution No. 261 - Setting A Public Hearing On Amended Proposed Local Law No. 4 of 2015, (A Local Law Amending Local Law No. 10 Of 2008 (A Local Law Adopting An Administrative Code For The County Of Ulster, State Of New York), Pertaining To Change Orders And / Or Amendments To Contracts Equal To Or Exceeding \$50,000.00 To Be Held On Wednesday, August 12, 2015 At 6:20 PM

Motion Made By: Legislator Ronk  
Motion Seconded By: Legislator Donaldson

Discussion: Chairman R. Parete took Resolution No. 261 out of order and asked Legislator Belfiglio to speak about it.

Legislator Belfiglio briefly described compromise amendments made including one that would insure that “pass thru” money for not-for-profits and other contract agencies would not be held up.

Roll Call Vote: No  
Voting In Favor: Legislators R. Parete, Roberts, Donaldson, Greene, Ronk and J. Parete  
Voting Against: None  
No. of Votes in Favor: 6  
No. of Votes Against: 0  
Disposition: Approved

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Motion No. 3: Resolution No. 255 - Setting A Public Hearing On Proposed Local Law No. 9 of 2015 (A Local Law Of The County Of Ulster, New York, Known As The “False Alarm Reduction Act”) To Be Held On Wednesday, August 12, 2015 At 6:10 PM

Motion Made By: Legislator Greene  
Motion Seconded By: Legislator Ronk

Discussion: Legislator Belfiglio expressed concern that this could create a situation of “double jeopardy” in a municipality that has its own regulations about false alarms and fines.

Chairman J. Parete and Legislator Ronk explained that this version of the local law had addressed that situation. If town emergency responders are called, the town regulations and fines will apply, if County emergency responders are called, the county law and fines will apply.

Chairman J. Parete gave an example of situations where there are so many false alarms that emergency responders are not as quick to respond. He feels most emergency responders support this law.

Legislator Greene was concerned about senior citizens, especially those with memory problems, using life alert buttons. She was assured these devices were exempt.

Legislator Ronk offered an amendment to Section 8 c.  
Seconded by Legislator Donaldson

Discussion on Amendment: Legislator Ronk noted that throughout the law references is made to the Ulster County Sheriff as well as EMS and Fire responders but in this section on reporting it did not. He wanted to add the words “or emergency services” to the paragraph at the bottom of page 6 so it reads as follows:

Law Enforcement other than Law Enforcement employed by the County of Ulster or emergency service may also report the same to the Ulster County Sheriff’s Office pursuant to any procedure established by the Sheriff of Ulster County and agreed upon by the Chief of Police, or if there be none, Officer in Charge of such police department of such City, Town, or Village.

Council Ragucci agreed that this would make the proposed law consistent.

#### Voting on the Amendment

Roll Call Vote: No  
Voting In Favor: Legislators R. Parete, Roberts, Donaldson, Greene, Ronk and J. Parete  
Voting Against: None  
No. of Votes in Favor: 6  
No. of Votes Against: 0  
Disposition: Approved

#### Voting on Resolution No. 255 as amended

Roll Call Vote: No  
Voting In Favor: Legislators R. Parete, Roberts, Donaldson, Greene, Ronk and J. Parete  
Voting Against: None  
No. of Votes in Favor: 6  
No. of Votes Against: 0  
Disposition: Approved

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Motion No. 4: Resolution No. 232 - Setting A Public Hearing On Proposed Local Law No. 7 of 2015 (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 Modify The Term Of The Chairman And The Clerk Of The Legislature) To Be Held On Wednesday, August 12, 2015 At 6:00 PM

Motion Made By: Legislator Ronk  
Motion Seconded By: Legislator Donaldson

Discussion: Legislator Ronk addressed concerns raised at the last meeting. He feels this will allow a continuity of service while providing a mechanism to remove a “bad” Chairman with a 2/3 vote.

Legislator Donaldson agreed and emphasized the new form of government in Ulster County has a strong County Executive and a two year term will make the position of Legislative Chairman stronger. He feels this will provide for more checks and balances.

Legislator R. Parete said he will support a public hearing and supports a two year term for the Legislative Clerk but he is not sure he can support the two year term for the Chairman. He feels it is “healthy” for the Legislative body to select a new chairman each year and noted is has worked in Ulster County for more than 40 years.

Legislator Roberts and Legislator Greene said they cannot support this.

Roll Call Vote:	No
Voting In Favor:	Legislators R. Parete, Donaldson, Ronk and J. Parete
Voting Against:	Legislators Roberts and Greene
No. of Votes in Favor:	4
No. of Votes Against:	2
Disposition:	Approved

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Motion No. 5: Resolution No. 258 - Setting A Public Hearing On Proposed Local Law No. 10 of 2015 (A Local Law Amending Local Law No. 5 of 2015, A Local Law Establishing An Automatic Re-Canvassing Procedure In And For The County Of Ulster, State Of New York) To Be Held On Wednesday, August 12, 2015 At 6:15 PM

Motion Made By: Legislator Ronk  
Motion Seconded By: Legislator Donaldson  
Discussion: County Attorneys Clinton Johnson and Tracy Steeves distributed “red line” changes and proposed amendments to Local Law No 5 of 2015 passed earlier this year. He noted that his office met with Legislative Counsel to discuss their concerns and proposed changes.

The committee discussed each proposed red line changes/amendments one by one.

The final changes the committee agreed upon included the following (Additional language is in bold and underlined, language that will be removed is struck thru)

- Section 2. b. of Local Law No. 5 of 2015 is hereby amended to read as follows:  
  
b. ELECTION: any primary, regular or special election for municipal office, or referendum held within the County of Ulster, State of New York. **This Local Law shall not extend to any contests for municipal office or referendum if such contest or referendum crosses beyond the geographical borders of the County of Ulster, State of New York.**

- Section 3. a. of Local Law No. 5 of 2015 is hereby amended to read as follows:

a. Forthwith after a primary, regular or special election for municipal office **and prior to certification of the final vote count**, the Ulster County Board of Elections shall manually re-canvass all paper ballots for a given election where one person is to be elected in an election contest if the following criteria is met:

- Section 3 b. of Local Law No. 5 of 2015 is hereby amended to read as follows:

b. Forthwith after a primary, regular election for municipal office, **and prior to certification of the final vote count**, the Ulster County Board of Elections shall manually re-canvas all paper ballots for a given election where more than one person is to be elected in a single election contest if the following criteria is met.

*[Note – this section was previously amended but included here for continuity*

Section 3 b. 1. of Local Law No. 5 of 2015 is hereby amended to read as follows:

1. The margin of victory between the candidate who won the election with the least votes and the candidate who ~~won~~ **lost** the election with the most votes is less than or equal to one-half (1/2) of one (1) percent of the votes cast for the candidate who won the contest with the least votes. ]

- Section 3. c. of Local Law No. 5 of 2015 is hereby amended to read as follows:

c. Forthwith after an election or referendum **and prior to the certification of the final vote count** wherein the difference between a “Yes” and “No” on a question was less than one-half (1/2) of one (1) percent of the total number of votes cast, minus blanks and voids, for a question but not more than two (2) thousand votes, **and prior to certification of the final vote count**, the Ulster County Board of Elections shall manually re-canvass all paper ballots for the election.

- Section 3. d. of Local Law No. 5 of 2015 is hereby amended to read as follows:

d. An automatic re-canvassing as provided for in this Local Law shall only occur after the Board of Elections completes the canvassing and re-canvassing procedures, but prior to the certification of the **original** vote count in accordance with the New York State Election Law.

- Section 3. e. of Local Law No. 5 of 2015 is hereby amended to read as follows:

e. The method of **automatic** re-canvassing as prescribed in this Local Law shall be in accordance with the New York State Election Law.

[Note – this section was previously amended but included here for continuity

Section 3. g. of Local Law No. 5 of 2015 is hereby REPEALED and a new Section 3 g. is added to read as follows:

~~g. The losing candidate in a contest that meets the criteria as set forth above may waive the automatic recount provisions of this local law by giving written notice to the Ulster County Board of Elections within five days after the certification of the election results.~~

**g. The losing candidate in a contest that meets the criteria as set forth above may waive the automatic re-canvass provisions of this local law by giving written notice to the Ulster County Board of Elections after the Board of Elections completes the canvassing and re-canvassing procedures but prior to the certification of the original vote count in accordance with the New York State Election Law. ]**

Legislator Ronk moved to make these amendments  
Legislator Donaldson seconded these amendments

Voting on the Amendment

Roll Call Vote:	No
Voting In Favor:	Legislators R. Parete, Roberts, Donaldson, Greene, Ronk and J. Parete
Voting Against:	None
No. of Votes in Favor:	6
No. of Votes Against:	0
Disposition:	Approved

Discussion on Resolution No. 258 as amended:

Chairman J. Parete discussed the time line detailing the many meetings and public hearings of the original legislation that became Local Law No 5 of 2015 and the ensuing discussions of changing the law that began days after it was adopted. He expressed his frustrations and disappointment in how this was handled. He felt this was a lot of nonsense saw many of these changes as “stylistic” and superficial.

Voting on Resolution No. 258 as amended

Roll Call Vote:	No
Voting In Favor:	Legislators R. Parete, Roberts, Donaldson, Greene, Ronk and J. Parete
Voting Against:	None
No. of Votes in Favor:	6
No. of Votes Against:	0

Disposition:

Approved

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Motion No. 6: Resolution No. 262 - Adopting Proposed Local Law No. Proposed Local Law No. 5 of 2015, 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 Clarify The Powers And Duties Of The Audit Committee

Motion Made By: Legislator Ronk  
Motion Seconded By: Legislator R. Parete

Discussion: Legislator Ronk was stunned to learn that there were new concerns by legislators that have had this proposal in their hands since April. He briefly explained the specific intentions of the Charter Revision Committee to create an independent Audit Committee with the authority to choose their own independent Audit firm. He noted that the County Executive was expressly a non-voting member of the newly formed Audit Committee and as such could not choose the Audit firm. He said in creating an independent Audit Committee the Charter Revision Committee did not take into consideration the existing county policies on approval of contracts over \$50,000. This had the unintended consequences of allowing the County Executive the authority to veto the legislation approving the contract for the independent auditor that would be engaged to audit the County Executive's programs. Legislator Ronk said all professional guidance including the Government Accounting Standards says it is inappropriate for the entity being audited to be able to determine who will audit them.

There was a brief discussion confirming that this Proposed Local Law needed to be passed in July to allow it to go thru the process and meet the deadlines to be on the ballot in November and any delay on passing it now would mean it did not go to the voters this year. It was suggested the last minute objections might be a stalling tactic to block its passage.

Legislator R. Parete sees this as a simple question that should be put to the voters.

Legislator Greene thought Legislator Bartels suggestion was to make a change that was as simple as possible and pass a law that would still allow the Legislature to approve the contract but would prevent the County Executive from vetoing the Audit Committee's decision. She asked for clarification of the history that made this change necessary.

There was a discussion about a suggestion by Legislator Bartels to pass a policy that they County Executive cannot veto the Audit Committee's contract. Committee members felt this Proposed Local Law would be a better way to accomplish this.

Legislator Ronk offered an amendment to remove any references to the Administrative Code.  
Seconded by Legislator Donaldson

## Discussion on the Amendment

Legislator Ronk explained that references to the Administrative Code were removed. Legislative Counsel Guerin and County Attorney Havranek agreed that this change was not substantive. The Administrative Code would be changed if and when proposed changes to the County Charter takes effect.

## Voting on the Amendment

Roll Call Vote:	No
Voting In Favor:	Legislators R. Parete, Roberts, Donaldson, Greene, Ronk and J. Parete
Voting Against:	None
No. of Votes in Favor:	6
No. of Votes Against:	0
Disposition:	Approved

## Voting on Resolution No. 262 as amended

Roll Call Vote:	No
Voting In Favor:	Legislators R. Parete, Roberts, Donaldson, Ronk and J. Parete
Voting Against:	Legislator Greene
No. of Votes in Favor:	5
No. of Votes Against:	1
Disposition:	Approved

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Motion No. 7: Resolution No. 272 - Setting A Public Hearing On Proposed Local Law No. 11 of 2015 (A Local Law Establishing The Ulster County Animal Abuse Registry) To Be Held On Wednesday, August 12, 2015 At 6:25 PM

Motion Made By:	Legislator Ronk
Motion Seconded By:	Legislator Donaldson

Discussion: Legislator Ronk noted that a similar proposed local law was introduced a few years ago. This proposed local law corrected some objections to the previous proposal. He said Resolution No. 272 and Resolution No. 273 go hand in hand.

Several Legislators expressed concerns about various aspects of the regulations but agreed to hold the public hearing.

Legislator Ronk spoke about several serious animal abuse cases in the past few years including a dog that was beaten to death by the owner. He said the District Attorney would need to prove the person intended to cause the death of the animal. He said the DA supported these laws.

Roll Call Vote: No  
Voting In Favor: Legislators R. Parete, Roberts, Donaldson, Greene, Ronk and J. Parete  
Voting Against: None  
No. of Votes in Favor: 6  
No. of Votes Against: 0  
Disposition: Approved

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Motion No. 8: Resolution No. 273 - Setting A Public Hearing On Proposed Local Law No. 12 of 2015 (A Local Law of the County of Ulster for the Regulation of Pet Sellers) To Be Held On Wednesday, August 12, 2015 At 6:30 PM

Motion Made By: Legislator Ronk  
Motion Seconded By: Legislator R. Parete

Discussion: Legislator Roberts said he will support a public hearing but expressed several serious reservations about the Local Law and too many regulations in general.

Roll Call Vote: No  
Voting In Favor: Legislators R. Parete, Roberts, Donaldson, Greene, Ronk and J. Parete  
Voting Against: None  
No. of Votes in Favor: 6  
No. of Votes Against: 0  
Disposition: Approved

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New Business:

Chairman J. Parete read an excerpt from the County Executive's State of the County Address from January, 2014 - "One of the biggest problems undermining public trust in government is the reality of money in politics. Though I cannot fix the national problem, I intend to do something about it locally. Tonight I am proposing new legislation that places strict limitation on campaign contributions to any County official from anyone doing business with County government. It is an aggressive step and it is done specifically for the people. Thought there will undoubtedly be those

who ask why a County Executive would propose a law that is likely to affect County Executives more than anyone else, my answer is simple: I believe in the people, I believe in good government and I believe it is the right thing to do. Campaign finance reform will help protect our democracy for the future.”

Chairman J. Parete said in his Chairman’s address in March, 2014 he said he agreed with the County Executive and had been waiting to work with him on this. It is clear to him that “personal judgment” in this area is insufficient. He distributed Proposed Local Law No. (To Be Determined) of 2015 A Local Law Regarding Campaign Finance Reform In Ulster County.

Rather than a regulation about who can make a donation, Chairman J. Parete intends for the onus to be on the candidate receiving the donation to reject the donation. He noted this is a national problem with a list of individuals currently incarcerated for campaign finance misconduct and while Ulster County may be a small county, when candidates report hundreds of thousands of dollars in their campaign chest the situation is ripe for problems. He calls it the “Pay to Play” Local Law, welcomes co-sponsors and hope to see spirited and enthusiastic discussion at upcoming meetings.

There was a brief discussion about campaign finance issues, questions, and problems.

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Old Business: None

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Motion to adjourn

There being no further business before the Committee, a motion was made by Legislator Donaldson, seconded by Legislator Ronk and carried to adjourn the meeting at 8:00 PM.

Respectfully submitted this 22nd day of July, 2015  
Fawn A. Tantillo, Senior Legislative Employee  
Minutes Approved on August 17, 2015