

Laws and Rules, Governmental Services Committee  
Meeting Minutes

**DATE & TIME:** November 17, 2014 – 6 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 Lynn Archer, David Donaldson and  
Legislative Chairman John Parete  
**ABSENT:** Kevin Roberts, Kenneth Ronk  
**EXCUSED:**  
**QUORUM PRESENT:** Yes  
**OTHER ATTENDEES:** Legislative Counsel Cappy Weiner and Christopher  
Ragucci, Election Commissioners Victor Work and  
Thomas Turco and Deputy Commissioner Tom Gay.

Legislator R. Parete called the meeting to order at 6:10 PM.

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**Motion No. 1:** Motion to approve the October 20, 2014 meeting minutes  
**Motion Made By:** Legislator Donaldson  
**Motion Seconded By:** Legislator Archer

**Discussion:** None  
**Roll Call Vote:** No  
**Voting In Favor:** Legislators R. Parete, Archer, Donaldson  
**Voting Against:** None  
**Abstaining:** Chairman John Parete  
**No. of Votes in Favor:** 3  
**No. of Votes Against:** 0  
**Disposition:** Carried

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Chairman Richard Parete welcomed Election Commissioners Victor Work and Thomas Turco and Deputy Election Commissioner Tim Gay.

**Motion No. 2: Resolution No. 404** – November 18, 2014 - Authorizing The County Of Ulster To Assume The Cost Of Elections Support From The Towns And City Of Kingston Pursuant To A Three Year Phased-In Plan

**Motion Made By:** Legislator Donaldson  
**Motion Seconded By:** Chairman John Parete

**Discussion:** Legislator Donaldson reminded members that earlier this year several Legislators had supported the takeover of Election costs and the Resolution failed. Now the Executive has proposed to takeover Election costs in his proposed 2015 Budget. He was supporting this measure just as he did earlier.

**Motion to Amend By:** Chairman Richard Parete - Add the following language “WHEREAS, in August 2014, the Chairman of the Legislature sponsored Resolution No. 224 to have the County assume the entire share of the cost of elections but Legislators were informed that the County Executive was unsure if funding would be available to take over this cost without significant County tax increases, and”

**Motion to Amend Seconded By:** Legislator Donaldson

**Discussion:** There was a brief discussion on the recent history of this issue with general agreement that Legislators were pleased the County Executive had finally found a way to assume the cost.

**On the Amendment:**

**Roll Call Vote:** No  
**Voting In Favor:** Legislators R. Parete, Archer, Donaldson and Legislative Chairman John Parete  
**Voting Against:** None  
**No. of Votes in Favor:** 4  
**No. of Votes Against:** 0  
**Disposition:** Carried

**Resolution No. 404 as amended:**

**Roll Call Vote:** No

**Voting In Favor:** Legislators R. Parete, Archer, Donaldson and Legislative Chairman John Parete  
**Voting Against:** 0  
**No. of Votes in Favor:** 4  
**No. of Votes Against:** 0  
**Disposition:** Carried

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**Motion No. 3 Motion to postpone Resolution No. 408 - November 18, 2014 - Setting A Public Hearing On Proposed Local Law No. 16 of 2014 (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, December 17, 2014 At 6:10 PM**

**Motion Made By:** Legislator Archer – for discussion  
**Motion Seconded By:** Chairman Richard Parete

**Discussion:**

Chairman Richard Parete told the committee they would not be voting on this Resolution tonight but wanted to hear from the Election Commissioners.

Chairman John Parete explained that he had reached out to the election commissioners but not been able to speak to them. It was not his intention to rush the issue and he wanted their input.

There was a discussion about how close elections in which there is a tie or only a small separation of one half of one percent – how these votes are re-canvased and certified.

Commissioner Turco reminded the members of the time consuming process by which absent-tee ballots are scrutinized by attorneys and at times the courts to determine if they will be counted. He warned that such scrutiny of the ballots in the machine vote would probably result in many votes that were counted by the machine being challenged by attorneys.

The commissioners felt the automated reading of the ballots is un-bias and clear cut. They felt a hand count of every ballot will undermine public confidence. Currently they audit 3% of the machines and suggested they could audit more machines to insure machines are checked for accuracy.

Work and Gay explained how the 3% audits are performed.

Chairman John Parete said this resolution is only addressing very close races. He believes the hand count of the actual ballots is the only way to fairly insure that every vote is counted. He reminded the members that he was one of the Election Commissioners when the county transitioned to these machines and he made a promise that every vote would be counted. He noted that hand counts are done under certain circumstances in other counties but not in Ulster.

Chairman Richard Parete observed that if there is a tie vote from the machines today, no one can be allowed to count the actual paper ballots in the machine. He feels there should be a mechanism in very close races or ties to count the actual ballots. Only absent-tee ballots are ever examined, checked or challengeable.

There was a discussion about how the machines are programmed to read ballots including over voting or under voting. Commissioner Work explained that the machines return those ballots to the voter. Several committee members and attendees remarked that in the last election they had under voted and the machine did not return the ballot. Commissioner Work said he had under-voted and the ballot was returned.

Chairman Richard Parete took the opportunity to ask the Commissioners why it takes so long to get election results on election night. Commissioner Work said the NYS Board of Election published a rule saying results could not be called in. Chairman Richard Parete asked Commissioner Work to send him a copy of that rule.

Commissioner Work said they are planning to purchase 5 laptops that results can be positioned in various locations around the county to record these results earlier.

### **Voting to Postpone Resolution No. 408**

<b>Roll Call Vote:</b>	No
<b>Voting In Favor:</b>	Legislators R. Parete, Archer, Donaldson and Legislative Chairman John Parete
<b>Voting Against:</b>	None
<b>No. of Votes in Favor:</b>	4
<b>No. of Votes Against:</b>	0
<b>Disposition:</b>	Carried

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**Motion No. 4: Motion to postpone Resolution No. 367** – November 18, 2014 - Setting A Public Hearing On Proposed Local Law No. 14 of 2014 (A Local Law Entitled “The

Ulster County Reduced Youth Exposure to Tobacco in School Zones Law”) To Be Held  
On Wednesday, December 17, 2014 At 6:00 PM

**Motion Made By:** Legislator

**Motion Seconded By:** Legislator

**Discussion:** Legislator Donaldson told the members that there was a question about the legality of this resolution. Some believe it is creating an overlying zone and as such would not be appropriate or legal for the legislature to do. He also said there were questions about how many businesses would be impacted, what schools were used to determine the number, and a number of other issues. He reported that less than 5% of businesses in NY State were found to be selling cigarettes to minors, and this would be punishing 95% of the businesses for the misdeeds of the 5% who do not follow the law.

Chairman John Parete asked for a more detailed map of these zones. He pointed out that the map distributed to the Public Health Committee showed dots on a map but was not of sufficient detail for Legislators or the businesses in the county to determine if they are within the zone. He wants to see a map that shows where the 1000 feet is measured from, what school buildings were used, etc.

Counsel Winter said he spoke to Minority Counsel Guerin and members of the County Executive’s office that helped to draft Proposed Local Law 14 about several legal issues. These issues included:

- Is it zoning? If so does home rule apply?
- He believes there needs some “notice” provision to insure business they are 1000 feet from a school.
- Would it constitute a “taking” of property?

He is still looking into these issues.

Legislator Archer asked if there was a fee for a license. She noted that some references to a fee had been removed but not all. If there is a license fee, what will be done with the revenue?

Chairman Richard Parete doesn’t understand how this Resolution will have an impact on most school children. He noted that most schools have closed campuses and do not allow students to leave school property and there are very few schools in Ulster County that allow children to walk home. He feels most minors are exposed to advertising when they accompany parents or other adults into stores, most of which will be outside these zones.

There was a brief discussion other aspects of the law.

**Voting to Postpone Resolution No. 367**

**Roll Call Vote:** No  
**Voting In Favor:** Legislators R. Parete, Archer, Donaldson and Legislative Chairman John Parete  
**Voting Against:** None  
**No. of Votes in Favor:** 4  
**No. of Votes Against:** 0  
**Disposition:** Carried

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**Motion No. 5 :**                   **Resolution No. 403** – November 18, 2014 - Setting A Public Hearing On Proposed Local Law No. 15 of 2014 (A Local Law Establishing A Construction Apprenticeship For Agreements For Certain Bridge Contracts In Excess Of \$500,000) To Be Held On Wednesday, December 17, 2014 At 6:05 PM

**Motion Made By:**               Legislator Donaldson  
**Motion Seconded By:**       Legislator Archer for discussion

**Resolution No. 403 Summary:** Setting a public hearing to discuss Proposed Local Law Number 15 Of 2014 - A Local Law Establishing A Construction Apprenticeship For Agreements For Certain Bridge Contracts In Excess Of \$500,000.

**Discussion:** Chairman Richard Parete questioned what the cost of implementing this law would be. He felt there should be a cost analysis of what this could potentially add to the cost of contracts in order to justify this added expense. He believes this should have been included when the Resolution was submitted. He cannot support this until he has information on the cost associated with the program.

There was a general discussion about the potential financial impact of this law, what information was needed before a public hearing, how this program was developed, how to quantify the cost and how the costs of programs are passed on to the taxpayers.

### **Resolution No. 403**

**Roll Call Vote:** No  
**Voting In Favor:** Legislators Archer, Donaldson and Legislative Chairman John Parete  
**Voting Against:** Legislators R. Parete,  
**No. of Votes in Favor:** 3  
**No. of Votes Against:** 1

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**Disposition:** Carried

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**Motion No. 6: Resolution No. 407** – November 18, 2014 - Adopting Amended Proposed Local Law No. 10 of 2014 (A Local Law Respecting the Outdoor Restraint of Companion Animals)

**Motion Made By:** Legislator Archer  
**Motion Seconded By:** Legislator Donaldson

**Resolution No. 407 Summary:** This Resolution would approve and adopt the Amended Proposed Local Law No. 10 Of 2014 - A Local Law Respecting the Outdoor Restraint of Companion Animals

**Discussion:**

Chairman John Parete expressed several concerns about this proposed local law. He noted that campgrounds are exempt from the law. His district has over 500,000 acres of State Park land that requires dog to be leashed 24/7 or trained to absolutely respond to voice control. He questioned the standard of being leashed 24 hours an day on State Land but no more than 12 hours a day off State Land.

Chairman John Parete also questioned details of how enforcement would work. He asked if an arresting officer needed to sit and watch for 12 consecutive hours or if they could just check in the morning then return and check 12 hours later.

Counsel Weiner said that enforcement officers could act on an affidavit from a witness who could swear the law was violated. He explained the process of making the complaint to what could be used in prosecuting a complaint. He was also concerned that there was no educational component for a first violation.

Chairman John Parete expressed concerned about the need for anyone enforcing the law to have training to insure they are not accusing someone unfairly. Clearly he doesn't want to see any animal abused but noted that there are examples of tethering dogs to train them to for the Iditarod Sled Race or other reasons that could be misinterpreted.

Legislator Archer said she spoke to the Dog Control officer in her town that is waiting for this legislation to pass and believes the County needs to start somewhere. She thinks it is a good law and could be modified in the future if problems arise.

**Resolution No. 407**

**Roll Call Vote:** No  
**Voting In Favor:** Legislators Archer, Donaldson and Legislative Chairman John Parete  
**Voting Against:** Legislators R. Parete  
**No. of Votes in Favor:** 3  
**No. of Votes Against:** 1  
**Disposition:** Carried

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**Motion No. 7: Motion to postpone Resolution No. 411** - – November 18, 2014 - Approving The Execution Of A Contract Amendment In Excess Of \$50,000.00 Entered Into By The County – NCACOMP, Inc. – Insurance Department

**Motion Made By:** Legislator Archer  
**Motion Seconded By:** Legislator Richard Parete

**Discussion:** There was a brief discussion about the policy and members questioned if there was a costs savings realized by outsourcing this policy. It was noted that Local Law Number 2 required a cost benefit analysis be included with this resolution.

Legislator Archer suggested that the Legislature formalize performance measures for this and several other programs so Legislators could monitor and evaluate these programs.

Chairman John Parete wanted to see the creation of an appropriations committee to examine and evaluate these programs as part of the budget process.

Chairman Richard Parete said if the committee was not getting the necessary information they should simply postpone voting on them until they have the information.

Legislator Donaldson agreed noting that approximately six county employees were laid off when this was outsourced to Rochester, NY. He wanted to see if there was any actual savings realized by Ulster County.

**Voting to postpone Resolution No. 411:**

**Roll Call Vote:** No  
**Voting In Favor:** Legislators Richard Parete and Donaldson  
**Voting Against:** Legislator Archer and Chairman John Parete

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**No. of Votes in Favor:** 2  
**No. of Votes Against:** 2  
**Disposition:** Carried

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**Motion No. 8: Resolution No. 443** - – November 18, 2014 - Setting A Public Hearing On Proposed Local Law No. 17 of 2014, A Local Law Amending Local Law No. 9 Of 2008 (A Local Law Prohibiting Smoking Upon All Real Property Owned Or Leased By The County Of Ulster) To Be Held On Wednesday, December 17, 2014 At 6:15 PM

**Motion Made By:** Legislator Archer  
**Motion Seconded By:** Legislator Richard Parete

**Resolution No. 443 Summary:** Setting a public hearing to discuss Proposed Local Law No. 17 of 2014 - A Local Law Amending Local Law No. 9 Of 2008 (A Local Law Prohibiting Smoking Upon All Real Property Owned Or Leased By The County Of Ulster)

**Discussion:**

Counsel Weiner told the members that “All Real Property Owned or Leased by the County” included roads and bridges.

Legislator Archer noted that the law was already in place and this was simply an amendment adding e-cigarettes to the law. She pointed out that it was discussed and passed by the Public Health Committee. She urged members to pass the resolution to the full legislature for a vote.

Legislator Donaldson agreed emphasizing the need for the law to keep up with changing technology.

Chairman John Parete said that the law means people in their car or walking along a county road cannot smoke. He said the law is flawed and not being enforced. He underlined his aversion to smoking in general and advocated a complete ban on smoking but felt there was no need to rush this resolution until questions could be answered.

Chairman Richard Parete wanted additional information and questioned why people he works with and even students at the school where he coaches are using e-cigarettes to quit smoking. He expressed frustration that the sponsors of the resolution did not present

their concerns at a meeting before this so members had time to ask questions and consider the issue.

There was a discussion about e-cigarettes, how and where they are used, information about health impacts of second hand “vapor”, additional restrictions being imposed by the State of New York and other jurisdiction, the damaging health effects of smoking, and how the laws need to catch up.

### **Resolution No. 443**

**Roll Call Vote:** No  
**Voting in Favor:** Legislators Archer and Donaldson  
**Voting Against:** Chairman Richard Parete and Chairman John Parete  
**No. of Votes in Favor:** 2  
**No. of Votes Against:** 2  
**Disposition:** Failed

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**Motion No. 9: Late Resolution No. 451** – November 18, 2014 - To accept for Lateness and move **Resolution No. 451** - Approving Construction, By Licensee Ulster County Agricultural Society, Of A New Poultry Barn At The Ulster County Fairgrounds On Libertyville Road In New Paltz – Department Of Public Works (Buildings And Grounds)

**Motion Made By:** Legislator Archer  
**Motion Seconded By:** Legislator Donaldson

**Resolution No. 451 Summary:** Granting approval for a construction project at the Ulster County fairgrounds by a Ulster County Agricultural Society.

**Discussion:** Legislator Archer explained that the Agricultural Society planned to do work on this barn at their expense but because it is County Property, they required Legislative approval to proceed. They need the approval as soon as possible to begin the process and be able to finish the work by fair season.

### **Resolution No. 451**

**Roll Call Vote:** No  
**Voting In Favor:** Legislators R. Parete, Archer, Donaldson and Legislative Chairman John Parete

**Voting Against:** None  
**No. of Votes in Favor:** 4  
**No. of Votes Against:** 0  
**Disposition:** Carried

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**Motion No. 10: Late Resolution No. 452** – November 18, 2014 - To accept for Lateness and move **Resolution No. 452** - Authorizing The Chairman Of The Ulster County Legislature To Execute A Memorandum Of Agreement With The Social Security Administration For Participation In The Video Service Delivery Project – Office For The Aging

**Motion Made By:** Legislator Archer  
**Motion Seconded By:** Legislator Donaldson

**Resolution No. 452 Summary:**

**Discussion:** Legislator Archer reminded the committee that when the local Social Security Office was closed, Ulster County provided space for them to maintain a staff person part time at the Ulster County OneStop. Now the Social Security Administration planned to discontinue staffing the site in Ulster County but would maintain services via video conferencing. The resolution needed to be approved in November to insure there would be no interruption in service to Ulster County residents.

**Resolution No. 452**

**Roll Call Vote:** No  
**Voting In Favor:** Legislators R. Parete, Archer, Donaldson and Legislative Chairman John Parete  
**Voting Against:** None  
**No. of Votes in Favor:** 4  
**No. of Votes Against:** 0  
**Disposition:** Carried

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**Old Business**

None

## **New Business**

Legislator Archer felt a process should be developed to insure the Laws & Rules, Governmental Services Committee gets the same information that the committee of origin gets on resolutions to insure members have the information when considering the resolutions. She suggested something as simple as a tally sheet with questions or a list of information the committee needs and when they need it would avoid some of the issues raised tonight.

Chairman John Parete suggested that Legislative Counsel could be used more effectively to gather information. He noted that with the proposed salary adjustments it would justify the added responsibility.

Legislator Archer feels everyone works hard and when she asks for specific information she gets it. She clarified that often meetings end with items that require follow-up and she is often not aware of that follow-up. She believes a more formal process would insure information requested by the committee members in a general discussion is forthcoming in a timely manner or who is following up to be sure we get it and how the record reflects that follow-up.

There was general agreement that this was a good idea and several examples of places where programs or processes are initiated by the Legislature with the promise it will save money or provide enhanced services but often the Legislature has no idea if the program is working as described or the promised benefits are delivered.

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There being no further business before the Committee, a motion was made by Legislator Donaldson, seconded by Chairman John Parete and carried to adjourn the meeting at 8:05 PM.

Respectfully submitted this 28th day of November, 2014  
Fawn A. Tantillo, Senior Legislative Employee  
Minutes Approved on February 10, 2015.