

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

DATE & TIME: June 20, 2016 – 6:30 PM
LOCATION: COB, 6th Floor, Karen Binder Library
PRESIDING OFFICER: Chairman Kevin Roberts
LEGISLATIVE STAFF: Jay Mahler, Deputy Clerk
PRESENT: Legislators Belfiglio, Donaldson, R. Parete, and Rodriguez (arrived at 6:43 PM)
ABSENT: None
QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislators Berky, Lapp and J. Parete, Legislative Counsel Pascale, Mr. Tom Kadgen – League of Women Voters, Vic Melville – League of Women Voters, Jesse Smith – Kingston Times, Joanne Myers – HV LGBTQ Comm. OTR BD, Angeliba Vail-Bouros – Mid Hudson Valley Transgender Assn., Kathy Nolan – UC Trails Advisory Comm/UC Tourism Advisory Comm, the following individuals identified themselves as “citizens”: Linda Codega, Bec Hamilton, Kathryn M. Dundorf, Candace R. Teetael (sp?), Evie Rouse, Carol McCurdy, and Robert Gallenz

Chairman Roberts called the meeting to order at 6:30 PM.

Motion No. 1: **Moved to Approve the Minutes of the April 18, 2016 meeting**

Motion By: Legislator Donaldson
Motion Seconded By: Legislator Rodriguez

Discussion:
None

Voting In Favor: Legislators Roberts, Belfiglio, Donaldson, R. Parete and Rodriguez
Voting Against: None
Votes in Favor: 5
Votes Against: 0
Disposition: Minutes approved

Chairman Roberts advised the members and those in attendance that he would be entertaining Public Comment prior to moving on to the Resolutions on the agenda. He asked if anyone in attendance wished to address the members. Mr. Robert Gallenz indicated that he would like to submit his comments to Chairman Roberts in writing. Chairman Roberts recognized Ms. Joanne Myers who identified herself as a board member of the LGTBQ Community Center and expressed her support for Proposed Local Law No. 10 of 2016 – A Local Law Prohibiting Discrimination on the Basis of Gender Identity at Places of Public Accommodation, Resort or Amusement. Chairman Robert thanked Ms. Myers for her comments and asked if anyone else wished to speak. Hearing no one he moved on to Resolutions.

Resolutions for the June 21, 2016 Session of the Legislature

Resolution No. 293: Setting A Public Hearing On Proposed Local Law No. 10 of 2016 (A Local Law Prohibiting Discrimination On The Basis Of Gender Identity At Places Of Public Accommodation, Resort Or Amusement) To Be Held On Tuesday, August 9, 2016 At 6:05 PM

Resolution Summary: This resolution sets a public hearing for Tuesday, August 9, 2016 at 6:05 PM to allow the public to comment on Proposed Local Law Number 10 of 2016.

Motion No. 2: **Resolution moved for discussion**

Motion By: Legislator Rodriguez

Motion Seconded By: Legislator Belfiglio

Discussion:

The members questioned why the Public Hearing was being set for August. Legislator Berky explained that the date was chosen in consultation with Legislative Counsel as well as with the Clerk of the Legislature and was intended to give Legislators, as well as the public, time to evaluate the law and discuss any concerns with language before the hearing. Legislator R. Parete expressed his concern that the enforcement section indicates the Commissioner of Human Rights or his or her designee as the enforcement officer. He continued by saying that if the Commissioner could not preform his or her duties, the designee should be approved by the Legislature.

Legislator Berky indicated that her preference would be to take note of all concerns brought to her so that she can relay them to counsel for research and save the member's time at this meeting. She added that a different concern about the designation of the Human Right Commissioner as the enforcement officer was brought to her attention and is being looked into by counsel.

Chairman Roberts asked Counselor Pascale for his opinion on the designation of the Human Rights Commissioner. Counselor Pascale responded that one of the issues being studied is whether the Human Rights Commission is authorized by the Charter to do the things required of it in the local law.

Legislator Belfiglio shared his concerns about the enforceability of the law. He added that he discussed this with Legislator Berky and informed the members that he questioned whether a violation of a human right could be considered by the Human Rights Commissioner who is not a judge, saying that such a violation can only be heard in a civil court. He concluded by saying that counsel shared some of his concerns.

Legislators Rodriguez and R. Parete said the county levies many different fines outside of civil court proceedings. Legislator Rodriguez added that Minority Counsel Ragucci was satisfied with the designation of the Human Rights Commissioner as the enforcement officer.

Legislator Donaldson stated that he felt the matter was definitely a human rights issue and expressed his support for designating the Human Rights Commissioner as the enforcement officer. He indicated he would like to move forward with setting the public hearing.

Legislator Berky asked if there were any other concerns with the draft. Legislator Befiglio indicated that he would like to postpone the resolution stating that if any substantial changes are made to the law another public hearing would need to be set. The members discussed time frames for setting public hearings.

Chairman Roberts recognized Legislator J. Parete who expressed his support for equal treatment of all individuals, but shared his concern about the law affecting his rights as a small business owner to refuse service to organizations like the KKK, Nazis, or other hate groups.

Chairman Roberts recognized Mr. Robert Gallenz. Mr. Gallenz questioned if an individual could claim to have been discriminated against on the basis of his or her gender identity without having to provide a doctor's certificate substantiating his or her identity claim. He asked if the law provides for the ability for the Human Rights Commission to investigate complaints from business owners as well as transgender individuals. Legislator Berky responded that the Human Rights Commission would investigate any complaint of a violation of the law regardless of who brings it. She added that she was hopeful that members of the business community would participate in reviewing the law and working to make everyone comfortable.

Chairman Roberts suggested scheduling a special meeting dedicated to this subject. The members agreed.

Motion No. 3: **Moved to Postpone Resolution No. 293 for one month**
Motion By: Legislator Befiglio
Motion Seconded By: Legislator Roberts

Discussion:

The members discussed scheduling the special before the regularly scheduled July committee meeting. Chairman Roberts indicated he would be away and advised the members that Committee Deputy Chair Donaldson would be presiding over the meeting and would handle the scheduling, ideally for July 11th.

Voting In Favor: Legislators Roberts, Befiglio, R. Parete and Rodriguez
Voting Against: Donaldson
Votes in Favor: 4
Votes Against: 1
Disposition: Resolution is POSTPONED

Resolution No. 284: Adopting Proposed Local Law No. 5 of 2016, A Local Law Amending Local Law No. 2 Of 2006 (A Local Law Adopting A County Charter Form Of Government For The County Of Ulster, State Of New York) And Amending Local Law No. 10 Of 2008 (A Local Law Adopting An Administrative Code For The County Of Ulster, State Of New York) Altering The Periodic Compensation Review Committee Process To Allow For Timely Legislative Action

Resolution Summary: This resolution adopts Proposed Local Law No. 5 of 2016.

Motion No. 4: **Moved to adopt Resolution No. 284**

Motion By: Legislator Belfiglio

Motion Seconded By: Legislator Rodriguez

Discussion:

None

Voting In Favor: Legislators Roberts, Belfiglio, Donaldson, R. Parete, and Rodriguez

Voting Against: None

Votes in Favor: 5

Votes Against: 0

Disposition: Resolution adopted

Resolution No. 285: Adopting Proposed Local Law No. 6 of 2016, A Local Law Amending Local Law No. 3 Of 2012 (A Local Law To Provide For An Exemption From Real Property Taxes For Real Property Owned By Veterans Who Rendered Military Service To The United States During The “Cold War”)

Resolution Summary: This resolution adopts Proposed Local Law No. 6 of 2016.

Resolution No. 286: Adopting Proposed Local Law No. 7 of 2016, (A Local Law Amending Local Law No. 4 Of 2012, To Increase The Maximum Allowable Real Property Tax Exemption Pursuant To Section 458-a Of The Real Property Tax Law Entitled “Veterans’; Alternative Exemption”)

Resolution Summary: This resolution adopts Proposed Local Law No. 7 of 2016.

Motion No. 5: **Moved to consider Resolution Nos. 285 and 286 as a block**

Motion By: Legislator Rodriguez

Motion Seconded By: Legislator Donaldson

Discussion:

Legislator Donaldson informed the members that the Proposed Local Laws has been passed by the Legislative Programs, Education & Community Services Committee as well as the Ways & Means Committee.

Voting In Favor: Legislators Roberts, Belfiglio, Donaldson, R. Parete, and Rodriguez

Voting Against: None

Votes in Favor: 5

Votes Against: 0

Disposition: Resolutions 285 and 286 to be considered as a block

Motion No. 6: **Moved to adopt Resolution Nos. 285 and 286**

Motion By: Legislator Donaldson
Motion Seconded By: Legislator Rodriguez

Discussion:

None

Voting In Favor: Legislators Roberts, Belfiglio, Donaldson, R. Parete, and Rodriguez
Voting Against: None
Votes in Favor: 5
Votes Against: 0
Disposition: Resolutions adopted

Resolution No. 288: Setting A Public Hearing On Proposed Local Law No. 8 of 2016 (A Local Law Prohibiting The Sale And Use Of Sky Lanterns In Ulster County) To Be Held On Tuesday, July 12, 2016 At 6:05 PM

Resolution Summary: This resolution sets a public hearing for Tuesday, July 12, 2016 at 6:05 PM to allow the public to comment on Proposed Local Law Number 8 of 2016.

Motion No. 7: **Moved to amend Section 5. Penalties, of Proposed Local Law No. 8 of 2016 to read as follows,** “The first violation of Section 3 or Section 4 of this Article shall constitute an offense punishable by a fine not to exceed **\$250** or by imprisonment not to exceed **15** days, or by both such fine and imprisonment.”

Motion By: Legislator Rodriguez
Motion Seconded By: Legislator Roberts

Discussion:

Chairman Roberts recognized Local Law sponsor Legislator Lapp to discuss the law. Legislator Lapp explained that sky lanterns are lanterns that have a candle in them and are designed to float in the air and are traditionally seen in Chinese or Japanese ceremonies. He informed the members that there are currently no controls over these devices and once they are let go they are, essentially, unattended fires that can land anywhere. He continued by saying that the devices are not biodegradable and there have been incidences where livestock have eaten lanterns and became sick and died. He added that he was also concerned with young children finding them, playing with them and injuring themselves on the sharp metal mesh wires. Lastly, he informed the members that the proposed local law has the support of the Fire Advisory Board. The Board was especially concerned with the devices in the wake of the serious forest fires in the county in the past few years.

Legislator Rodriguez asked Legislator Lapp if he would be amiable to amending the penalty section to reduce the fine and number of days not to exceed in jail from \$500 to \$250 and from 30 days to 15. Legislator Lapp responded that he would agree to the amendment.

Voting In Favor: Legislators Roberts, Belfiglio, Donaldson, R. Parete, and Rodriguez

Voting Against: None
Votes in Favor: 5
Votes Against: 0
Disposition: Amendment adopted

Motion No. 8: Moved to adopt Resolution No. 288 with the Local Law AS AMENDED
Motion By: Legislator Rodriguez
Motion Seconded By: Legislator Roberts

Discussion:

Chairman Roberts asked if Legislator Lapp would be amenable to allowing for the use of the lanterns with a special permit. Counselor Pascale responded that he did not think the state law would allow for a special permit.

Voting In Favor: Legislators Roberts, Belfiglio, Donaldson, R. Parete, and Rodriguez
Voting Against: None
Votes in Favor: 5
Votes Against: 0
Disposition: Resolution adopted with Local Law AS AMENDED

Resolution No. 291: Setting A Public Hearing On Proposed Local Law No. 9 of 2016 (A Local Law Regarding Campaign Finance Reform in Ulster County) To Be Held On Tuesday, August 9, 2016 At 6:00 PM

Resolution Summary: This resolution sets a public hearing for Tuesday, August 9, 2016 at 6:00 PM to allow the public to comment on Proposed Local Law Number 9 of 2016.

Motion No. 9: Moved to postpone Resolution No. 291 for one month.

Motion By: Legislator Rodriguez
Motion Seconded By: Legislator Belfiglio

Discussion:

Local Law sponsor Legislator J. Parete indicated that he would like to see the resolution setting the public hearing postponed in order to give legislators time to review the law and offer any suggestions over the next month. Legislator Rodriguez stated that there were concerns when the law was proposed last year that it did not apply equally to candidates as well as incumbent elected officials.

Legislator Donaldson said he would support postponement if that is what the sponsor wanted, but added that he wanted to ensure that the law moves forward in light of unacceptable things that have been happening in Ulster County and New York State. He added that the public needs to feel more secure that their elected officials are working for them and not for the people who contribute to their campaigns.

Chairman Roberts pointed out that the law was before the Laws & Rules committee almost a year ago and generated a lot of conversation. He added that there wasn't the will to make the changes necessary to really move the law forward and suggested a special committee be formed to hammer out the points of contention before the law is brought back. Legislator J. Parete stated that a lot of things have happened since the law was first introduced both in the state and locally. He added that the County Executive brought this up in his State of the County Address a few years ago and that the local Democratic Committee has been in newspapers for funneling money to a state senate candidate. He added that he felt it was wrong for a candidate to ask subordinates for money or material goods for a campaign and stated that individuals working for the governor are not allowed to participate in his campaign unless they resign.

Chairman Roberts asked if there were three members of the committee who would like to sit on a subcommittee to review the law. Legislator R. Parete agreed that something needed to be done adding that he felt that the people have lost trust. Legislators Donaldson, Rodriguez and R. Parete agreed to serve on the sub-committee. Chairman Roberts appointed Legislator Donaldson as the Chair of the Sub-Committee and Legislator Rodriguez as the Deputy Chair.

Voting In Favor:	Legislators Roberts, Belfiglio, Donaldson, R. Parete, and Rodriguez
Voting Against:	None
Votes in Favor:	5
Votes Against:	0
Disposition:	Resolution postponed

Resolution No. 295: Reappointing – Commissioner Of Elections

Resolution Summary: This resolution reappoints Board of Elections Commissioner Thomas F. Turco to a two year term beginning January 1, 2017 and ending December 31, 2018.

Motion No. 10: Moved to adopt Resolution No. 295.

Motion By: Legislator Belfiglio
Motion Seconded By: Legislator Roberts

Discussion:

Legislator R. Parete asked if the committee could ask the Commissioners at the Board of Elections about the time it takes to get election results posted to the county website. He added that election inspectors used to be able to call in the results, but now results aren't posted until the supplies from the poll sites are returned with the memory card from the machines that have the results. The

members agreed that results take a lot longer to post the past few years and would like to know what the Board of Elections is doing to speed the process along. He added that one of the biggest complaints he receives from the public is that election results aren't posted until after 11 pm. Legislator Donaldson agreed that a better process should be developed.

Chairman Roberts instructed legislative staff to reach out to the Commissioners and invite them to the July 18th committee meeting as long as it doesn't interfere with any court cases on petitions.

Voting In Favor: Legislators Roberts, Belfiglio, Donaldson, R. Parete, and Rodriguez
Voting Against: None
Votes in Favor: 5
Votes Against: 0
Disposition: Resolution adopted

Resolution No. 320 – Supporting The Passage Of A4458B/S61B, The Gender Expression Non-Discrimination Act (GENDA)

Text of Motion: **Moved to discuss**

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

Resolution No. 320 Summary: This resolution calls upon the State Legislature to pass Assembly Bill A4458B and Senate Bill S61B – the Gender Expression Non-Discrimination Act (GENDA)

Discussion:

Legislator Rodriguez stated that the resolution was a moot point as state legislative session was over. Legislator R. Parete pointed out that the Senate bill had not even been voted out of committee.

Disposition: **The Committee took no action on the Resolution**

Chairman Roberts asked if there was any other business, and hearing none;

Adjournment

Motion Made By: Legislator Donaldson
Motion Seconded By: Legislator Rodriguez
No. of Votes in Favor: 5
No. of Votes Against: 0

TIME: 7:46 PM

Respectfully submitted: Jay Mahler, Deputy Clerk
Minutes Approved: July 18, 2016