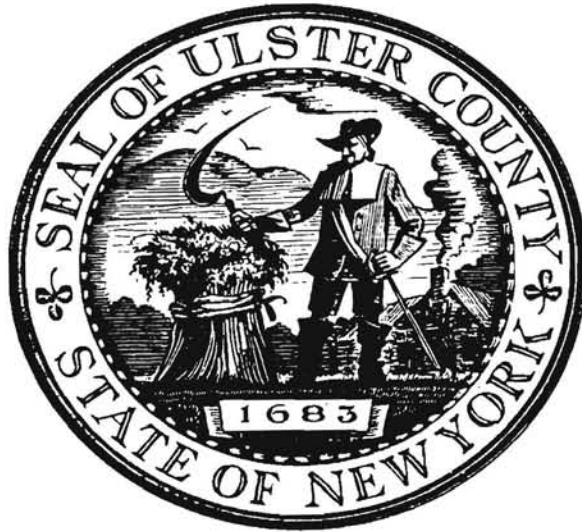


ULSTER COUNTY



COMMISSION ON REAPPORTIONMENT

FINAL REPORT

JUNE 15, 2011

Ulster County Commission on Reapportionment

Final Report

June 15, 2011

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Ulster County Commission on Reapportionment

Final Report

I. Creation and Authority of the Commission

ULSTER COUNTY became a charter form of local government in November of 2006, following voter approval of an August 23, 2006, local law recommended by the Ulster County Charter Commission following two years of study and deliberation. (The Charter Commission was also approved by voter referendum.) Provisions of the new Ulster County Charter altered the make-up of the County Legislature by reducing the number of legislators from 33 to 23 and by creating single-member districts instead of multi-member districts. This change was to be implanted in 2011, thus affecting the terms of office beginning on January 1, 2012.

This is the Report of the Reapportionment Commission created under these provisions of law. The statutory authority of the Ulster County Commission on Reapportionment is contained in Section C-10 of the Ulster County Charter, which reads as follows:

§ C-10. Commission on Reapportionment.

A. A Commission on Reapportionment shall be established as soon as practicable after the availability of data from the census of 2010 to create 23 single-member districts for the Ulster County Legislature and thereafter to meet and evaluate existing legislative districts no later than 60 days after the necessary census data becomes available from the decennial federal census and reapportion them as necessary to meet established standards in state and federal law for equal and fair representation of all people in Ulster County, keeping districts compact and contiguous while taking also into account existing town, city, village and election district boundaries and defining geographic features but giving no consideration to providing advantage to one or another political party. This Commission shall consist of seven members who are County residents, are eligible to register to vote and are not public officers or employees.

B. To establish a pool from which members will be appointed, no later than three months prior to the anticipated first meeting of the Commission on reapportionment, the County Executive shall widely solicit interest in serving on the Commission through such means as direct mail and e-mail contact with civic groups, public service announcements on radio and television and in daily and weekly newspapers, paid advertisement and announcement on the County website.

C. Initial appointments to the Commission on Reapportionment from the pool of interested parties gathered in this manner shall represent various geographic areas of the County and shall be made no later than 60 days after the census data

becomes available, with two members appointed by the Legislature's majority leader and two members by the Legislature's minority leader.

D. These four appointed Commissioners shall select the additional three Commission members from the pool previously established no later than 70 days after the census data becomes available. In the event that the additional three Commission members are not appointed by the prescribed deadline, the appointment of the initial four members will no longer have force and effect and these members will no longer be eligible to serve on the Commission on Reapportionment. The majority and minority leaders will make alternative appointments in the manner prescribed in this section, and the four newly appointed members will appoint three additional members so as to allow the Commission to convene no later than six months after the census data becomes available.

E. The Commission will reapportion in accordance with a process that allows timely input from the County Legislature and its members and the maximum of public participation and comment, and in accord with a calendar it adopts for itself after consideration of New York State Election Law that assures that elections in newly apportioned districts will be held in the year ending in "1" in every decade.

The process of selecting members for the Commission on Reapportionment began with the creation of a pool of potential commissioners by the County Executive. The most significant restriction on membership on the Commission was a bar on including “public officials,” the definition of which included notary publics as well as higher-level public officials. The Commission was to be made up of seven members, two each appointed by the Majority Leader and Minority Leader of the Legislature and the remaining three to be appointed by the four initial appointees. On compiling a list of more than 90 potential candidates, the Executive turned the process over to the County Legislature for the appointments process to begin.

The initial four members appointed by the Majority Leader (William West and Michael Catalinotto) and Minority Leader (Cynthia Lowe and Vernon Benjamin) met on December 14, 2010, and completed the makeup of the Commission with the appointment of three additional members on January 6, 2011. The Commission on Reapportionment members were:

Cynthia Lowe (Ulster)
Michael Catalinotto (Saugerties)
William R. West (Woodstock)
Vernon Benjamin (Saugerties)
Dare Thompson (Marlboro)
Paul Benkert (Highland)
Richard Messina (Marlboro)

II. Narrative of the Commission's Activities

The first meeting of the full Commission was held on January 19, 2011. The Commission discussed the election calendar and other details of their work schedule. The Commission notified the Ulster County Legislature of its intent to meet with the Legislature for its input in the Reapportionment Plan process, and its unanimous opinion that a Plan created by the Commission should be approved without amendment by the Legislature. A list containing this and other Recommendations by the Commission for a Charter Revision Commission and future redistricting considerations is attached to this Report.

The Commission was charged with "taking into account" town, city, village, and election district boundaries and geographic features. School district and fire district boundary discussions were also factored into some of the thinking. Other topics of special interest included: Transparency of the Process; Website Creation; Software; Census Data Release Timing; Prison Inmate Populations; Percentage of Census Deviations Allowed; Minority Representation; Compactness of Districts; Contiguousness of Districts.

Transparency was achieved by making all meetings open to the public (except executive sessions as determined appropriate with the advice of counsel); accommodating the filming of the Commission's activities for local cable access television; making the software for plan development available for use to the public; creating a website with a comprehensive listing of plan versions, letters, and other information relevant to the Commission's deliberations, and by protecting against partisan influences in the creation of the Plan. Additional subjects included in the discussions concerned staffing preferences, political influencing, weighted voting, and recommendations for future redistricting commissions. In addition to formal minutes, a taped record of the proceedings of the Commission was maintained. Appendices to this Report contain these documents and others related to the Commission's work.

Once fully constituted and in operation, the Commission decided to convene each Wednesday in open session as a means to accelerate the redistricting process. As the process ensued and the time frame became more and more constricted—given the pending political calendar for the selection of candidates and the election of new members of the Legislature—the Commission increased the frequency of its meetings and the time involved. By early April, the Commission scheduled meetings for a Saturday (several hours), Monday, Tuesday, and Friday in a single week period. Its concluding sessions were similarly driven by the need to consider modifications based on information received as a result of previous Plan changes. These meetings are documented in the Minutes appended to this Report.

On January 26, 2011, the Commission received briefings from Sylvia Wohlfahrt, Director of Information Services, and Dennis Doyle, Director of Planning, on the software, website, and services available from each of these agencies. Both agencies subsequently provided information on software available. The Commission decided to have a pamphlet created for distribution to the public and to the towns and approved of the videotaping of its deliberations. IS added the Commission as a link to the Ulster County website for

public access to its activities and deliberations. Website information included the text of the County Charter language regarding the Commission, brief biographies of each commissioner, and a means to contact the Commission via email, postal mail, fax and phone. Links subsequently established on the website included detailed 2010 census data, New York State Task Force on Demographics and Reapportionment, Prisoners of the Census, Brookings Institute—Transparency, and Citizens Guide to Redistricting.

On February 2, 2011, the Commission reached out to the Board of Elections to provide information received about election districts under state law; input was provided by the Election Commissioners on February 9 and in March and April as well. A final adjustment to the Plan to “tweak” election districts to ensure reasonable numbers of voters represented per district was reviewed by the Commission on May 16, but was not endorsed, on advice of legislative counsel, because of their substantive nature and lack of timeliness in relation to the Legislature’s public hearing timetable.

A meeting to “meet and greet” the Ulster County Legislature was held on February 15, 2011. The Commission was introduced and cordially received by the members. In a far-sighted decision, the Commission decided to reach out to all towns to offer to attend town board meetings to speak with their boards regarding the redistricting process. The first of these meetings was with the Town of Ulster on February 17. Others scheduled following requests from town boards included New Paltz, Marbletown, Shawangunk, Woodstock, Gardiner, Saugerties, Esopus, Marlborough, Rosendale, Town of Kingston, and Rochester. These meetings provided timely and pertinent information on local interests, geographic preferences, and were often referenced by Commission members in their deliberations. Two Commission members were designated to report back to the Commission on each meeting with the towns and the recommendations received. In addition, the Commission determined to have three public hearings in April, one for the southern part of the county at New Paltz, one in the legislative chambers in Kingston under the auspices of the County Legislature, and one for northern communities at Olive.

On February 16, 2011, following presentations and recommendations by IS and Planning and a review of the information available, the Commission authorized the purchase of the Autobound Pro Redistricting Software at \$5,100 for the full version and \$980 each for the “lite version” (Autobound LE) for use by members of the Commission and the general public in developing the Reapportionment Plan. This proved to be difficult software to master, although in time the Commission worked through the difficulties in finalizing the Plan.

Also at this meeting, the Commission recommended that in the future any appropriations made for a Commission on Reapportionment be made to the Commission, under its sole control, and not be channeled through any other agency or body of the county.

The timing of the Commission’s work in relation to the deadlines for petition filing and other steps required in the electoral process was complicated by a delay in training for the program and the relative lateness of the receipt of the 2010 census data. The census data that was received included the county’s total population and more than 70 categories of

population by race and ethnicity. Initial census data became available on March 23, 2011 when a Total Population by Municipality map was posted on the website. It was then that the Commission's actual work on starting the Reapportionment Plan began. The timeliness of receipt of the census data left the Commission with only five weeks to accomplish its work.

Several issues of interest to the Commission were explained and resolved on March 30. The county attorney informed the members that Ulster County was not subject to enforcement policy provisions of the Voting Rights Act that applied to communities with significant voting rights issues such as New York City. The question of prison populations involved considerable discussions. The Charter required that the Commission use census data in formulating the Reapportionment Plan. The data included prison populations, which the County has always used in the past in formulating districts. The 2010 prison populations for Ulster County were:

Eastern Correctional Facility	1,002
Shawangunk Correctional Facility	539
Ulster Correctional Facility	720
Wallkill Correctional Facility	571

The question was complicated by a 2010 state law that requires that prisoners be counted in the voting districts from which they were incarcerated, but the implementation of the law extended well beyond the time frame for the Commission to formulate the Ulster County Plan. In addition, a lawsuit was commenced in Albany County Supreme Court which sought a judgment declaring the sections of state law (Municipal Home Rule Law and Corrections Law) that require that prisoners be counted in the voting districts where they resided before incarceration rather than where they are incarcerated as null and void as being unconstitutional. The action was brought by eighteen plaintiffs which included New York State Senators and private citizens. The lawsuit was still pending at the conclusion of the Commission's work.

While some counties in New York had excluded their inmate population in the past, doing so required the adoption of a local law. Only the County Legislature has the authority to adopt local laws. There were significant time constraints in the adoption of a local law which required the drafting of a proposed local law, a resolution of the County Legislature to schedule the hearing and public notice in two weekly newspapers prior to the hearing, a public hearing by the County Legislature, and after adoption by the Legislature, another duly noticed public hearing by the County Executive. At the time a lawsuit was also pending against the Commission and the County Legislature in Ulster County Supreme Court. One of the issues in the lawsuit was which body had the power to make the final determination as to the redistricting plan. Thus, the advice of counsel was to include the prison population, and make some adjustments, as a "defensible" action the Commission could take, but left the decision up to the Commissioners. Commissioners generally expressed dissatisfaction with the complexity of the question and failure of state and local laws to adequately resolve it in a timely fashion.

The Commission did address the inmate population so as to minimize the impact upon the newly created districts. The Shawangunk Correctional Facility and the Wallkill Correctional Facility which are adjacent to each other were separated and placed in two different Legislative districts, specifically with the 539 Shawangunk inmates placed in District 16 and the 571 Wallkill Correctional Facility inmates placed in District 13.

As a result of their close proximity the Eastern Correctional Facility and the Ulster Correctional Facility, could not be easily split into two districts. In addition, the census block (361119545002026) that encompassed the Ulster Correctional Facility included 27 housing units. Some of these units, as viewable in the parcel/data aerial photography, were single family homes. Without the release of the group quarter data from the census, it was not possible to separate the prison population from the residential population in this particular block. In fact, it was not physically possible to split a census block as there would be no way to ascertain where the population was within the block. Thus, to address this anomaly, District 15 (which contained the Correctional Facilities) was maximized to 4.87% above the mean of 7,934 to 8,321 to minimize the impact of those prisons in that particular district.

In its detailed work on developing the Plan, the Commission took into consideration the opinions and desires expressed by the local towns, usually through the town board meeting process but informally as well. Several individuals attending the Commission's meetings—some of whom developed plans themselves—were also helpful with constructive input. Individual legislators also provided comments regarding their preferences and special perspectives. Some of the expressed preferences included:

- Keep Hurley intact
- Add northern part of Hurley to Town of Woodstock
- Add Rifton to Town of Rosendale
- Keep Rifton & Ulster Park in the Town of Esopus
- Honor fire district boundaries in Esopus and Rosendale
- Keep Saugerties intact and do not add to Town of Woodstock
- In dividing New Paltz keep school districts in mind
- Add Town of Kingston to the Town of Ulster
- Add Town of Kingston to the Town of Woodstock
- Keep the City of Kingston whole unto itself
- Keep Plattekill intact
- Keep Shawangunk within two Districts
- Keep Marbletown whole along the Stone Ridge corridor

All of this input was immensely helpful to the Commission in understanding the various issues associated with developing such a complex Plan. The draft versions of the map that evolved over time attempted to address each of these suggestions. Once all final adjustments were made, the final Plan as adopted reflected the Commission's best work effort in that regard. In most cases, the decisions made by the Commission were understood and accepted by parties who had advocated otherwise, but of course not all wishes could be accommodated despite the efforts of the Commission to do so. Input

from members of the public who developed or worked on plans of their own was helpful to the Commission in seeing different viewpoints and better understanding the decisions that had to be made; some of this input made its way into the Commission's deliberations on the final Plan.

The Commission sought to keep as many towns whole as possible, and did so for ten of the twenty towns in the county. The City of Kingston was also kept whole; three districts were created within the nine city wards. The redistricting of the City at first looked at minority representation with the goal of creating a minority district. Upon further study, the Commission reverted to the ward system, noting that minority interests remained intact by applying the ward districts to the new Plan. This was consistent with representations made by Kingston residents, particularly minority members. The Commission concluded that Kingston was represented in each ward by significant minority populations and that no issues related to misrepresentation had been made by residents or the general public.

In the end, as one commissioner opined in the Commission's first meeting with the members of the Legislature, probably the best measure of success for the Commission's work would be the extent to which almost everyone was somewhat pleased as well as somewhat disappointed.

The Commission on Reapportionment approved a Final Plan by a vote of 7-0 on May 2, 2011, and forwarded the Plan to the Legislature. The Ulster County Legislature conducted a Public Hearing on the Final Plan on May 17, 2011, and approved the Plan by a 29-2 vote on the same evening. On May 31, 2011, the County Executive signed the resolution adopting the Commission's Final Plan.

III. Legal Issues

On February 17, 2011, the Commission was notified of the commencement of a lawsuit against the County and the Commission seeking court intervention in the development of the reapportionment plan. The Commission authorized its representation in this lawsuit by County Attorney Bea Havranek on February 23, 2011. The judge assigned to the case was the Hon. Kimberly O'Connor, Acting Justice of the Supreme Court. Arguments were heard on March 28, 2011. The plaintiffs (John Parete and Thomas Kadgen) contended that the Reapportionment Commission's Plan should be final and binding without the need of legislative approval, that if a local law was required that should be subjected to a referendum, and they requested that the court establish a plan itself if the Commission's Plan was not adopted in time for 2011 designating petitions to be filed by local parties. The court denied the relief sought by the plaintiffs. In rendering its decision, the court noted that the County Charter "outlines very succinctly the Reapportionment Commission's function," but does not provide "any specific direction" for the implementation of a Plan created by the Commission. The court concluded, among other things, that since reapportionment was essentially "a legislative process" the final decision on the Ulster County Plan must rest with the Legislature. Furthermore, voter

approval was not required because the “form or composition” of the Legislature was not being changed by the Commission’s Plan. That was done by voter approval of the adoption of the Charter which mandated the creation of 23 legislative districts, the boundaries of which were to be established by the Commission. The Commission’s position and that of Ulster County, as urged by the County Attorney, were supported by the court’s decision.

On May 11, 2011, more than nine days after the final plan was submitted to the County Legislature for the scheduling of a local law public hearing, the Commission learned of an interest by the American Civil Liberties Union to have the Commission exclude the prison populations from its Plan. The Ulster County Attorney did not believe it was appropriate because Ulster County was now under a Charter form of government which overrules the Municipal Home Rule Law provisions cited by the ACLU in its communications with the County, as well as the critical timing issue and other issues including the ability to place the inmates in their pre-sentencing residences. It was subsequently learned that the ACLU was not likely to pursue the issue in Ulster County.

IV. Recommendations

The Commission on Reapportionment has documented the hurdles encountered throughout its redistricting process. In an effort to facilitate a streamlined process for future redistricting efforts, the 2011 Commission recommends that the following items be closely evaluated and considered by both the Charter Revision Commission, and the next Commission on Reapportionment at the beginning of its process:

1. The title of the Commission on Reapportionment should be changed to the Commission on Redistricting to more accurately reflect its intended purpose.
2. The timeframe for the redistricting process should be expanded.
 - A. Commissioners should be appointed by January 1st of the year ending in 2 (two) following the census.
 - B. The Commission should submit its redistricting plan by December 31st of the year ending in 2 (two) following the census data release. (This will allow for maximum input from the communities.)
3. The process for adoption of the Commission’s final plan should be clarified in the language of the Charter.
4. To aide in the Commissioner selection process, the definition of the term “public official” should be more clearly defined.
5. Political affiliation should be minimized in selecting Commissioners. Members of a political party committee or their chairs and officers should not be appointed to the Commission.

6. Any monetary appropriation for the Commission should be under its direct control.
7. A determination of how prison populations should be treated in devising a redistricting plan should be made prior to the start of the next redistricting process.
8. The Commission should consider its method of self governance, i.e. selection of a chairperson or facilitator.
9. An orientation on geography and demographics should be arranged for the Commissioners before redistricting begins.
10. The Commission should be authorized to hire such staff, consultants and professional services within appropriations which in its discretion it deems necessary and have available to it such county employees which it deems appropriate and who would be available to assist the Commission.
11. In devising a redistricting plan, the Commission should consider all methods of completing its task, including but not limited to, weighted voting as a means of keeping the towns whole and giving each a legislator a vote weighted pursuant to its population.
12. The Board of Elections should be encouraged to make the Commission aware of any issues relating to election districts as early as possible.
13. More attention should be given to the selection of the computer software or any other product available to assist the Commission in the conduct of its responsibilities with a view toward selecting computer software or other product which a layperson can comfortably use after appropriate training and documentation.
14. Both for good government reasons and to help avoid litigation, we recommend that the whole process be as transparent as possible and that public participation be actively encouraged. Besides having open, videotaped meetings with a time for public comment, we recommend a page on the county website where videos, minutes, drafts of maps, and other information can be posted; visits by commissioners to all town boards who request them; well-publicized meetings with the legislature and in the southern and northern parts of the county; and at least one easily-accessible computer with the mapping software on it. Technological advances will no doubt provide even more options.

APPENDICES

Solicitation Flyer & Certification

Members of the Commission – Biographical

Informational Flyer

Commission Support Staff

Bea Havranek, Ulster County Attorney

Victoria Fabella, Deputy Clerk, UC Legislature/ Secretary to the Commission

Robert Leibowitz, AICP- Principal Planner/ Technical Support to the Commission

Minutes of the Commission on Reapportionment

1. January 19, 2011
2. January 26, 2011
3. February 9, 2011
4. February 16, 2011
5. February 23, 2011
6. March 9, 2011
7. March 16, 2011 (held at UC Information Services, 25 Manor Ave.)
8. March 30, 2011
9. April 6, 2011
10. April 12, 2011
11. April 13, 2011
12. April 20, 2011
13. April 23, 2011 (9:00 AM)
14. April 25, 2011 (5:00 PM)
15. April 27, 2011
16. May 2, 2011 (7:00 PM)
17. May 11, 2011
18. May 16, 2011
19. May 23, 2011
20. June 15, 2011

Legal Opinions (Ulster County Attorney)

1. Eligibility, October 22, 2010/ November 18, 2010
2. Procedure for Redistricting, November 18, 2010
3. 110% Rule, March 1, 2011
4. Weighted Voting, April 12, 2011
5. Supreme Court Cases Filings
6. Memo from County Attorney Concerning Inmate Issues
7. Decision and Order: Parete & Kadgen vs Ulster County Legislature & Commission on Reapportionment

Outreach Meetings

Thursday, February 17, 2011, Town of Ulster Town Board Meeting,
1 Town Hall Drive, Lake Katrine - 7PM

Thursday, February 24, 2011, Town of New Paltz Town Board
Meeting, 1 Veterans Drive, New Paltz - 7:30PM

Monday, February 28, 2011, Town of Marlborough Town Board
Meeting, 1650 Rte. 9W, Milton - 7:00 PM

Tuesday, March 1, 2011, Marbletown Town Board Meeting,
3775 Main Street, Stone Ridge - 7:00 PM

Wednesday, March 2, 2011, Saugerties Town Board Meeting Frank
Greco Sr. Center, Market Street, Saugerties - 7:00 PM

Thursday, March 3, 2011, Shawangunk Town Board Meeting, 14
Central Ave., Wallkill - 7:15 PM

Monday, March 7, 2011, Esopus Town Board Meeting
284 Broadway, Port Ewen - 7:30 PM

Tuesday, March 8, 2011, Woodstock Town Board Meeting
45 Comeau Drive, Woodstock - 7:30 PM

Wednesday, March 9, 2011, Rosendale Town Board Meeting
Rosendale Rec. Center, Rte. 32 - 7:30 PM

Monday, April 4, 2011, Kingston Town Board Meeting
906 Sawkill Road - 7:00 PM

Tuesday, April 5, 2011, Town of Gardiner Town Board Meeting,
2340 Rte. 44/55 - 7:00 PM

Thursday, April 7, 2011, Town of Rochester Town Board Meeting,
50 Scenic Road, Accord - 7:00 PM

Public Comment Meetings

Tuesday, April 12, 2011, Presentation to the Legislature; Ulster
County Central Region Public Comment, Legislative Chambers, 6th
Fl. County Office Bldg, Kingston - 7:00 PM

Wednesday, April 13, 2011, Ulster County Southern Region Public
Comment Meeting, New Paltz Community Center, 1 Veterans Drive
- 7:00 PM

Wednesday, April 20, 2011, Ulster County Northern Region Public
Comment Meeting, Olive Free Library, 4033 Rt. 28A, West Shokan
- 7:00 PM

Public Comment (Website)

Plan of Reapportionment

Although several additional “versions” or parts of plans were studied, the Commission developed seven specific versions of a Plan before finalizing the process in Version 8. An examination of these various versions provides a running history of the Commission’s efforts and deliberations. Version 8 was approved by the Commission on May 2, 2011, and submitted to the Legislature for vote on May 17, 2011.

- Version 1
- Version 2
- Version 3
- Version 4
- Version 5
- Version 5a
- Version 6
- Version 7
- Version 8

Local Law No. 1 of 2011

DEMOCRACY IN ACTION

MEMBERS NEEDED TO PARTICIPATE

Ulster County Committee on Reapportionment

“This is an important and historical task. It’s an opportunity for the citizens of Ulster County to create a fair and level playing field.

We need dedicated, honest and hard-working volunteers to make this a reality.”

*Michael P. Hein,
County Executive*

**PLEASE RETURN THIS
FORM BY EMAIL, MAIL OR
FAX BY 11/12/10 TO:**

**Office of the County Executive
PO Box 1800
Kingston, NY 12402
ATTN: Reapportionment**

**E-mail: exec@co.ulster.ny.us
Fax: 845-334-5724
Questions:
Phone: 845-340-3800**



This 7 member committee is charged with evaluating existing Legislative districts and reapportioning them into 23 single member districts for fair and equal representation of all people in Ulster County. Members must be Ulster County residents, eligible to register to vote and cannot be public officers or employees. If you are interested in participating, please return this form by Friday, November 12, 2010.

Name _____

Address _____

Phone _____

Email _____

Pursuant to the Ulster County Charter, The County Executive will establish a diverse pool of interested Ulster County residents and the Legislature must choose the Reapportionment Committee members from this pool.



ULSTER COUNTY EXECUTIVE

244 Fair St., P.O. Box 1800, Kingston, New York 12402

Telephone: 845-340-3800

Fax: 845-334-5724

MICHAEL P. HEIN
County Executive

ADELE B. REITER
Chief of Staff



MARSHALL BECKMAN
Deputy County Executive

ROBERT SUDLOW
Deputy County Executive

ARTHUR J. SMITH
Budget Director

Ulster County Committee on Reapportionment Affirmation of Eligibility to Serve

I hereby affirm that I am a resident of Ulster County, I am eligible to register to vote and I am not a public officer or employee of the county, or of any town, city or village within the county.

Name _____

Address _____

Signature _____

Date _____

Members of the Commission – Biographical

Vernon Benjamin of Saugerties is a writer, consultant, and educator who served on the UC Legislature from 1984-89 and has had an extensive background in government and public service. He currently serves the Town of Saugerties as a consultant on economic development and other matters.

Paul Benkert was born and raised in Kingston, New York. He is a graduate of Kingston High School, Class of 1986. Paul founded Allways Moving and Storage in Kingston in 1990, Allways Self Storage in 1998 and Benkert Realty, a Commercial Real Estate Company, in 1999. Paul has resided in Highland since 1999 with his wife Alison and his three children, Emily 11, Sean 9 and Ashley 8.

Michael Catalinotto is the senior partner of the Albany and Saugerties law firm of Maynard, O'Connor, Smith & Catalinotto. He is admitted to practice in the State of New York and is a member of the New York State, American, Albany County and Ulster County Bar Associations. Catalinotto is a graduate of New York University and the Columbia Law School.

He is a former member of the NYS Advisory Committee on the Civil Practice Law and Rules and the College Council of SUNY New Paltz, and is a former chairman of the Kingston Hospital Board of Trustees.

An active member of the Saugerties community, he is a former town justice, town attorney and former member of the Ulster County Ethics Committee. He has served as president of the Saugerties Rotary Club and member and advocate of the Saugerties Council of the Knights of Columbus, the Ulster County Charter Commission, the Ulster County Chamber of Commerce and the Saugerties Area Chamber of Commerce.

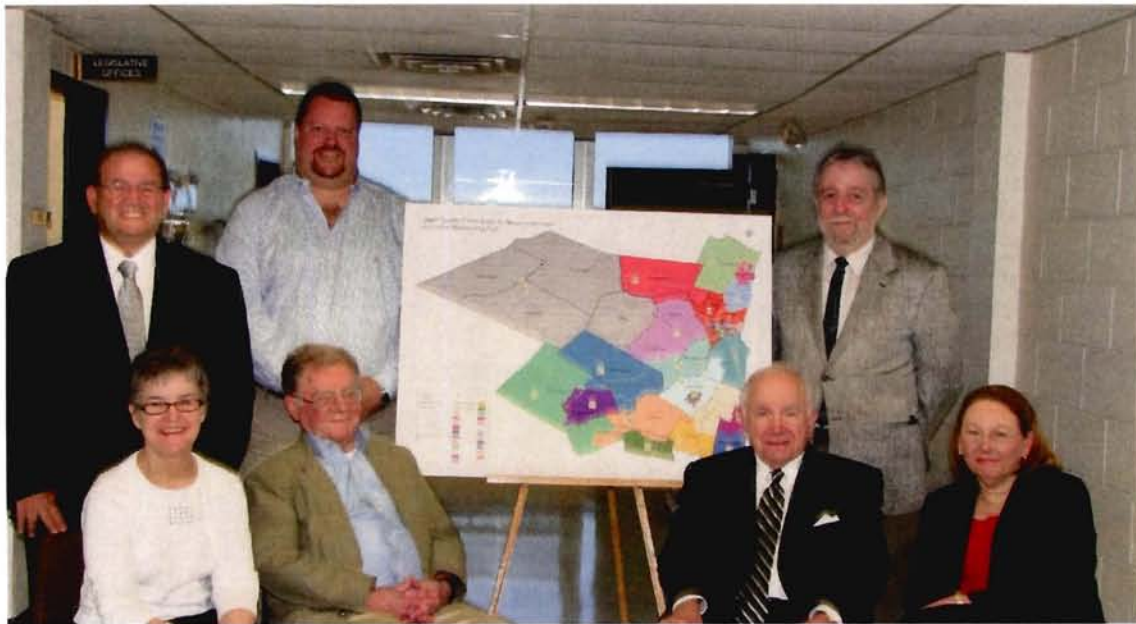
Cynthia Lowe has been the Director of the Community Foundation of Ulster County since November, 2007. Prior to that position she was a member of the senior management of a community bank in Orange County for fifteen years. She is a Certified Public Accountant and was a practicing accountant in Kingston for ten years. She is currently the Chair of Finance and incoming Chair of the Board of HealthAlliance of the Hudson Valley. She is the treasurer of Friends of Historic Kingston and a member of the Kingston Sunrise Rotary Club. Cynthia and her husband Glenn Sutherland have lived in the Town of Ulster for over 20 years.

Richard Messina lives in Marlboro and is married with 3 children and 5 grandchildren. He is a 20 year member with the Marlboro - Milton Lions club, a 20 year member with the Marlboro Hose Company, a 20 year member of Marlboro Unico and has been on the Board of Directors for 17 years and is still very active with the organization. Richard is currently Chairman for Cooley's Anemia in his hometown area. He was involved with Marlboro Youth Baseball and started the Girls Softball program. Richard is employed as sales manager for a construction company, and is not involved with any political party.

Dare Thompson is the President of the League of Women Voters of the Mid-Hudson Region, a past president of the LWV of Rhode Island and a past Vice President of the LWV of Ohio, and a former member of two strategic planning committees of the national LWV. She has served as executive director of three non-profit arts organizations since 1982.

William West is a resident of Woodstock. He has been active in numerous local and County civic organizations, in addition to serving as an officer of a national trade association. He has served as Town Supervisor and Chairman of the Ulster County Legislature. William has been a member of the Board of Directors of several banks and an insurance company. Currently, he is semiretired from the family business. William is a graduate of SUNY Oswego and served in the US Army for 18 months over seas.

The 2011 Ulster County Commission on Reapportionment



Pictured from left to right: Bottom Row: Dare Thompson, William West, Michael Catalinotto, Cynthia Lowe. Top Row: Richard Messina, Paul Benkert, Vernon Benjamin

Meet the Commissioners

Vernon Benjamin of Saugerties is a writer, consultant, and educator who served on the UC Legislature from 1984-89 and has had an extensive background in government and public service. He currently serves the Town of Saugerties as a consultant on economic development and other matters.

Paul Benkert was born and raised in Kingston, New York. He is a graduate of Kingston High School, Class of 1986. Paul founded Allways Moving and Storage in Kingston in 1990, Allways Self Storage in 1998 and Benkert Realty, a Commercial Real Estate Company, in 1999. Paul has resided in Highland since 1999 with his wife Alison and his three children, Emily 11, Sean 9 and Ashley 8.

Michael Catalinotto is the senior partner of the Albany and Saugerties law firm of Maynard, O'Connor, Smith & Catalinotto. He is admitted to practice in the State of New York and is a member of the New York State, American, Albany County and Ulster County Bar Associations. Catalinotto is a graduate of New York University and the Columbia Law School.

He is a former member of the NYS Advisory Committee on the Civil Practice Law and Rules and the College Council of SUNY New Paltz, and is a former chairman of the Kingston Hospital Board of Trustees.

An active member of the Saugerties community, he is a former town justice, town attorney and former member of the Ulster County Ethics Committee. He has served as president of the Saugerties Rotary Club and member and advocate of the Saugerties Council of the Knights of Columbus, the Ulster County Chamber of Commerce and the Saugerties Area Chamber of Commerce.

Commissioners Continued...

Cynthia Lowe has been the Director of the Community Foundation of Ulster County since November, 2007. Prior to that position she was a member of the senior management of a community bank in Orange County for fifteen years. She is a Certified Public Accountant and was a practicing accountant in Kingston for ten years. She is currently the Chair of Finance and incoming Chair of the Board of HealthAlliance of the Hudson Valley. She is the treasurer of Friends of Historic Kingston and a member of the Kingston Sunrise Rotary Club. Cynthia and her husband Glenn Sutherland have lived in the Town of Ulster for over 20 years.

Richard Messina lives in Marlboro and is married with 3 children and 5 grandchildren. He is a 20 year member with the Marlboro - Milton Lions club, a 20 year member with the Marlboro Hose Company, a 20 year member of Marlboro Unico and has been on the Board of Directors for 17 years and is still very active with the organization. Richard is currently Chairman for Cooley's Anemia in his hometown area. He was involved with Marlboro Youth Baseball and started the Girls Softball program. Richard is employed as sales manager for a construction company, and is not involved with any political party.

Dare Thompson is the President of the League of Women Voters of the Mid-Hudson Region, a past president of the LWV of Rhode Island and a past Vice President of the LWV of Ohio, and a former member of two strategic planning committees of the national LWV. She has served as executive director of three non-profit arts organizations since 1982.

William West is a resident of Woodstock. He has been active in numerous local and County civic organizations, in addition to serving as an officer of a national trade association. He has served as Town Supervisor and Chairman of the Ulster County Legislature. William has been a member of the Board of Directors of several banks and an insurance company. Currently, he is semiretired from the family business. William is a graduate of SUNY Oswego and served in the US Army for 18 months over seas.

Ulster County, New York



Commission on
Reapportionment
2011

The Commission has adopted these 4 principles to successfully complete their task:

- An accurate and complete count in Census 2010 is an essential building block for all redistricting efforts.
- The process used for redistricting must be transparent to the public.
- The redistricting process, at all levels of government, must provide data, tools and opportunities for the public to have direct input into the specific plans under consideration by the redistricting body.
- In order to achieve representative democracy, redistricting plans must be drawn in a manner that allows elected bodies to reflect the diversity of the populace, giving consideration to racial and ethnic diversity.

Commission on Reapportionment

About the Commission

The Commission on Reapportionment was established by the Ulster County Charter to create 23 single member districts for the Ulster County Legislature using 2010 Census data. The Ulster County Administrative Code states the Commission is "to meet and evaluate existing legislative districts no later than 60 days after the necessary census data becomes available from the decennial federal census and reapportion (the districts) as necessary to meet established standards in state and federal law for equal and fair representation of all people in Ulster County, keeping districts compact and contiguous while taking also into account existing town, city, village and election district boundaries and defining geographic features but giving no consideration to providing advantage to one or another political party." Our goal is to work within a transparent process, to provide opportunities for the public to have direct input into the process and to develop districts that reflect the diversity of the population of the County, giving consideration to race and ethnicity.

Meeting Dates

The Commission meets every Wednesday from 3PM – 5PM, on the 6th Fl. of the County Office Bldg. In addition, the Commission will be attending many local informational meetings to gather input from the public. Please refer to our website:
<http://co.ulster.ny.us/reapportionment>
for meeting locations, dates and times.

Please contact us:

Office of the UC Legislature
244 Fair St., P.O. Box 1800
Kingston, NY 12402
ph 845.340.3900
fx 845.340.3651
e-mail ucrc@co.ulster.ny.us

Our website contains more information about the Commission including agendas, minutes and video of our meetings. All meetings are open to the public. The Commission welcomes your input.

OFFICE OF THE ULSTER COUNTY LEGISLATURE
MEETING MINUTES

NAME OF GROUP: Commission On Reapportionment

DATE: January 19, 2011

TIME: 3:00 P.M.

PLACE: UCOB, Legislative Chambers, 6th Floor

MEMBERS PRESENT: Vernon Benjamin, Paul Benkert, Michael Catalinotto, Cynthia Lowe, Rich Messina, Dare Thompson, Bill West

MEMBERS EXCUSED: None

OTHERS ATTENDING: Dennis Doyle, Planning Director; Robert Leibowitz, Sr. Planner; Clinton Johnson, First Assistant County Attorney; Geraldine Romano, Legal Secretary; Laura Walls, Assistant Comptroller; Hugh Reynolds, Reporter; Tom Kadgen, LWV; Victoria Fabella, Deputy Clerk, Legislature; Beth Murphy, Saugerties Resident; Mike Harkavy, Saugerties Resident

- The meeting was called to order by Bill West at 3:04PM.
- Oath of Office

Bill West told the Commission that Bea Havranek contacted the Legislative Office and suggested the members of the Commission sign an oath of office.

Mike Catalinotto explained that his research showed that one of the indicia of being a public officer is the taking of an oath. As you know, you can't be a member of this group if you are a public officer. Are we creating a problem for ourselves by doing it? Mr. Catalinotto does not see a need for it. He said the group can agree as a whole to sign the oath, but he is just raising the point.

The Commission Members unanimously agreed to not sign the oath at this time. The subject can be revisited should the County Attorney provide ample reason for doing so.

First Assistant County Attorney Clinton Johnson explained that there is a 30 day window for completing oaths. Therefore, he believes Bea Havranek will clarify relatively quickly whether taking the oath is a necessity or not.

Bill West commented that Legislative Counsel is aware of the County Attorney's suggestion to have oaths signed by Commission Members and will provide further advisement should it be necessary.

- Member Introductions

Cynthia Lowe explained that the Commission is a group of equals. There is no official Chair of the Commission. All members may add to the agenda or comment as to what's going on. Bill West is acting as a de facto chair. Despite this, all members are encouraged to speak up and express his/her opinion at any time.

Vernon Benjamin- Former County Legislator from the 1980's. Applied for this position because he heard it on NPR and was struck by what Gerald Benjamin said; just the way he used the word "fair" in talking with Dr. Chartock on that day. Vernon thought that if he didn't apply he might be kicking himself later. There is no other motivation for serving on this Commission. Vernon is proud to be here and would like to reiterate that we are here to get a job done and do it in a way that satisfies the people of Ulster County. If anyone doesn't think we will accomplish this, they might as well leave the table now.

Cynthia Lowe- She have no past, current or future political aspirations. Cynthia is involved in this because she feels the Charter is a valuable change in the way we govern ourselves in Ulster County and she wanted to contribute to that process. She believes that if the group makes this a thoughtful and nonpartisan process, we'll succeed in what we are trying to do. While Vernon thinks that we are going to satisfy the residents of UC, I think that the best transaction will be if everyone is slightly unhappy. We don't want everyone to be completely satisfied or we haven't really done our job. In my day job, I'm the Director of the Community Foundation in UC. This is all part of making UC a better place.

Rich Messina- Rich is a Marlboro resident who is married with three children. He works full-time as a sales manager for a construction company. Rich is very active in the community. He has been involved in the Lion's Club, Fire Company, Make a Wish, the local chapter of the National UNICO organization; just about every organization out there. Rich got involved with this Commission because he felt it was his time to give back to the County.

Paul Benkert- Born and raised in Kingston, now lives in Highland. Paul is married and has three young children. He has been involved with the Rotary for 15 years and is currently in his second term as President. Paul got an email about the Commission on Reapportionment from the County Executive's Office and he thought it sounded interesting. He was involved in politics as a city committeeman 15 years ago. Looking at the districts the way there are now doesn't make sense to him. Paul wants to get the job at hand done and he wants to do it right.

Michael E. Catalinotto- Michael is an attorney with the firm Maynard, O'Connor, Smith & Catalinotto. He is a former Chair and member of the Kingston Hospital Board. He has been on the Council of the SUNY New Paltz institution. He was the Chairman of the Republican Committee in Saugerties, but is no longer active in politics. Michael took this opportunity because it is something novel. It's never been tried before to have a citizen's committee don the actual reapportionment of a county for county legislature purposes. On top of that, we have the added responsibility for downsizing which makes the problem a little more complex and more challenging. We have a golden opportunity to show that citizens can participate and come up with a plan that is not politically involved.

Dare Thompson- A career League of Women Voters person; currently President. Redistricting and reapportionment in a fair way is as basic as it gets for us. We fought for the Charter and are very happy to see this included. Several of us signed up for the selection process. Dare believes one of the reasons she

was selected was her location, as she understands there was an interest in geographic spread. She thought it was a good sign that everyone knew she was on the LWV and still let her join the Commission.

Bill West- Woodstock resident, former Chairman of the County Legislature, Town Supervisor, semi-retired. Bill believes this is a historic occasion. We are the first group under the Charter to fulfill this obligation. We are the first group to reduce the Legislature to 23. So this is pretty unique and hopefully we can set the tone for all future endeavors of this type. Bill hopes that people look back and think this group did a good job. Bill believes to date it has been a very collegial experience and expressed his appreciation to all members for their willingness to serve.

- Review Materials Available to Commission Members

The Commission reviewed the following handouts:

- 1) Map showing towns, 2000 census and projected 2009 census
- 2) Section C-10 of the Ulster County Charter
- 3) Map showing towns and election districts with the number of enrolled voters
- 4) Brennan Institute Published Report on Process to Consider for Reapportionment sent into the Legislative Office via e-mail from Beth Murphy of Saugerties. Vicky will e-mail a copy to all Commission Members.

- Census Data:

Bill told the Commission that he spoke with the Planning Board and the Census data will probably not be available until the end of February, possibly March, worse case the end of March. If we get the data in the middle of March, we are on a very compressed time frame to get this done because in fairness to all of the parties, they have to get their candidates and they have to know where the candidates are living. In June comes the convention for parties and they start carrying petitions.

Dennis Doyle- We have been tasked to provide technical information to the Commission and we are a census data affiliate so we have direct access to the census bureau and agencies that deal with the bureau. One of the things that may be helpful to the Commission is to understand the structure census data which is not just based on municipal basis. Beyond the municipal level it goes down to something called census tracts. Beyond census tracts it goes to census block groups, beyond census block groups it goes to actual census blocks. That's the kind of data you may be looking at in terms of your divisions of where district lines run. Dennis said his department would be more than happy to do a presentation or bring individual members up to speed on what census geography looks like. The Commission should also know that the Legislature in working with the County Executive has set money in our budget to provide technical assistance outside the resources that are available in UC should you request it. We intend to act as staff to the Commission. We therefore hope that you develop a communications protocol.

With the census information we hope will be released in February, worse case March, we will get total population. We will not get group quarters counts until sometime in May. Group quarters counts are important because there is a state law that is going to require for reapportionment purposes that prison populations need to be brought back to their last area before they were incarcerated. So, even when we get the census data we will have to pull out the prison population associated with it. There is a really good website that gives an overview of NYS re this issue: prisonersofthecensus.org

We do have population projections in estimates for the municipalities. There is software out there that will essentially do the population distributions for various districts based on what you plug into it. We do not currently own the software but we can purchase it.

Another thing to think about is how you are going to communicate to the general public. Do you want to develop a website?

- Future Meeting Dates:

The Commission Members agreed to schedule meetings for every Wednesday from 3PM to 5PM until their task is complete. The meeting will be canceled if there is no business to conduct during a particular week, or the Commission may choose to meet more frequently if necessary.

- Venues for Public Meetings:

Michael Catalinotto said the Commission is tasked with allowing for timely input from the County Legislature and its members and the maximum of public participation and comment.

The Commission would like to hold approximately 10 public meetings around the County. The meeting in Kingston can be held in Legislative Chambers, with all Legislators invited. Vicky will develop a list of potential venues and contacts for the Commission to consider. The Commission would prefer to hold Public Hearings on Wednesday evenings beginning at 7PM.

- Opinion on Plan Adoption Process

There were questions raised as to whether the Legislature would vote on the plan the Commission presents. Does the Legislature plan on making changes to the plan or will it be accepted as presented? The Commission agreed to write a letter to the Majority and Minority Leaders of the Legislature requesting Legislative Counsel's opinion on the Reapportionment Plan adoption process. Bill will write the letter and circulate it via e-mail amongst the Commission Members before Vicky sends out the official request.

- Communication Process:

The Commission agreed to communicate with departments or put in requests for information as a unified group instead of making individual requests.

- Presentation Request for Next Meeting:

The Commission is interested in communicating with the public via a website. Vicky will arrange to have Sylvia Wohlfahrt from IS present at the next meeting re: the website and any other services that may be available to the Commission. Dare Thompson expressed interest in the software Dennis Doyle briefly mentioned. Cynthia Lowe suggested Dennis present information about this software at the next meeting. Vicky will arrange to have Dennis present to the Commission at the meeting next Wednesday, 1/26, at 3PM.

- Adjournment:

The meeting was adjourned at 4:51 P.M.

Respectfully Submitted,

Victoria Fabella, Deputy Clerk, Ulster County Legislature

OFFICE OF THE ULSTER COUNTY LEGISLATURE
MEETING MINUTES

NAME OF GROUP: Commission On Reapportionment

DATE: January 26, 2011

TIME: 3:00 P.M.

PLACE: UCOB, Legislative Library Conference Room, 6th Floor

MEMBERS PRESENT: Vernon Benjamin, Paul Benkert, Michael Catalinotto, Cynthia Lowe, Rich Messina, Dare Thompson, Bill West

MEMBERS EXCUSED: None

OTHERS ATTENDING: Dennis Doyle, Planning Director; Robert Leibowitz, Sr. Planner; Sylvia Wohlfahrt, Director, IS; Roland Bloomer, Assistant County Attorney; Laura Walls, Assistant Comptroller; Hugh Reynolds, Reporter; Tom Kadgen, LWV; Victoria Fabella, Deputy Clerk, Legislature; Beth Murphy, Saugerties Resident

- The meeting was called to order by Bill West at 3:01 PM.
- A motion was made by Bill West, Seconded by Michael Catalinotto, to approve the Minutes from the January 19, 2011 Meeting. All in favor, Carried.
- Oath of Office

After discussion, reviewing legal opinions and reading the oath, the Commissioners unanimously agreed to sign oaths of office.

- Presentation: Dennis Doyle and Robert Leibowitz, Redistricting Software

(See handouts: *A Brief Introduction to Census Geography For Reapportionment* and *Maptitude for Redistricting: Extension for ArcGIS*)

Rob Leibowitz gave a thoroughly review of the handout *A Brief Introduction to Census Geography For Reapportionment*. Mr. Leibowitz then gave a demonstration of the software.

- Software Cost :Approximately \$3,500
- The Commission will be working with Census Block Data- 100% Count
- ArcGIS is a mapping program the County Planning Department uses for things such as referrals, analysis, open space planning, etc. The software being looked at is an extension that plugs into the existing program for the sole purpose of redistricting.
- The County currently has this program extension on a 30-day trial.
- The program allows you to select blocks on the fly within a district and it will tell you the total population that you have selected within that district. It tells you your deviation as you select blocks in and out to establish district boundaries.

- The district boundaries are real in terms of the geography that can be found on the ground. All census blocks, census tracts and census districts have a real place on the ground, i.e. a political subdivision, a street, a stream, or something so you can actually find them.
- Dennis Doyle commented that the program allows you to establish multiple ways to split the populations and add and subtract. He suspects that geographically the Commission will come to an agreement of what a base district looks like. Then there will be additions and subtractions off of that base to suit the individual members of the Commission until a consensus is reached.
- Election Districts can be overlaid on the maps.

Michael Catalinotto: Q./ Did we have a consultant work on that Reapportionment 10 years ago? A./ Rob Leibowitz: I believe one of the political parties hired somebody. People also came to my office with their own digital plans and I put them in a geographic format so they could be submitted for review.

The Commission discussed trying to avoid altering election districts. Bill West commented that Commissioner of Elections Tom Turco said the Board of Elections has the authority and ability to establish a new election district if it comes down to that.

Dennis Doyle suggested thinking about criteria to get to a consensus around what constitutes best fit, i.e. geographic boundaries, election districts, population diversity, etc. Then, once the census data becomes available, the Commission would have a general consensus about how to start drawing districts.

Dare Thompson commented she can't imagine undertaking this task without software.

Cynthia Lowe: Q./ When do we need to make a decision about the purchase? A./ Within the next 30 days before the trial runs out.

Vernon Benjamin commented that he believes the Planning Department should move forward with obtaining the software.

Bill West said there are other available options the Commission needs to consider.

Cynthia Lowe and Vernon Benjamin were in agreement that any software recommendation should come from the County Planning Department, the experts who are available to the Commission. If the program doesn't integrate with the software the County currently has, then there could be several issues including wasting a lot of time justifying if the information produced is correct or not.

Paul Benkert: Q./ Is there other software that can work with what the County currently has? A./ Rob Leibowitz: I believe there are stand-alone versions that are data driven and don't visualize the maps. They are essentially just databases that crunch the numbers. I'm not fully aware of what's out there yet.

Dennis Doyle said if asked to evaluate the best program he suspects they would look for the ability to bring in other criteria that the Commission decides is important to the decision process into that package, election districts, different barriers, etc.

Dare Thompson would like to add ethnicity of populations as a criteria item. She believes it is a basic thing to look at in the redistricting process. Dare is currently unfamiliar with the communities of interest in UC, where they are, and what the Commission should be trying to protect.

Rob Leibowitz showed that ethnic breakdown can be illustrated for consideration when using the demoed software.

Rob Leibowitz pointed out that the Census produces its mapping data directly to the ArcGIS format.

Sylvia Wohlfahrt recommended that the Commission define the pieces of information that it will use in the decision making process and gather the criteria in a requirements document and present it to the other vendors that have this product. The vendors come back with proposals to evaluate. This Request-For-Quote process is very quick. The Commission can have proposals within a couple of weeks of getting your criteria.

The Commission agreed to move forward with the process Sylvia suggested.

- Sylvia Wohlfahrt, Commission Website

The website can be a link off of the existing County website for a nominal fee.

Sylvia requested input from the Commission on the types of things the Commissioners would like to see on the website and the level of interactivity the Commission would like to have with the public.

Bill West: Q./ The Charter Commission had a website. What did they have on their site? A./ Sylvia: Just documents, agendas, and things of that nature.

There was discussion amongst the Commissioners as to whether the website should provide an opportunity for the public to post comments.

Sylvia said typically when you accept information back you take on a large responsibility of monitoring the content you get to make sure there is nothing offensive, or what gets put out there is not perceived as your opinion. It is certainly much easier if the Commission has complete control of what gets posted on the site.

Rob Leibowitz suggested using the website for dissemination purposes only, and list easily identifiable contact information for those who want to share something with the Commission.

Sylvia went on to recommend posting agendas, calendars, minutes, links to maps, status updates of what the Commission is currently working on, and a contact e-mail address (which can be set up as a group so that each Commissioner receives the e-mail).

Dare Thompson suggested taking time to think about the idea of the public posting comments or blogging and revisiting the topic at the next meeting. She would like to see as much public input as possible. There may be a way to do it so that the person needs to identify him/herself. Everything you read about redistricting talks about transparency and as open a process as possible, as much back and forth as possible. It's only done once every 10 years. This is not a small question.

The Commissioners agreed to think about the issue of blogging/public comment on the website and revisit the topic at the next meeting.

The Commissioners agreed to have Vicky be the liaison between Sylvia and the Commission for the purposes of providing information pertaining to the website.

There was discussion about the website containing a short bio on each Commissioner, including town where the individual resides. Short bios should be e-mailed to Vicky.

- Public Comment Venues

Bill West suggested considering meeting with Town Boards at their public meetings. There will be an audience and there is existing structure to those meetings- people are aware of them and we can be placed on the agenda. For the initial go-around it may be the best way to encourage public participation.

The Commission agreed that it was a good idea to attend the Town Board Meetings to get input from the Supervisors and Board Members. Vicky will reach out to all the Town Supervisors and Mayor Sottile to see if there is interest and map out a schedule of when the meetings are.

The Commission reviewed a list of eleven potential venues around the County where public hearings can be held. (See handout: Potential Venues, Commission on Reapportionment Public Hearings)

Bill West suggested reviewing the list of venues but holding off on picking locations until the Commission hears back from the Town Supervisors and also first schedules a meeting for input from the Legislature.

- Meeting with the Legislature

Bill West said the purpose of meeting with the Legislature was to introduce the Commission as a group and ask for concerns, interests and input.

Michael Catalinotto reiterated the County Charter says "allow timely input from the County Legislature and its members."

The Commissioner's reviewed the Legislative Calendar for the month of February and decided that it would be most convenient to meet with the Legislative Body on the day of Session, February 15, 2011, as all Legislators would already be planning on coming to the building for their monthly meeting.

The Commissioners agreed to have Vicky send a request to the Majority and Minority Leaders saying the Commission is available on Feb. 15th- is it possible to meet with the Legislative Body on that evening and if so what time would you suggest. Vicky will take their recommendation to Chairman Wadnola for official approval.

- Preparation for Meetings

Bill West asked the Commission if there were any handouts or informational material the Commissioners thought should be developed for distribution at any of the public meetings, i.e. a copy of the section of the Charter that discusses the Commission on Reapportionment.

Paul Benkert recommended directing individuals to the County Website to view the Charter if they have any questions.

Cynthia Lowe said the Commission wants the public to be aware that the Commission itself has a website.

Bill West suggested making a sign for display at public hearings that says you can find up to date information about the Commission and the reapportionment process at _____ (web address).

Vernon Benjamin suggested creating a pamphlet similar to the one the Executive created re: the Esopus Creek water problem. It should have info on the Commission, what is it, what are we supposed to do, some details about it, where we are going to meet, etc. The Commission agreed that after the website is created, it should be relatively easy to cut and paste the info into a handout format.

Dare Thompson explained to the Commissioners that many government groups across the county worked together to develop the following essential principles which represent a long-term national effort to reach consensus on how best to tackle redistricting:

1. An accurate and complete count in Census 2010 is an essential building block for all redistricting efforts.
2. The process used for redistricting must be transparent to the public.
3. The redistricting process, at all levels of government, must provide data, tools and opportunities for the public to have direct input into the specific plans under consideration by the redistricting body.
4. In order to achieve representative democracy, redistricting plans must be drawn in a manner that allows elected bodies to reflect the diversity of the populace, especially racial and ethnic diversity.

Dare will send out the background to this summary to all the Commissioners to review. Dare believes these 4 principles should be listed on all of the Commission's literature, including the website.

- New Business

The Commission agreed that Dare will correspond with the Planning Department and report back to the Commission re: any info the Planning Department may have that will give the Commission insight to the diversity of the County.

Discussion ensued re: number of enrolled voters and where incumbents live not criteria for decision making.

The Commission expressed concern about the final plan adoption by the Legislature. The Commissioners are eagerly waiting on the official opinion from Legislative Counsel regarding this issue.

The Commissioners agreed that their meeting with the Legislature would inaugurate their road trip. At the next meeting the Commission will discuss and schedule meetings around the County.

- Adjournment:

A motion was made by Michael Catalinotto to adjourn the meeting, Seconded by Rich Messina, with all in favor. Carried. The meeting was adjourned at 4:45 P.M.

Respectfully Submitted,

Victoria Fabella, Deputy Clerk, Ulster County Legislature

OFFICE OF THE ULSTER COUNTY LEGISLATURE
MEETING MINUTES

NAME OF GROUP: Commission On Reapportionment

DATE: February 9, 2011

TIME: 3:00 P.M.

PLACE: UCOB, Legislative Library Conference Room, 6th Floor

MEMBERS PRESENT: Vernon Benjamin, Paul Benkert, Michael Catalinotto, Cynthia Lowe, Rich Messina, Dare Thompson, Bill West

MEMBERS EXCUSED: None

OTHERS ATTENDING: Legislators Wadhola, Provenzano, Rodriguez, Hochberg, and Maloney; Bea Havranek, UC Attorney; Dennis Doyle, Planning Director; Robert Leibowitz, Sr. Planner; Sylvia Wohlfahrt, Director, IS; Rick Umble, IS Tech Team Leader; Hugh Reynolds, Reporter; Tom Kadgen, LWV; Victoria Fabella, Deputy Clerk, Legislature; Fawn Tantillo, Beth Murphy, Michael Harkavy, Philip Schacter, Rokki Carr, Trisha Schacter

- The meeting was called to order by Bill West at 3:02 PM.
- A motion was made by Michael Catalinotto, Seconded by Vernon Benjamin, to approve the Minutes from the January 26, 2011 Meeting. All in favor, Carried.
- Guidelines for Filming Meetings

The Commission has been asked to have their meetings videoed. Although permitted, the Commission has set guidelines for filming their meetings.

- The filming process can in no way be disruptive to, or interfere with, the meetings.
 - There will be no artificial light.
 - The camera will remain on the tripod during filming.
 - The Commission requests the videos be shared with the County for use on the Commission's website.
- Sylvia Wohlfahrt, Rick Umble- Update: Commission Website

Sylvia showed the Commissioners the framework that has been developed for the website thus far.

Input is needed from the Commission to determine what the content on each page should be. Vicky will e-mail IS as necessary with new information to be posted to the site to keep it current.

Vernon Benjamin requested that the current 33 member district map be posted under the draft plan section until new information is available.

Beth Murphy, the citizen filming the meetings, will send all video to Sylvia and the video will be posted on the site along with the meeting agendas and minutes.

There was discussion about public feedback and ability to post comments to the site. Bea Havranek commented that legal would need to review this kind of public input before it's posted. The County has a duty and right to protect its personnel and also to protect the general public. There couldn't be anything on there that could be considered slanderous or libelous. This is not a blog. The purpose of it is to provide information through your authority as the Commission. Bea also told the Commission that she is the sole advisor for the County. If any issues come up as a result of this Commission, she would be the person that would represent the County.

The Commissioners discussed posting an e-mail address for the public to send comments to. E-mails sent to this address would automatically be forwarded to all members of the Commission.

Bea reminded the Commissioners that all e-mails, including the responses back from the Commissioners, are FOILable.

Sylvia said she could take all e-mails received and publish them on the site in one running document for people to scroll through.

There was discussion about adding a "Resources" page or posting links to resources.

The Commission agreed to post on the homepage of their website the 4 principles of redistricting developed at the Pocantico Redistricting Conference which Dare circulated amongst the Commission.

- IS and Planning Departments- Update: Software (See Redistricting Software Options handout)

Sylvia reviewed the Software Options handout with the Commission. Rick Umble explained that his and Rob Leibowitz's recommendation would be the Autobound Pro Redistricting Software (\$5,100). It is comparable to the Maptitude Software demoed for the Commission at the last meeting. It has a lite version, Autobound LE, which is geared towards Legislators who don't have a background in GIS. That version costs \$980 per user. It is geared towards generating proposed plans that can be imported into a more robust redistricting program. The Autobound LE application can be purchased and will open up in either the Maptitude or Autobound more robust software versions for analysis.

Vernon Benjamin: Q./ What about taking this on the road to show people? A./ Rick Umble: It is possible. The Autobound LE version would make it easiest to do that.

Dare Thompson: Q./ Are there free software versions out there that can be accessed by anyone interested? A./ Sylvia said she is not familiar with the accessibility of such software. Bill West commented that he has gotten calls from someone in Woodstock who is drafting plans with free software that Bill suspects requires a technical knowledge base to use. Bill has requested this individual provide info on this software to share with the Commission, but has yet to receive any information.

Dennis Doyle asked the Commissioners if they each want a copy of Autobound LE or are they comfortable with a lesser number of licenses that would be available for their use.

Discussion ensued about the location of the computer(s) containing the redistricting software. No decision was reached.

Bill West said the woman from Dutchess County who is in charge if their reapportionment was going to send Bill an e-mail with the description of the software they are using there. She has yet to do so. Bill requested that the Planning Department follow-up with Dutchess County to see what kind of software they have.

The Commission agreed to vote on a software package at the next meeting based upon all of the information available to the Commission as of the time of the next meeting.

Dennis Doyle reviewed the handout *Principles for Transparency and Public Participation in Redistricting* from the Brookings Institute which he believes may be useful to the Commissioners.

- Public Comment Venues

The Commissioners reviewed the Town Board Meeting Schedule. Although all Commissioners are welcome to attend all/any meetings, the Commission decided to designate two specific Commissioners to appear at each meeting. Designations are as follows:

Tuesday, February 15, 2011- 6:45 PM- Meeting with the Legislature- All Commissioners in Attendance

Thurs., Feb. 17th- 7:00PM **Town of Ulster** Town Board Mtg, 1 Town Hall Dr. Lake Katrine- **Cynthia & Paul**

Thurs., Feb. 24th- 7:30PM **Town of New Paltz** Town Board Mtg, 1 Veterans Drive- **Dare & Paul**

Monday, Feb. 28th- 7:00PM **Town of Marlborough** Town Board Meeting, Rte. 9W, Milton- **Dare & Richard**

Tues., March 1st- 7:00PM **Marbletown** Town Board Meeting, 3775 Main St., Stone Ridge- **Bill & Richard**

Weds., March 2nd-7:00PM **Saugerties** Town Board Mtg, Frank Greco Sr. Ctr, Market St.- **Michael & Vernon**

Thursday, March 3rd- 7:00PM **Shawangunk** Board Mtg, 14 Central Ave., Wallkill- **Paul & Richard**

Monday, March 7th- 7:30 PM **Esopus** Town Board Mtg, 284 Broadway, Port Ewen- **Bill & Paul**

Tuesday, March 8th- 7:30 PM **Woodstock** Town Board Meeting, 45 Comeau Drive- **Bill & Vernon**

Although all Commissioners will try to attend, the Town Board Meetings on the schedule for April will be designated to specific Commissioners at a later date.

Any Commissioner who can not make one of their designated meetings will call Vicky so she can find a replacement.

Bill West said the purpose of attending the Town Board Meetings is to begin to gather input from the public, to listen to concerns of the Boards, specific problems they would like to be considered, etc.

Michael Catalinotto said the Commissioners attending the meetings should introduce themselves, state their purpose, and listen to suggestions to take back to the rest of the Commissioners.

Paul Benkert suggested the two Commissioners assigned to a meeting take the lead at that meeting.

Cynthia Lowe suggested coming up with a script so that every Town Board gets the same information. Cynthia will draft a script and circulate it amongst the Commissioners for input.

- Meeting with the Legislature

The Commissioners agreed to have Legislative Chairman Wadnola introduce them at the meeting. Vicky will speak to the Chairman about introductions in alpha order.

- Deadline for Agenda Items

The Commissioners agreed that any suggestions for the agenda, other than what's been discussed and agreed upon at a previous meeting, need to be submitted to Vicky by noon on Monday for Wednesday's meeting. Vicky will send out the agenda by COB on Monday.

- Legislative Counsel Opinion

The Commissioners reviewed the opinion of Legislative Counsel which concurs with the opinion of Bea Havranek dated November 18, 2010. The Commission is hopeful their plan will remain intact.

- Next Week's Agenda

- Make Software Decision
- Fine tune Town Board Meeting Script
- Review of Informational Meeting with the Legislature on 2/15/11

- Adjournment

A motion was made by Michael Catalinotto to adjourn the meeting, Seconded by Bill West, with all in favor. Carried. The meeting was adjourned at 5:05 P.M.

Respectfully Submitted,

Victoria Fabella, Deputy Clerk, Ulster County Legislature

OFFICE OF THE ULSTER COUNTY LEGISLATURE
MEETING MINUTES

NAME OF GROUP: Commission On Reapportionment

DATE: February 16, 2011

TIME: 3:00 P.M.

PLACE: UCOB, Legislative Chambers, 6th Floor

MEMBERS PRESENT: Vernon Benjamin, Paul Benkert, Michael Catalinotto, Cynthia Lowe, Rich Messina, Dare Thompson, Bill West

MEMBERS EXCUSED: None

OTHERS ATTENDING: Bea Havranek, UC Attorney; Dennis Doyle, Planning Director; Robert Leibowitz, Sr. Planner; Sylvia Wohlfahrt, Director, IS; Rick Umble, IS Tech Team Leader; Vic Work, Commissioner of Elections; Hugh Reynolds, Reporter; Tom Kadgen, LWV; Lee Cane, LWV; Victoria Fabella, Deputy Clerk, Legislature; Fawn Tantillo, Beth Murphy, Michael Harkavy, Philip Schacter, Rokki Carr

- The meeting was called to order by Bill West at 3:05 PM.
- A motion was made by Richard Messina, Seconded by Paul Benkert, to approve the Minutes from the February 9, 2011 Meeting. All in favor, Carried.
- Sylvia Wohlfahrt, Rick Umble- Update: Commission Website

Sylvia and Rick demoed the website for the Commission. Vicky handed out hard copies of each screen for the Commissioners to review for approval.

Vernon asked for a link to display public feedback/e-mails from the public. The process for posting public feedback was agreed upon as follows: Sylvia will set up a group e-mail address so all of the Commissioners and Vicky will receive every e-mail that comes in. Vicky will forward every e-mail to Bea. Bea/Bea's Office will review all e-mails from a legal perspective and respond giving approval (or not) to Vicky for each e-mail to be posted. Vicky will send all approved e-mails to the IS department to post on the website in an area designated for public feedback. Commissioners will not respond individually to e-mails. Each week, e-mails received will be discussed at the meeting. If the Commission agrees that an issue needs to be addressed, then the minutes would reflect so.

Dare Thompson motioned, Seconded by Paul Benkert, to officially publish the Commission website. All in favor. Carried. Vicky will communicate with the IS Department to make the site live. Changes/updates to the site will be made as needed or requested by the Commission.

- IS and Planning Departments- Update: Software

Rob Leibowitz discussed the software used in Dutchess County. Although free, you need Arc Map to use it, there is no support for it and it doesn't have tremendous reporting capabilities.

IS and Planning still concur that Autobound is the best option for the Commission. Rob demoed the full version of Autobound for the Commission.

Michael Catalinotto motioned to purchase the Autobound software. Seconded by Dare Thompson, with all in favor. Carried.

Rich Messina: Q./ Is there anything available on the State level, data, maps, input etc. that either party may have that could be of use to us? A./ Dennis Doyle: We have everything out there but just so the Commission understands, we have block maps, but we do not have the data for the blocks.

Vernon Benjamin: Q./ Can you provide the Commission with those maps? A./ Dennis Doyle: Yes.

- Suggested Guidelines for Purchase of Software and Use

Bill West proposed the following guidelines:

1) Request Chairman of UC Legislature purchase recommended software

Software recommended is _____.

Request IT to check on type of program documentation available- i.e. hard copy or on line

2) Software to be installed by UC IT on UC server and password protected. Installation of 2010 census data to be overseen by UCIT.

3) Clerk of the UC Legislature to oversee installation and use of software

4) Clerk of the UC Legislature and the seven members of the Reapportionment Commission be provided with appropriate password for access for software and census data.

5) UC IT department head be requested to provide members of the Commission the necessary instructions and assistance in the use of the software at mutually agreeable times.

Use of the IT training facilities- with multiple computers- is requested

6) UC IT is requested to research possibility of giving Reapportionment Commission members access to software and census data on their home computers and the cost of doing so and to report this information to the Reapportionment Commission.

7) Clerk of the UC Legislature check with Committee on Open Government for an opinion on having software instruction sessions open to public and media.

Bill West made a motion to move the guidelines for discussion, Seconded by Michael Catalinotto.

Discussion ensued and the following changes to the guidelines were suggested:

Cynthia Lowe made a motion, seconded by Michael Catalinotto to replace "Clerk of the UC Legislature" in every instance it appears with "Deputy Clerk of the Legislature Victoria Fabella." All in favor. Carried.

Vernon Benjamin made a motion, seconded by Michael Catalinotto to replace "UC IT" in every instance it appears with "IS, in consultation with the appropriate UC Planning Department Staff." All in favor. Carried.

A motion was made by Dare Thompson, Seconded by Cynthia Lowe, to strike #7 from the guidelines. Motion Defeated 3 - 4. Ayes: Benjamin, Lowe, Thompson.

Bea told the Commissioners that training is not a meeting of the body for the purpose of making a decision or conducting business. Training and educational sessions can be closed if the Commission wishes.

The following version of the guidelines was adopted unanimously by the Commission:

Suggested Guidelines for Purchase of Software and Use

- 1) The Commission on Reapportionment directs the Planning Department to purchase recommended software. Software recommended is Autobound. The Commission requests IS to check on the type of program documentation available- i.e. hard copy or on-line.
- 2) Software to be installed by UC IS on UC server and password protected. Installation of 2010 census data to be overseen by UC IS in conjunction with the appropriate Planning Department Staff.
- 3) Deputy Clerk of the UC Legislature Victoria Fabella to oversee location and use of software
- 4) Deputy Clerk of the UC Legislature Victoria Fabella and the seven members of the Reapportionment Commission be provided with appropriate password for access to software and census data.
- 5) UC IS Department, in conjunction with the appropriate Planning Department Staff, is requested to provide members of the Commission the necessary instructions and assistance in the use of the software at mutually agreeable times.

Use of the IS training facilities- with multiple computers- is requested

- 6) UC IS, in conjunction with the appropriate Planning Department Staff, is requested to research possibility of giving Reapportionment Commission members access to software and census data on their home computers and the cost of doing so and to report this information to the Reapportionment Commission.

- 7) Software instruction sessions are not open to public and media.

Paul Benkert motioned, Seconded by Rich Messina, to direct the Planning Department to purchase the Autobound Software with 3 copies of the Autobound LE application until it can be determined if it is feasible for the Commissioners to have the program at home. All in favor. Carried.

Michael Catalinotto suggested that in the future any appropriation for the Reapportionment Commission be made to the Commission, under its control.

- Meeting Facilitator

Cynthia Lowe motioned, Seconded by Vernon Benjamin, to rotate the meeting facilitator. Motion adopted 4 - 3. Noes: Catalinotto, Messina and West.

The Commissioners will rotate facilitating each meeting in reverse alpha order. Since Bill has already acted as facilitator, Dare Thompson will be the facilitator next week. Rich Messina requested that he be skipped in the rotation, as he wishes not to facilitate a meeting.

- Review of Informational Meeting with Legislature 2/15/11

All Commissioners were pleased with their communications with the Legislature.

- Town Board Meeting Script

The Commissioners have reviewed the Talking Points developed by Cynthia Lowe.

Michael Catalinotto requested that the last line be changed from "especially with respect to race and ethnicity," to "with consideration of race and ethnicity."

The Commission reviewed and approved its informational brochure for distribution at the Board Meetings/to the public. Color copies of the brochure can be printed within the County and will cost .50¢ per copy. The Commission requested 500 copies be printed before the 1st town board meeting.

- Next Week's Agenda
 - Rob Leibowitz- New Map Review (Old Block Data used within the software to start to see what 23 member districts look like) Rob will bring the Commissioners hard copies of the block map.
 - Town of Ulster Town Board Meeting Review
- Adjournment

A motion was made by Bill West to adjourn the meeting, with all in favor. Carried. The meeting was adjourned at 4:58 P.M.

Respectfully Submitted,

Victoria Fabella, Deputy Clerk, Ulster County Legislature

OFFICE OF THE ULSTER COUNTY LEGISLATURE
MEETING MINUTES

NAME OF GROUP: Commission On Reapportionment

DATE: February 23, 2011

TIME: 3:00 P.M.

PLACE: UCOB, Legislative Library Conference Room, 6th Floor

MEMBERS PRESENT: Vernon Benjamin, Paul Benkert, Michael Catalinotto, Cynthia Lowe, Rich Messina, Dare Thompson, Bill West

MEMBERS EXCUSED: None

OTHERS ATTENDING: Bea Havranek, UC Attorney; Robert Leibowitz, Sr. Planner; Vic Work, Commissioner of Elections; Ken Gilligan, Legislative Counsel; Tom Kadgen, LWV; Lee Cane, LWV; Victoria Fabella, Deputy Clerk, Legislature; Fawn Tantillo, Beth Murphy, Michael Harkavy, Rokki Carr, Chris McKeever

- The meeting was called to order by Dare Thompson at 3:02 PM.
- A motion was made by Richard Messina, Seconded by Paul Benkert, to approve the Minutes as amended from the February 16, 2011 Meeting. All in favor, Carried.
Amendment: The following information was included in the February 16, 2011 Minutes at the request of Michael Catalinotto: Michael Catalinotto suggested that in the future any appropriation for the Reapportionment Commission be made to the Commission, under its control.
- Bea Havranek- Review Summons and Complaint

A motion was made by Michael Catalinotto, Seconded by Bill West, to enter Executive Session to discuss litigation. **ENTER EXECUTIVE SESSION: 3:04 PM**

A motion was made by Michael Catalinotto, Seconded by Paul Benkert, to exit Executive Session.
EXIT EXECUTIVE SESSION: 3:27 PM

A motion was made by Michael Catalinotto, Seconded by Cynthia Lowe, to have County Attorney Bea Havranek represent the Commission in the lawsuit brought by Tom Kadgen and John Parete. All in favor, Carried.

- Robert Leibowitz- Software Update/ Block Map Demo

Rob told the Commission that 3 copies of the software are on order: one full version and 2 lite versions. He hopes they will be in prior to the next meeting.

Bill West: Q./ When will we find out if we can have the software on our home computers? A./ Rob: That's a Sylvia question. Rob said he believes the lite version can be downloaded onto most relatively new

computers; those purchased within the last 4 or 5 years, and certainly those that have Windows XP. Rob said the Commissioners could send their home computer specs to him or Sylvia if there was concern.

Bill West said the sooner the Commissioners have the software and the instruction session, the more quickly they will be able to go to work when the data comes out. If the data comes out exceptionally late then there will be a compression of time to complete the task.

Dare said the concept is to work with the old data to get a pretty good idea of what the Commission will be dealing with and then tweak it when the new data comes out.

Paul Benkert motioned, Seconded by Vernon Benjamin, to purchase software for all members of the Commission. All in favor. Carried. A point of clarification: 6 additional lite versions of the software will be ordered in addition to the 2 lite versions and 1 full version already on order. The full version will be installed in Planning, one lite version will be in the Legislative Office and the other 7 lite versions will go to the Commissioners.

Rob gave the Commissioners a 2000 census data block map for the City of Kingston. Rob demonstrated how to create a district using the software by picking a starting point and clicking blocks to add them to the district until the desired population is reached.

Vernon Benjamin commented that the meetings with the Town Boards are essential to drawing the districts because there are ways in which towns operate and move, economically and socially, that determine the different geography of a town. The more the Commission gets intimately involved with its task, knowing the nature of a town will help aid in knowing the right direction to draw a line. It may not be the case but just as an example, maybe the people who live in Glasco are not on the same wave length as the people who live in West Camp. Maybe they would consider themselves in a different geographic area that has its own definitions. Michael Catalinotto echoed Vernon's sentiments about knowing the intricacies of each town.

Cynthia Lowe: Q./ Is there exception reporting within the program where you can ask what towns already meet the population guidelines? A./ Rob Leibowitz: You may be able to add data to the program to see. Rob said he would have to play with the full version once it's in-house.

Cynthia pointed out that in the Commission's drawing endeavors, if a town was artificially divided when it probably didn't have to be, and in doing so that town ended up with two representatives, the Commission could create unfair representation in a kind-of reverse way. Dare said that this is discussed in terms of ethnic groups. If you wanted to increase the diversity of your Legislature and you have say a large African American population in one part of the Town, you may want to make sure that population doesn't get divided.

Vernon commented that neighborhoods should not be split. Cynthia questioned how to determine what constitutes a neighborhood. Rob said that the Planning Department could provide aerial maps.

Bill West: Q./ Somewhere I read that we have to take election districts into consideration. Is there a mechanism for geographically describing election districts in conjunction with these types of maps? A./ Rob: Voting Districts can't cross Legislative Districts. So, first you determine Legislative Districts and then the Election Districts are changed accordingly. That's how it was done last census.

Vernon commented that he thinks the Commission should look to retain the existing election districts in the final boundary lines if at all possible.

Commissioner of Elections Vic Work commented that state law says an election district can not be greater than 1,050 voters. If in the new census, a whole bunch of people moved in some place and blew up a current election district so it's more than 1,050, then it's going to have to be broken up. Drawing new election districts is not a terrible problem. Vic predicts that 90% of the election districts won't change because the population won't have changed and the election districts will be within the boundaries of the new Legislative Districts. It's only an issue where you get to the margin and you have to split something. It's the call of the Commission in such instances if you do or don't split the election district.

Bill West to Bea Havranek: Q./ We were told here that we can not subdivide a municipality unless it is 110% of the mean. We were unsure of that statute. Have we ever determined how the 110% of the mean issue resolves itself in relation to our work? A:/ No. We talked about crossing that bridge when we got there. We have Charter language and we do need to follow Municipal Home Rule Law, but it does give you a way out from the 110% by saying "to the extent applicable." It would be impossible to make each district equivocal in population. Your goal would be as close to 5% deviation as possible.

Vernon believes there was a Westchester County decision or maybe some other decision that said the County Charter trumps Home Rule Law.

Bea said County Charter trumps Home Rule Law in certain instances. It depends on whether it is a general law or a special law. Bea said she would do more research and see if she can find case law on this subject to provide clarification to the Commission.

- Timeline

At the end of March the Board of Elections will issue an official calendar. Per Vic Work, the first day you can carry petitions is going to be June 6, 2011. Conventions are two or three weeks before that.

Vernon commented that the Board of Elections would need two weeks time prior to the conventions. Bill West said there needs to be time to recruit candidates. Bea said if the results of the lawsuit concur with her opinion, there is also a timeframe for adopting the Commission's plan via Local Law (approximately 2 weeks).

For practical purposes the Commission decided to have their work completed by April 19th, the regular date that Legislative Session would fall on, although Session will most likely be rescheduled as to not conflict with Passover.

- Town of Ulster Town Board Meeting Review

Paul Benkert said the Board Meeting went well. Cynthia, Paul, Michael, Bill, and Vernon were all in attendance. There were six or seven questions asked of the Commission, one of which was repeated, "Are you going to divide the Town of Ulster?"

Cynthia found the talking points to be very useful in explaining the Commission's guidelines for drawing the districts. The Board Members and many people who attended the meeting were interested in the brochures.

There was a question from the Supervisor about the lawsuit. The Commission only became aware of the lawsuit hours before the Board meeting. Dare: Q./ What is the proper language to be used when speaking about that topic? A./ Bea: Sorry I can't discuss it. It's in litigation.

- Next Week's Agenda

Rob is hoping to have the initial order of software in-house before the next meeting. If the software arrives, the Commission would like to have their meeting at the IS building, followed by a training session. The IS building is located at 25 S. Manor Avenue in Kingston.

If the software does not arrive, the Commission may cancel their meeting. A determination will be made by Friday (2/25/11).

If there is a meeting, the agenda would include approval of minutes and review of Town Board Meetings attended.

Cynthia is the next Meeting Facilitator.

- New Business

A motion was made by Vernon Benjamin, Seconded by Michael Catalinotto, to keep a running list of items to be included in the Commission's Report and to be recommended to the Charter Revision Commission. The first item would be Michael's recommendation to have any appropriation for the Reapportionment Commission be made to the Commission, under its control. The second item is that the language be clarified regarding the adoption of the Commission's final plan by the Legislature. All in favor. Carried.

- Adjournment

A motion was made by Bill West to adjourn the meeting, Seconded by Michael Catalinotto, All in favor. Carried. The meeting was adjourned at 4:42 P.M.

Respectfully Submitted,

Victoria Fabella, Deputy Clerk, Ulster County Legislature

OFFICE OF THE ULSTER COUNTY LEGISLATURE
MEETING MINUTES

NAME OF GROUP: Commission On Reapportionment

DATE: March 9, 2011

TIME: 3:00 P.M.

PLACE: UCOB, Legislative Library Conference Room, 6th Floor

MEMBERS PRESENT: Vernon Benjamin, Paul Benkert, Cynthia Lowe, Rich Messina, Dare Thompson, Bill West

MEMBERS EXCUSED: Michael Catalinotto

OTHERS ATTENDING: Legislator Jack Hayes; Bea Havranek, UC Attorney; Robert Leibowitz, Sr. Planner; Tom Turco, Commissioner of Elections; Laura Walls, Deputy Comptroller; Lee Cane, LWV; Victoria Fabella, Deputy Clerk, Legislature; Hugh Reynolds, Reporter; Beth Murphy, Rokki Carr, David Gross

- The meeting was called to order by Cynthia Lowe at 3:02 PM.
- A motion was made by Vernon Benjamin, Seconded by Richard Messina, to approve the Minutes from the February 23, 2011 Meeting. All in favor, Carried.
- Recap Town Board Meetings: New Paltz, Marlborough, Marbletown, Saugerties, Shawangunk, Esopus, and Woodstock

Paul Benkert said that the New Paltz Meeting was the longest meeting he attended thus far, as the Commissioners were there almost an hour answering questions. Paul attended four of the town board meetings and the common concern was each town being represented by one, or as close to one, representative as possible. Paul found that the same question was asked 8 or 10 different ways, but in a nutshell, each town wants its own identity.

Cynthia Lowe said that some people in New Paltz believed that there 23 towns and going to 23 Legislators means that each would have their own representative, with no issues relative to the population. It was beneficial to go into these towns to clear up misconceptions.

Vernon Benjamin commented that New Paltz was a very interesting meeting. Each place the Commission went they got a very unique perspective. The Woodstock meeting was last night and there, too, they have specific interest in a particular geography. Vernon said the Commissioners have to keep their mental notes going and look at these when they get to the divisions. The interests are probably reflected in how the lines are drawn today so it may not be as complicated as it could be. It's fascinating how specific people get about their territory.

Bill West commented that the different culture the towns have is interesting. Woodstock is different than Saugerties, etc., etc. There are variations in the culture and it's going to be hard to reconcile when the Commission slices and dices the county up.

Dare Thompson recalled that in Esopus they said, "We can go with anybody, but don't put us with the City of Kingston." You can see that the issues would be different.

Vernon said Ulster expressed a similar feeling.

Paul stated that a good point was raised in New Paltz; to keep an eye on school districts. Some towns seem to associate themselves with the school district boundaries. Paul didn't realize that there are three different school districts in Esopus.

Dare said fire districts were also mentioned. She said that New Paltz and Shawangunk were the most pronounced about telling tales of woe from past redistricting; how they have been divided up and they didn't feel like they had a voice. It is a good feeling to know that the Commission can fix some of that.

- Software for Libraries

Vernon explained that this issue came up in New Paltz and Saugerties. He therefore raised the question to see if anything can be done.

Bea Havranek said there is a procurement issue. Under the State constitution, the County cannot give out grants. There must be consideration for whatever you do, even with not-for-profits. You have to be really careful if you give them assets or money or funding that belongs to the County without getting something contractual in return.

Dare said that she was talking to Rob Leibowitz about this and it sounded practically complicated. Dare asked Rob to elaborate.

Rob said that he believes the best way to handle it is to give them the information about the software and if they want to make a purchase they can. Otherwise, there are logistics of the County going out and having to install software when we don't know if it will actually be used, do they know it's there, how will they know how to use it, etc.

Cynthia said it is her understanding that the Commission is not empowered to make or request purchases on behalf of anyone other than the Reapportionment Commission. We need to be transparent but providing the software is not part of that responsibility.

Rich Messina doesn't think the Commission should be put in a position to decide who gets the software and who doesn't.

The requests were not formal. The Commission agreed that Vernon will speak to those expressing interest in the software and suggest it be purchased.

- Public Access to Computers: Timeframe and Scheduling

Bill West explained that he believes the Commission should have access to the legislative conference room, where it was agreed the computer with software would be set up, as much as needed/requested. There should be parameters set up so the Commission doesn't place the responsibility on the staff to manage public requests for use. Bill thinks that there should be sign up periods, no more than 2 people in a room, and state that the staff is not there to instruct them. It is unfair to the Legislative staff to put the onus on them to manage the process.

Rob Leibowitz said there is currently a cubicle available in the Planning Department from 9AM to 5PM. It's not shared space. We can put a computer there with the program on it and put a sign-up sheet at our front desk. Rob said he would be there to help anyone that comes in and he can train other people in his office to help in the event he is not there.

Bill West said he still believes the best way to go would be to set the parameters. Bill asked if the computer gets set up in Planning and not up by the Commission meeting space, how would the Commission do work as a group using the software.

Rob Leibowitz said he could bring up the program up on a laptop and use the projection screen for the Commission to work as a group. Dare said her version of the software will be put on her laptop and she can bring hers to the meetings.

Vernon suggested having one computer with the software up in the Legislative Offices and one in the Planning Department, as he believes that would be the most convenient plan to accommodate all.

Cynthia pointed out that there would be a licensing issue with that idea.

Paul asked if the computer in the Legislative Office had the lite version of the software installed on it, could the computer that would be set up in the cubicle in Planning have the full version of the software so no additional license would need to be ordered. Rob said no because the full version is built into GIS. The public and the Commissioners will want to use the lite version.

Deputy Clerk Vicky Fabella told the Commission that Michael Catalinotto requested it be communicated with the rest of the Commissioners that he believes providing utilization of the software to the public is not a necessary requirement of transparency. He believes all information pertaining to the software and draft plans should be posted on the website for the public to view when desired to ensure transparency.

Bill West: Q./ Will that public computer have access to anything/everything the Commission is working on? Whatever we do within the Commission should be maintained until we formalize it.

A./ Rob: We can create multiple log-ins; one for the Commission and one for the public. When someone from the public logs-in they will have access to the data and the software to manipulate the data.

A./ Bea: There is an exemption under FOIL for a draft or a document that is not finalized. You are not required under the law to make it accessible to the public until you finish it, and it becomes a final document.

Dare commented that if the Commission doesn't show all draft plans along the way, then they can't get input about the lines that were drawn.

Cynthia thinks as a Commission it will be decided what plans will be released. Individual plans won't be released.

Rich Messina said the Commission needs to do its homework before it brings anyone else in.

Vernon said he wants to make sure no plan details are overlooked and therefore wants to get as much input as possible.

Cynthia commented, taking into consideration Mike's comment about public access to computers, there's a difference between the letter and the spirit of the law. Maybe we don't absolutely have to allow the public to access the computer, but it was the thought of many of us that we would like to provide that access. Q./ Is there any issue with the County as to whether we should or shouldn't allow public access? A./ Bea: The more

transparent you are, the less of an issue we may have as a challenge to what you did. Obviously you are on the right path.

Dare Thompson motioned, Seconded by Paul Benkert, to have the computer with the lite version of the software set up in the Planning Department. All in favor, Carried.

Rich said that at the Esopus Meeting Cynthia brought up a good point, that the next time redistricting is done, there should be a longer time period to get it accomplished. Although it's no one's fault, because of the software situation, the Commission is three weeks behind. Cynthia said it was something discussed to add to the Commission's Report, to figure out a way so that you are not back-to-back with the census.

Cynthia asked Rob for an update on the software and having a training session.

Rob said the software is ready for download. The issue is that for training, the new data is needed. Probably tomorrow we'll find out if we can get the data for next week.

Cynthia: Q./ New data, are you talking about new census data? A./ Rob: Yes, 2010 census data.

Cynthia: That is not the impression we had when we talked about ordering the software. We were under the impression that we would be using the same data that you were using to demo it.

Rob: Unfortunately, the vendor has told us that the program does not support the old data. Once the data comes out it will take him a day or two to process it so that it is formatted right for the program. We have reserved time next Wednesday, 3/16, and the Wednesday after that, 3/23, at the IS building. Whichever one we have the data for is when you can have your training session.

Bill West suggested having a dry run even if the data is not available. He would like to explore the pull down menus and have the opportunity for further discussion about the software functionality. He said the first training session could be hands on with just the program and the second training session could be with the data, if it comes in. Bill also asked that Rob send to Vicky any documentation regarding the software.

Rob said he thinks he can get another states' data if NY's in not here. There is a website where you can go to find out if/when data is released. Rob will e-mail the site to Vicky to share with the Commission.

- Next Week's Agenda

The Commission agreed to have a training session next Wednesday, 3/26, in the IS building. It will follow a brief regular meeting at 3PM which will take place in the IS building as well.

The meeting agenda will include Approval of Minutes and the Rosendale Town Board Meeting Recap.

Rich Messina will be unable to attend next week's meeting.

- New Business

Dare said Gerry Benjamin commented about the Voting Rights Act and that the Commission should make a statement that this area is not under any special restrictions as NYC is. Bea said she is unsure if that is necessary, but she will look into it.

Tom Turco was given the floor to address two issues. First, Tom told the Commission that it had previously received incorrect information as to the number of voters an election district can have per state law. An election

district cannot be greater than 1,150 voters (not 1,050 as previously reported). Secondly, Tom wanted to address the issue of dissecting an election district. He said he believes the goal is to leave all election districts as they are now. However, if necessary, by law the Board of Elections can change an election district. First and foremost comes equal representation, which is what the census is all about in terms of redistricting. Obviously as the Commission goes through creating those single member districts, it will do its best to keep everyone's election district intact. However, the Commission will get into those situations where changes might have to be made, especially when discussing the City which has a lot of wards and districts within wards. The BOE can change those districts. The key should always be representation.

Bill West: Q./ What happens if you chop an aldermanic ward in half? A./ Turco: That will now change so we'll address the representation and what alderman represents what section. As long as the representation is the same, we will address that issue.

Tom advised the Commission to keep in mind that the new machines can be set up, programmed by the Board, to accept different ballot styles. No matter what the Commission does, the voter would still go to their same polling site. Tom commented that the Board would be happy to address any further questions.

Vernon brought up the issue of waiting on the State for the prison population numbers. Rob said the census data will have the prison population in it. It will not be broken out. It will be a pure, raw population total for each census block. When the group quarters data comes out in a month or two, we'll know which is correctional population. We won't know where they are originally from. It's up to the State to send something that reassigns them somewhere. The number of people reassigned to UC will probably be marginal. Most of them get reassigned downstate. Bea said that in the past, the County Attorney's Office queried each correctional facility as to their numbers. She will do that again for the Commission.

Paul: Q./ When are the arguments and is it open to the public? A./ Bea: March 28th tentatively at 1:30PM. Court is open.

Vernon said the Commission needs to keep in mind that a report will be submitted with the redistricting plan. There are some things already discussed to be included in the report. Vernon believes the Commission should be working on that report in early April. Maybe there is a draft report that the Commission could work from. Bea said she could provide the draft resolution from the 2003 redistricting.

Paul Benkert suggested setting dates for public hearings. The Commission agreed to hold three public comment meetings around the County. The dates will be April 11th, 12th and 13th. The Commission will request a meeting with the Legislature on the evening of April 12th, followed by a Public Hearing in Chambers. Vicky will reach out to other places, one north and one south of Kingston and see which venues would be open on April 11th and 13th.

The Commission asked that Vicky contact the Town of Olive and see if it is possible to reschedule their appearance at the Town Board meeting on April 12th, as the Commission's work will be complete by then and input provided at that time would not be fully utilized. The Commission is open to meeting with them anytime in the next three weeks.

- Adjournment

A motion was made by Bill West to adjourn the meeting, Seconded by Rich Messina, All in favor. Carried. The meeting was adjourned at 4:14 P.M.

Respectfully Submitted,

Victoria Fabella, Deputy Clerk, Ulster County Legislature

OFFICE OF THE ULSTER COUNTY LEGISLATURE
MEETING MINUTES

NAME OF GROUP: Commission On Reapportionment

DATE: March 16, 2011

TIME: 3:00 P.M.

PLACE: Information Services Training Room, 25 S. Manor Ave., Kingston

MEMBERS PRESENT: Vernon Benjamin, Paul Benkert, Michael Catalinotto, Cynthia Lowe, Dare Thompson, Bill West

MEMBERS EXCUSED: Rich Messina

OTHERS ATTENDING: Robert Leibowitz, Sr. Planner, UC Planning Department; Hugh Reynolds, Reporter; Lee Cane, LWV; Victoria Fabella, Deputy Clerk, Legislature

- The meeting was called to order by Paul Benkert at 3:06 PM.
- A motion was made by Bill West, Seconded by Cynthia Lowe, to approve the Minutes from the March 9, 2011 Meeting. All in favor, Carried.

- Recap Rosendale Town Board Meeting

Cynthia, Dare, Michael and Vernon were in attendance. Cynthia said they were the most engaged about e-mailing the Commission to express their desired affiliation.

Vernon said they spoke of three geographic connections: Marbletown, Rifton and Bloomington. A lot of the people were very interested in keeping Bloomington connected with the Village proper of Rosendale. With Marbletown it seems like the school district was the guiding element.

- Update: Public Comment Meeting Locations

Per the request of the Commission, Vicky arranged the following tentative meeting locations and times:

April 11th- County North- Olive Library, West Shokan - 7:00 PM

April 12th- Mid- County- Legislative Chairman Wadnola is willing to call a special informational meeting at 7:00 PM

April 13th- County South- New Paltz Community Center- 7:00 PM

The Commissioners agreed that they will be pressed for time to complete their task by the April Legislative Session, as they are still waiting to hear when the census data will be released. Paul Benkert said he would be away from April 2nd to April 8th.

Rob Leibowitz said once the data is released, the software vendor needs a couple of days to process the information so it can be formatted to work with the software.

Michael Catalinotto questioned the number of plans that will be presented at the public meetings, and suggested that the Commission present more than one.

Cynthia reiterated that in the last meeting, the Commission agreed to decide as a group what plans would be presented.

Vernon suggested an all day session on Saturday, April 9th. He said between now and then the Commission would have the opportunity to work on plans both together and individually, and then come together at 10AM on Saturday morning and resolve to come up with a few plans that would be in draft form to show to the Legislature. The Commission agreed this is a good idea.

Paul suggested presenting to the Legislature before the general public, and therefore moving the County North area public comment meeting scheduled on April 11th to Wednesday, April 20th. The Commissioners agreed.

Rob Leibowitz, understanding the time constraint concerns and uncertainty about the data release/software familiarity, hesitantly offered to sit down and come at it from 20 different perspectives, trying to keep the towns together, and present the different plans to the Commission. From there, the Commission can pick one or two and start tweaking them, as opposed to starting from scratch with one census block.

Dare Thompson said she wasn't sure of any reason why the Commission wouldn't take Rob up on his offer to make drafts? She thinks anything Rob would do would be helpful, and then the Commission would have a place to start.

Cynthia said she is not comfortable with the idea until the Commission tries it on its own first. "You get worn down over time and have a tendency to except something as presented as opposed to making it yourself. Our responsibility is to make it ourselves and to use Rob as a resource. We signed on for getting our hands dirty on our own."

Bill West: Q./ You are having problems with AutoBound today? A./ Rob: Yes.

Bill West: Q./ Are we too trusting of AutoBound? If we don't get the information until April 1st and it takes a few days to configure the data, is there a great risk of running into problems getting everything to function properly?

A./ Rob: I don't think that will be an issue that will hold the Commission back.

Bill West: Q./ Paul raised an interesting point being that he will be away the first week in April; What is the transportability of the data and software? A./ Rob: It's a download and I will give everyone the link. I am hoping to also give everyone a cd with the program and full instructions on how to install the program to make it as easy as possible. Bill: Q./ But if I have the program on my tower and then I want to put it on my laptop because I will be traveling can I do that? A./ Rob: Yes. You will be able to install it on two machines. A./ Dare: It's the person, not the computer that owns the software.

Cynthia Lowe: Q./ You made a comment earlier that the vendor is a two-person company and even though they knew we had a meeting scheduled, we were 3rd in the queue and they couldn't move anything up. Are you loosing any confidence in AutoBound? A./ Rob: A little. Cynthia: Q./ Should we reevaluate the software and look for another option if they can't deliver? A./ Rob: If you wanted to, we would go back to a GIS platform only option where you would have to have ARC. It would then only be on one machine or a couple machines at most. However, I do think that by the time we get data, we will have all our kinks and bugs worked out.

Rob played a 13 minute webcast for the Commission that demoed some of the AutoBound LE highlights. The webcast was conducted by the vendor product manager.

- Timeline After Data Release

Vernon suggested developing a structure for the all-day session, Saturday, April 9th at 10:00AM, to maximize efficiency. He commented that maybe the first hour or two should be dedicated to reviewing all developed plans, as

he believes each Commissioner will have individual plans that the Commission as a whole will have to weigh in on.

Rob said he believes he will have a line of people who come to his office looking to use the software to develop plans for submission to the Commission. Rob said he can take all plans and put them together in one file to make it easier for the Commission to review.

The Commissioners agreed to see what progress is made on April 9th. They may need to have a follow-up meeting on Monday the 11th to finalize which plans will be shown to the Legislature on the 12th. Those plans will then be taken to the meetings for public comment on the 13th and 20th. After the public comment is complete, the Commission will take all input into consideration and hammer out which will be the final plan presented to the Legislature.

Vernon suggested putting a deadline on submission of input on the plans shown at the public comment meetings.

Dare suggested telling anyone who wants to provide input that it needs to be submitted immediately, as opposed to giving a drop-dead date, as everyone can then wait until the last minute. People should know that the Commission is very pressed for time and input should be submitted immediately to ensure it's considered.

The Commission agreed that their work should be complete and a final presentation be ready to present to the Legislature tentatively by April 25th. The above developed timeline is not set in stone and can be adjusted as necessary.

The Commission requested that Vicky arrange the details for April 9th and speak to Bea regarding her opinion of public involvement on that day.

- New Business

Beth Murphy did not film this meeting. She will be out of town and therefore not filming next week's meeting either.

- Next Week's Agenda

Next week's meeting will be at the usual time and location: 3:00 PM on the 6th Fl. of the County Building. Agenda items will include:

- Input from Bea: Voting Rights Act, April 9th, Prison Population, Conference calling into a meeting
- Any updates from Rob Leibowitz on census data and software

Cynthia and Michael will not be in attendance at next week's meeting. Vernon will be the facilitator.

- Adjournment

Hearing no further business, Paul Benkert asked for a motion to adjourn. Such motion was made by Bill West, Seconded by Michael Catalinotto, with all in favor. Carried. The meeting was adjourned at 4:42 P.M.

Respectfully Submitted,

Victoria Fabella, Deputy Clerk, Ulster County Legislature

OFFICE OF THE ULSTER COUNTY LEGISLATURE
MEETING MINUTES

NAME OF GROUP: Commission On Reapportionment

DATE: March 30, 2011

TIME: 3:00 P.M.

PLACE: UCOB, Legislative Chambers, 6th Floor

MEMBERS PRESENT: Vernon Benjamin, Paul Benkert, Michael Catalinotto, Cynthia Lowe, Richard Messina, Dare Thompson

MEMBERS EXCUSED: Bill West

OTHERS ATTENDING: Legislator Jack Hayes; Legislator Roy Hochberg; Dennis Doyle, UC Planning Director; Robert Leibowitz, Sr. Planner, UC Planning Department; Bea Havranek, Ulster County Attorney; Laura Wall, Deputy Comptroller; Vic Work, Commissioner, BOE; Hugh Reynolds, Reporter, Ulster Publishing; Lee Cane, LWV; Tom Kadgen, LWV; Victoria Fabella, Deputy Clerk, Legislature; Michael Baden, Town of Rochester Planning Board; Fawn Tantillo; Beth Murphy; Mike Harkavy; Rokki Carr; Chris McKeever

- The meeting was called to order by Vernon Benjamin at 3:04 PM.
- A motion was made by Rich Messina, Seconded by Paul Benkert, to approve the Minutes from the March 16, 2011 Meeting. All in favor, Carried.
- April 9th All Day Session

Vernon explained that there has been some concern about having such a meeting because of the expense to the County. People would need to be brought in to open the building. Security would have to be paid for the duration of the meeting, as it would be an open meeting. Cost for Rob's time, Vicky's time, and any other staff member's time would have to be factored in. Vernon said he was unsure about the exact expense but it could be in the thousands.

Michael Catalinotto believes the Commission should not conduct the weekend meeting.

Paul Benkert asked if Bea had given a determination as to whether the meeting should be open. Vernon and Dare believe it should. Paul said if it does not have to be, then it can be hosted at his office as to not cost the County anything. The Commissioners agreed to wait and hear Bea's opinion.

Vernon suggested meeting a couple of nights during the week if necessary, as the building would be open and staffed. He said the Commission should move forward and complete the work scheduled today. The software is ready to be downloaded and the Commissioners will have an opportunity to really get into their task this coming weekend. If the Commission e-mails back and forth with ideas and comments, then a good deal of work will be accomplished by the next meeting. At that point, the Commission can reassess how frequently it must meet in order to be ready for the meeting with the Legislature on April 12th.

Cynthia reminded the Commission that she would be out-of-town from Thursday thru Sunday, and therefore not sure she would be able to make significant progress.

Paul reiterated that he will be away for the first week of April, not returning until the 8th. He said that the 9th was the first day all Commissioners were available to meet as a group.

Vernon suggested a day meeting on Monday the 11th. Michael Catalinotto is not available in the am. Paul could make time in the afternoon, but must attend another meeting in the evening.

Vernon advised the Commission to maintain e-mail communication as best as possible and to try to come to next week's meeting fairly well versed in how the Commission should achieve its goal. He said he was unsure if that meant having an actual plan or not. Vernon hopes the workshop session today gives the Commissioners a good enough understanding of the program to be able to meet in open session next week and get ideas and plans on the table.

- Bea Havranek

Bea advised the Commission on several items:

- 1) Voting Rights Act- Ulster County is not subject to any Voting Rights Act enforcement policies. There are some municipalities that are, but UC is not.
- 2) April 9th All Day Session- If there are more than 4 Commissioners in the room and you meet publicly, the meeting must be open to the public. Even though it is believed that decisions may not be made, the Commission would still be talking about the public's business. You can however meet in groups of 3, 2 and 2. Vernon said the Commission had decided against the Saturday meeting for the time being.
- 3) Prison Population- In the past, the County has always included the inmate population in its deliberation, in its census and in its redistricting. The Charter says you must use the census information. No matter what the Commission decides Bea believes it is challengeable. She wouldn't let that interfere with deliberations and advised the Commission to make the best decisions it can. Bea has queried the prisons for their populations as of April 1, 2010, and has received 3 or 4 return responses: Shawangunk- 530, Wallkill- 571 and Ulster- 704. The last count in Eastern was 1,002. It is Bea's recommendation to the Commission for it to follow the same procedure as was followed in the past. That is what Bea believes she can best support and defend if the need arises.
After discussion about possible ways to best attack this issue, Michael Catalinotto made a motion to follow precedent, accepting the census numbers as presented with no adjustments to the prison populations. The motion was seconded by Cynthia Lowe, with all in favor. Carried.
Vernon asked for a motion recommending the Commission add to its final report information regarding the prison population issue and how to resolve it. Michael Catalinotto made such motion, Seconded by Cynthia Lowe, with all in favor. Carried.
- 4) Bea confirmed for the Commissioners that they may participate in a meeting by conference call, but cannot vote via conference call. Cynthia asked if that was under Municipal Law. Bea said it comes under Public Officers Law.
- 5) Update on Lawsuit- Arguments were heard on Monday, March 28th as to whether it is up to the Commission or the Legislature to adopt the final plan, whatever the adoption mechanism is. Bea said they asked the Judge, Kimberly O'Connor, to retain jurisdiction on any cases that would come out of this. Bea discussed the arguments. She believes the Judge will make a decision very soon.

- New Business

Cynthia informed the Commission that she had a discussion with Johann Huleatt, Outreach Director of Church Communities in Rifton. Johann asked that the Commission avoid fracturing Rifton and Ulster Park into two separate County Legislative districts. Although his opinion is similar to what was heard in Esopus, it is contrary to what the Commission heard at the Rosendale Town Board Meeting.

Vernon opened general discussion by asking Mike Catalinotto to explain the work he's done thus far with the census data. Mike said anyone could do what he did. He simply broke down the population, divided by the magic number of 7,934 and allocated a percentage to each town based on its population. He then came up with combinations that might add up to the magic number. He said the Town of Saugerties and Ulster would easily combine to make 4 Districts, while Esopus and Rosendale would easily combine to make 2 districts. Mike said it becomes difficult in the middle of the County.

Dare said she was speaking with people who know Wawarsing and Denning and they discussed similarities and ease of being put together.

Vernon said it almost looks like Shandaken and Olive fit together. He commented that Woodstock is interested in retaining Glenford, and Hurley would like to be kept with West Hurley.

Vernon said he calculated the 5% under and 5% over the mean to be 7,537 and 8,331. Dennis reminded the Commission the 5% it really wants to look for is from the lowest district population to the highest district population, not 5% on top of the magic number and 5% below the magic number. It's the spread between the lowest and highest. Cynthia reiterated that the Commission would like to be even closer than 5%. The deviation between population/Legislator within the current 12 districts is less than 5%. (See handout: Census 2000 Based Legislative Districts)

For clarification, Paul Benkert asked if the reported population of the Towns includes any respective village population. Rob Leibowitz said yes, it does.

Vernon agreed to entertain questions from the audience.

Fawn Tantillo said that if she correctly read a memo from Bea given to the Commission, it said any town that was 10% more than the mean number, which is now known to be 7,934 and 10% more would be 8,727, that any town with a population of less than 8,727 could not be divided. Bea said that is not what the memo said and that was just Fawn's interpretation. Bea said that there was a subsequent memo based upon the Charter itself, and how the Charter language compares to Municipal Home Rule. It doesn't say it must or shall be. It says to the extent possible. There was a second opinion rendered and in essence it says that it doesn't apply because this is a Charter County and there was some comparison with the language of a Charter County done with a case that had similar facts. The case came out of Westchester County. The opinion is publicly available.

Fawn then clarified with the Commission that it is a goal to have the biggest district be within 5% of the smallest district. She then asked if there was any size town that would be protected. If, at all possible, would the Commission try to keep any of the smaller towns that have, for example, less than 5,000 people whole? Michael Catalinotto said the goal was to comply with the law. Vernon said the Commission is encouraged to maintain town units. However, as you can see by the numbers it may not always be possible. Cynthia said the Commission also has to take geographic barriers into consideration as well.

Fawn also commented that if the Commission causes the need to create a new election district, then the Commission should pull several census blocks into that new district, as it would be costly to create a new district for only say 100 people.

Legislator Hochberg commented that next year Hurley will be celebrating its 350th Anniversary. About 100 years ago, someone put a reservoir in about the middle of it. In the town, the people work hard to keep Hurley, Glenford and West Hurley together as a community. Despite touching so many other towns, there is a lot of common history among Hurley, Glenford and West Hurley, and a conscious effort is made to stick together. There is a spirit that keeps Hurley, Hurley. Legislator Hochberg therefore expressed that the residents of that area would request to exist as one unit. Vernon questioned how the mountain range dividing Hurley from Woodstock comes into play? Legislator Hochberg said it is a non-issue.

Hugh Reynolds questioned if Ulster Publishing could have a copy of the software to develop a proposed plan. Bea Havranek said there are licensing issues. Rob Leibowitz said there is a computer set up in the Planning Department on the 3rd floor of the County Building and anyone is welcome to come in and use it. Rob's direct line is (845) 340-3337, and those interested in utilizing the software should call him to schedule a time to come in. Dare commented that the Commissioners are allowed to talk with anybody while the Commissioner's personal computers are in hand. Vernon confirmed this as true.

Michael Baden, from the UC and Town of Rochester Planning Boards, said he wanted to comment on the geographic areas being considered. In the Town of Rochester, for example, there is an area up in the Northern part of the Denning, Wawarsing border that to access it, say from Accord, it's an hour and $\frac{1}{2}$ drive. Politically it's in the Town of Rochester, but note that group of people don't consider themselves part of Rochester. Michael Catalinotto asked if there was a road that can be used as a divider, or does the Commission just need to look at the mountains. Mr. Baden said the area is essentially the upper corner along where the mountain range is. It's just one example of how geographic areas can play as much of a role as the actual boundary lines.

- Next Week's Agenda

The Next Meeting Date will be Wednesday, April 6, 2011 at 3:00 PM in the County Building. Vernon encouraged the Commissioners to work with the software and be ready to share ideas at the meeting.

- Adjournment

A motion to adjourn was made by Dare Thompson, Seconded by Rich Messina, with all in favor. Carried. The meeting was adjourned at 4:00 P.M.

Respectfully Submitted,

Victoria Fabella, Deputy Clerk, Ulster County Legislature

OFFICE OF THE ULSTER COUNTY LEGISLATURE
MEETING MINUTES

NAME OF GROUP: Commission On Reapportionment

DATE: April 6, 2011

TIME: 3:00 P.M.

PLACE: UCOB, Legislative Chambers, 6th Floor

MEMBERS PRESENT: Vernon Benjamin, Cynthia Lowe, Richard Messina, Dare Thompson, Bill West

MEMBERS EXCUSED: Paul Benkert, Michael Catalinotto

OTHERS ATTENDING: Legislator Jack Hayes; Robert Leibowitz, Sr. Planner, UC Planning Department; Bea Havranek, Ulster County Attorney; Vic Work, Commissioner, BOE; Hugh Reynolds, Reporter, Ulster Publishing; Michael Novinson, Reporter, Times-Herald Record; Lee Cane, LWV; Tom Kadgen, LWV; Victoria Fabella, Deputy Clerk, Legislature; Michael Baden, Town of Rochester Planning Board; Fawn Tantillo; Beth Murphy; Mike Harkavy; Rokki Carr

- The meeting was called to order by Bill West at 3:03 PM.
- A motion was made by Rich Messina, Seconded by Dare Thompson, to approve the Minutes from the March 30, 2011 Meeting. All in favor, Carried.
- Discussion: Potential Plans/Districts

Vernon brought up the idea of Ulster County passing a Local Law to not count prison populations and he suggested adding it as a recommendation to the Legislature in the Commission's final report. Bea thinks Greene County passed such a Local Law and she will get a copy for the Commission.

Vernon suggested using the full 5% deviation from the mean in the districts where prisons are located. Bea said that Ulster County has traditionally stayed within the 5% range for all districts and she suggested that the Commission strive to do so now. If the Commission decides it is necessary to go above that number then there can be discussion about the justification. Bill West said he believes there was a Supreme Court decision that said the allowable deviation is 10%. Dare Thompson said the Commission had previously agreed to go more conservatively with a 2.5% deviation in either direction of the mean. Bea said that in the last redistricting effort 10 years ago, they were very close to the 2.5%. Bea left the meeting, but said she would be in her office and available should the Commission need her.

The Commissioners discussed their difficulty using the software. Cynthia believes that the Commission may have been sold a bill of goods with the software. It is more time consuming and labor intensive than expected. Rob needs to add patches in order for her to better utilize the software. Cynthia believes that you lose your perspective with the constant zooming in that is necessary to see the census blocks, but then zooming out to see the full impact of the district lines you are creating. Dare said it would have been useful if the program came with instructions.

Bill West said he wanted to discuss two items: an accelerated meeting schedule and getting someone in to help the Commission by developing tentative plans.

The Commission agreed to schedule an additional meeting on Tuesday, 4/12/11, at 3:00PM.

Bill West suggested getting somebody, internally or from the outside, who is up-to-speed and can develop some tentative plans. Vernon said that Rob can fill that role. Rich Messina asked Rob what he could do to help the Commission given the time constraints and problems with the software. Rob said he could make several sample plans based on perimeters set by the Commission. Rob said he can e-mail out the options, giving the Commission a starting point for discussion. Dare said that this idea came up a couple of meetings ago, but at the time the Commission didn't know there would be such trouble with the software. Dare now believes the Commission doesn't have a choice but to go this route. Cynthia said her only concern is that the Commission not appear to have delegated its responsibility to an employee of the County. That is not something the Commission can or should do. Cynthia said the Commission must build oversight into the process and have multiple plans. She said it is the Commission's responsibility to understand what goes into the plan and what the ramifications are for the different populations and different districts.

Vernon commented that he hopes to have his own plan ready by this Sunday and he intends to manually draw the lines on a large County map as a visual tool for the Legislators and general public.

The Commissioners requested that Rob send them at least two plans via e-mail by COB on Friday. Rob will e-mail them in pdf format. The Commission will review and discuss the plans at their meeting on Tuesday afternoon. The Commission intends to present three plans to the Legislature on Tuesday evening. After hearing input from the Legislature, the Commission will open the floor to hear input from the public. The Commission will take the plans presented to the Legislature along with any updates and present them at a public comment meeting for the Southern portion of the County in New Paltz on 4/13/11. Public comment for the Northern portion of the County is scheduled for 4/20/11 at the Olive Library in West Shokan.

Vernon suggested setting aside 20 minutes during Tuesday afternoon's meeting to review plan submissions from the public. The Commissioners agreed they are interested in viewing all public plan submissions in pdf format.

Legislator Hayes asked if the Commission would agree on a common geographic approach to its studies. If everyone started North to South or East to West the Commissioners would have more commonality in their designs. Cynthia Lowe said the Commission doesn't want the commonality. Rob said when trying to get through different iterations you may want to do one from the west, one from the south, etc. From a good planning, good compactness standpoint, you start with the villages and spread out from there seeing where the compact areas are and filling in that way. There are all different approaches you can take and that's part of showing all the alternative options.

- Final Report

Vernon commented that the Commission is planning to compile a report and the information is starting to accumulate. If the Commission intends to deliver a plan by April 26th, Vernon believes the Commission should begin discussing the structure for the final report to coincide with the plan.

Bill West said the report doesn't need to come along with the plan. The report will spell out for the next generation some of the problems that this Commission has had and suggestions on how to address those problems. Bill said that deserves a sit-down and discussion so everything is well thought out. Bill believes the focus should be on creating the districts.

Vernon said the suggestions have been recorded in the minutes and the report can be compiled from those. Vernon is willing to compile the first draft, as he believes the report should be worked on in conjunction with the plan.

- New Business

Bill West passed out a document and asked the Commissioners to review it. (See handout: Reapportionment Concept- Draft) The proposal is a modified form of weighted voting.

Cynthia asked how the plan fits in with the requirement for the districts to have equal numbers. Bill said his plan is one-man one-vote except it's weighted as to the population in each community.

Dare summarized the plan for the benefit of the public. Cynthia reiterated that this draft is from Bill West to the Commission on Reapportionment and it has not been weighed in on by the Commission under any circumstances. Bill's draft was then copied and distributed to the public in attendance.

Bill said his plan addresses the repeated concerns of many of the towns to remain whole and have one legislator. He said the only issue that has come about regarding weighted voting is addressing minority populations and his plan provides for establishing legislative districts to accommodate such populations.

Cynthia asked what authority the Reapportionment Commission has to recommend weighted voting. Bill said it's a concept that goes along with Reapportionment, and he's not sure it's precluded. Bill asked the Commissioners to take the plan home for thorough review.

At the suggestion of Vernon, the Commissioners asked Vicky to provide a copy of Bill's draft to Bea so that she can weigh in on this concept.

- Public Comment

Fawn Tantillo said that she believes if the Commission sets strict criteria, there won't be a large number of plans able to be produced. Fawn said that she believes it should be fundamental criteria to keep as many towns whole as possible. The Commission concurred and said that had been previously stated.

Beth Murphy asked the Commission what criteria Rob was to use in creating his scenarios. Bill West said there are criteria spelled out in the Charter. In addition to the Charter language, Cynthia said there is also input that was provided to the Commissioners at the various Town Board Meetings the Commission attended and that input would be taken into consideration as well. Those comments are public and on record.

- Next Meeting's Agenda

The next meeting will focus on the draft plans. Dare will be the facilitator.

- Adjournment

A motion to adjourn was made by Rich Messina, Seconded by Vernon Benjamin, with all in favor. Carried. The meeting was adjourned at 4:17 P.M.

**Respectfully Submitted,
Victoria Fabella, Deputy Clerk, Ulster County Legislature**

TO: UC Commission on Reapportionment
FROM: William West

REAPPORTIONMENT CONCEPT – DRAFT

Each of the 20 Towns in our county are very diverse – different in culture, different in topography. This variety is what makes our county so interesting and charming.

One common denominator is that the vast majority of people in each town would like to have their own legislator – a person who knows, participates and is a vital working part of their town. A county legislator who is an integral part of his or her town better serves the needs of that community and keeps government closer to the people of that community. This suggested plan directly addresses these concerns.

The suggested plan is a **modified weighted** voting plan. Each municipality will be maintained as a legislative district. To meet the numerical requirements of the UC Charter one small town (Kingston) is added to the town of Ulster and several smaller towns (Denning, Hardenburgh and Shandaken) are consolidated into a single legislative district.

The vote, on county legislative matters, of each district legislator will be exactly related to the population of the district he or she represents. Thus, there will be no concerns regarding deviation.

To provide the potential for establishing legislative districts to accommodate minority populations the city of Kingston will have three legislative districts. The towns of New Paltz and Wawarsing which have more urban areas and potential minority enclaves will each have two legislative districts within the towns boundaries. These districts can be configured on information provided by census block data to meet the needs of the municipalities minority population. If it is determined, by analysis of the census data, that there are additional large minority enclaves this situation can be addressed.

This proposal is a **modified** form of weighted voting and addresses some of the concerns that straight weighted voting brings. Some upstate counties use straight weighted voting additionally, NYS Election Law requires weighted voting by political parties in conducting the political affairs of a counties political parties. A major objective of this suggested plan is to retain the integrity of town lines.

DRAFT → 1

Sheet 2 of 2

UC Reapportionment Concept

District 1 - Denning, Hardenburgh, Shandaken	Votes	6,874
District 2 - Saugerties - district to be configured on census data		?
District 3 - Saugerties - " "	Votes	19,482
District 4 - Woodstock	Votes	5,884
District 5 - Ulster	Votes	13,216
District 6 - Kingston City - district to be configured on census data	Votes	23,983
District 7 - Kingston City " "		?
District 8 - Kingston City " "		?
District 9 - Olive	Votes	4,419
District 10 - Hurley	Votes	6,314
District 11 - Marbletown	Votes	5,607
District 12 - Rosendale	Votes	6,075
District 13 - Esopus	Votes	9,041
District 14 - Lloyd	Votes	10,863
District 15 - Marlborough	Votes	8,808
District 16 - Plattekill	Votes	10,499
District 17 - Shawangunk	Votes	14,332
District 18 - Gardiner	Votes	5,713
District 19 - Wawarsing - District to be configured on census data	Votes	13,157
District 20 - Wawarsing " "		?
District 21 - New Paltz - District to be configured on census data	Votes	14,003
District 22 - New Paltz " "		?
District 23 - Rochester	Votes	7,313

OFFICE OF THE ULSTER COUNTY LEGISLATURE
MEETING MINUTES

NAME OF GROUP: Commission On Reapportionment

DATE: April 12, 2011

TIME: 3:00 P.M.

PLACE: UCOB, Legislative Chambers, 6th Floor

MEMBERS PRESENT: Paul Benkert, Michael Catalinotto, Cynthia Lowe, Richard Messina, Dare Thompson, Bill West, Vernon Benjamin (arrived at 4:00 PM)

MEMBERS EXCUSED: None

OTHERS ATTENDING: Legislator Mike Madsen; Beatrice Havranek, Ulster County Attorney; Dennis Doyle, Director, UC Planning Department; Robert Leibowitz, Principal Planner, UC Planning Department; Tom Turco, Commissioner, BOE; Vic Work, Commissioner, BOE; Hugh Reynolds, Reporter, Ulster Publishing; Tom Kadgen, LWV; Victoria Fabella, Deputy Clerk, Legislature; Michael Baden, Town of Rochester Planning Board; Beth Murphy; Mike Harkavy

- The meeting was called to order by Dare Thompson at 3:04 PM.
- Weighted Voting

Commissioner West previously requested that Bea Havranek provide case law in relation to weighted voting redistricting plans. Bea summarized her findings by saying that weighted voting is not unconstitutional if done properly, but is highly discouraged for many reasons. Weighted voting is seen predominantly in counties that still have Boards of Supervisors Bea explained. She reminded the Commission that the people of Ulster County voted twice for single member districts, which they did not anticipate would have anything to do with weighted voting. If the Commission chooses to go with weighted voting, Bea said the burden is on the County to prove, via an analytical computer process that is fair, that the Commission hasn't discriminated and that the Commission looked at all other possibilities before it came to the conclusion that weighted voting is what needs to be done. Bea feels weighted voting should be a plan of last resort if the Commission decides there is no other way to accomplish its task. She also strongly believes a weighted voting plan will be challenged in court.

Bill West pointed out that his weighted voting proposal effectively addresses the issue of creating minority districts by allowing for more than one district in the City of Kingston and the Ellenville/Wawarsing area.

Cynthia Lowe made a motion to continue to pursue 23 single member districts which are apportioned by population. Following the legal opinion just heard, Cynthia would like to continue working as the Commission has for the past few months with the intention of creating a map, and consider weighted voting as an option only if the Commission cannot create or come to a consensus on a map.

Facilitator Dare Thompson said that lacking a second, but hearing no objections, the Commission would move on to working with the draft maps.

Secondly, Rob said that per the Commission he kept the town/municipal boundaries intact as much as possible.

Thirdly, the Commission requested that the City of Kingston be kept whole and split into 3 equal districts. Rob said he complied with the request. The City contains an uptown, a midtown and a downtown district. The City appears this way in all three versions of the map.

Cynthia commented that Saugerties is divided similarly in all three versions and the Town of Ulster is split into three districts in all three versions. She hopes that future versions will show alternate options for these areas.

The Commissioners looked at each town and discussed how it was split in each version, weighing the positive and negative effects of the different division options.

Cynthia asked if Rob had taken school districts into account. Rob said he hadn't but the information is now accessible via the software and can be overlaid and considered moving forward.

Rich Messina asked if Rob could show election district boundaries. Rob said the only data of that sort currently available was the information from the census bureau, and it doesn't exactly match the County's districts.

Vernon gave the Commission some details about the map he has been working on.

Cynthia made a motion, Seconded by Vernon Benjamin, to put Draft Map Versions 1, 2, and 3 on the draft map section of the Commission's website to facilitate public access. All in favor. Carried.

Dare Thompson gave Commissioner of Elections Tom Turco the floor. Tom suggested overlaying election districts onto the maps. He believes this will be an area of concern for the Legislature and the voters. He said that equal representation is all about the voters. From quick glance, Mr. Turco can tell that many election districts have been unnecessarily cut up. Tom said that based on statute, the BOE has the authority to change a district to accommodate the Commission. However, he advised the Commission to keep as many election districts whole as possible. The voters just went through a major change with the electronic machines so it wouldn't be good to now turn around and make major changes to their election districts. Vernon Benjamin said he has no problem attempting to do that, but strictly following some of the election districts is not possible because the census blocks don't exactly match up. Tom disagreed and said he believes they can be followed closely if the Commission tries to do so. Cynthia Lowe said that following election districts is part of the process, but the Commission is not there yet.

- Tonight's Meeting with the Legislature

Michael Catalinotto questioned if the maps were going to be presented to the Legislature as a work product of the Commission. If so, he is completely opposed.

Cynthia Lowe said that the three versions show a fascinating picture of what the Commission is up against and what everyone wants, but not everyone can have. One district for every single town is not possible under the current reapportionment approach she said. She has no reluctance at all to meet with the Legislature, telling them exactly what the process has been to date and showing them each version of the map. She believes the maps show the wishes of the towns as they have been articulated to the Commission.

Paul Benkert said the meeting purpose should be for the Legislature to respond to the Commission about the maps. Bea agreed, saying the Charter requires the Commission take input.

Since Dare is today's facilitator, The Commission agreed to have Dare facilitate this evening's meeting as well. Rob will make hard copies of the map versions with major roads and water features overlaid for distribution to the Legislators.

Bill West commented the Commission should explain and take input, but not get into defending any of the maps. He would like to have the meeting run like a typical public hearing.

Cynthia Lowe disagrees and hopes that there is dialogue between the Commissioners and Legislators.

Legislative Chairman Wadhola clarified for the Commission that the meeting is an Informational Session for the Reapportionment Commission to present its plans to the Legislature. The Chairman hopes that there would be a dialogue with the members of the Legislature and the Commission. Bea added that it is not a Public Hearing under the Charter.

- Next Meeting's Agenda

The next regular meeting, tomorrow afternoon, will focus on the draft plans. Cynthia will be the facilitator.

- Adjournment

A motion to adjourn was made by Michael Catalinotto, Seconded by Bill West, with all in favor. Carried. The meeting was adjourned at 4:47 P.M.

Respectfully Submitted,

Victoria Fabella, Deputy Clerk, Ulster County Legislature

OFFICE OF THE ULSTER COUNTY LEGISLATURE
MEETING MINUTES

NAME OF GROUP: Commission On Reapportionment

DATE: April 13, 2011

TIME: 3:00 P.M.

PLACE: UCOB, Legislative Library Conference Room, 6th Floor

MEMBERS PRESENT: Vernon Benjamin, Michael Catalinotto, Cynthia Lowe, Richard Messina, Dare Thompson, Bill West, Paul Benkert (arrived at 3:34 PM)

MEMBERS EXCUSED: None

OTHERS ATTENDING: Legislator Maloney; Legislator Roberts; Beatrice Havranek, Ulster County Attorney; Dennis Doyle, Director, UC Planning Department; Robert Leibowitz, Principal Planner, UC Planning Department; Tom Turco, Commissioner, BOE; Vic Work, Commissioner, BOE; Laura Walls, Deputy Comptroller; Hugh Reynolds, Reporter, Ulster Publishing; Tom Kadgen, LWV; Lee Cane, LWV; Victoria Fabella, Deputy Clerk, Legislature; Michael Baden, Town of Rochester Planning Board; Fawn Tantillo; Beth Murphy; Rokki Carr;

- The meeting was called to order by Cynthia Lowe at 3:12 PM.

Facilitator Lowe began the meeting by saying the topic of a consultant is not on today's agenda, but needs to be discussed. She asked the Commissioners when they wanted to address to this issue. The Commissioners agreed to discuss this item at the end of the meeting under New Business.

- Review of Meeting With Legislature

Vernon said it was wonderful to see democracy in action.

Rich Messina said if the Legislators came to the meetings or sat down with the software, they would understand what the Commission is up against.

Dare believes that most of the Legislators recognize the problems.

Michael Catalinotto thinks last night's meeting demonstrates the tension between areas of government. He doesn't think that's a bad thing, it's just the reality of how government operates. He continued by saying the interest of the Legislature was demonstrated yesterday when they expressed concerns about whether the Commission's product was actually a product of the Commission, or whether it was coming from the Planning Department. Michael said it doesn't mean anyone is criticizing the Planning Department. This is just an example of the unavoidable tension between the Executive and the Legislature. It can't be ignored he said. The Legislature wants to ensure that what the Commission does reflects what the Legislature assigned it to do: create, design and propose its own plan. How the Commission gets there is the problem.

Cynthia said underlying this is what the Commission itself believes is the definition of what makes the product the Commission's product, and whether or not the Commissioners can ever agree on what makes the product the Commission's product vs. the product of an employee of the County, or a consultant. Cynthia reiterated this is a discussion the Commission has agreed to discuss at the end of the meeting.

Vernon asked if his fellow Commissioners recall anything from the meeting that the Commission should be immediately addressing. Cynthia said the application of the voting districts was a comment that she heard over and over again. She believes that it was the intent of the Commission all along to manipulate the legislative district lines first and then figure out where the voting districts fell and use that to make finishing tweaks.

Michael said he too believes following election districts should come at the foot of the process and although he understands concerns about what will happen to the election districts, he doesn't see this to be an insurmountable problem. Michael said his notes reflect the following concerns expressed by Legislators at the meeting:

1. They mentioned sections of towns compatible with adjoining towns, such as in Woodstock with Hurley and Ulster with the Town of Kingston.
2. Fire Districts should be kept in mind.
3. They were interested in a timeframe for completion of the Commission's work and when it would be presented again to the Legislature for input.
4. There was a comment made that it wasn't necessary to keep villages whole.
5. One of the Legislators commented that the Town of Rochester was made a mess. The Commission will have to attend to that and be sensitive to it. Keeping Rochester whole was a repeated concern.
6. One Legislator didn't want the Town of Plattekill divided. It has a sizable population so needs to be broken up but maybe it could be tweaked a bit.
7. They talked about historical relationships between towns. Hurley and Woodstock were used as an example.

Vernon said he recalls a repeated recommendation to consider the connection with school districts.

Dare said that New Paltz, Ulster and Rochester seemed to be the most verbal.

- Preparation for This Evening's Public Input Meeting for the South End of the County

The meeting will be held at the New Paltz Community Center. Draft map versions 1 thru 3, including any updates and changes to the maps made at today's meeting, will be distributed at the meeting, and members of the public in attendance will be given the opportunity to comment. Vernon, Bill and Michael will not be attending the meeting.

- Discussion: Draft Plans

Michael Catalinotto said one item that was brought up last night was the narrowness of the deviation the Commission is trying to accomplish. He asked if the Commissioners wanted to discuss increasing the deviation.

Bill West said that he thinks the Commission should increase the deviation to 5% in either direction to see if it will fix some of the specific problems that have been identified.

Bea Havranek said the Commission has built a record by producing potential maps with a strict deviation. She advised that since the attempt has been made to have such a small deviation, it would be acceptable for the Commission to now broaden its criteria in order to address specific goals.

- Old/New Business

Cynthia said that at the last meeting there was discussion about hiring a consultant. One of the issues under contention at the meeting was the process the Commission would have to go thru at the County level to hire that consultant. Cynthia informed the Commission that for a contract \$10K or under for professional services such as those which this consultant would render to the Commission, a RFP is not required. The Commission would need to enter into a contract. Cynthia told the Commissioners they need to collectively decide what the parameters of hiring this consultant would be, what the Commission would expect from the Consultant, how the Commission would expect the consultant to interact with the Commission, what the timeline would be, and whether or not the consultant would be available and qualified to act as an expert witness in the event that the Commission's plan is litigated. Cynthia said she has no experience hiring this kind of consultant and has a concern that they may work for a particular party. Now that the Commission is aware that it has the ability to hire a consultant, Cynthia thinks the Commission should decide if it wants to go forward with this idea, and if so, a process for selecting candidates should be determined. Cynthia said a Commissioner has brought forward one candidate.

Michael Catalinotto clarified that he spoke with one individual to get a cost estimate and general details, but no name has been given. He said the fee of \$10K includes expert testimony if there is a challenge. The expert will justify the solution the Commission has come up with. He/she will not testify if there is an argument about metes and bounds descriptions of the districts. That is part of the Legislative enactment. The attorneys for the Legislature should be able to come up with the metes and bounds descriptions. Michael said based on yesterday's meeting with the Legislature, there is clearly support from the Legislators to hire a consultant. He also said there has been a three-member group established, Michael, Bill and Cynthia, who can work out the details. Michael again proposed that the Commission consider hiring a consultant.

Cynthia said she understood the three-person group was established to participate in a one-time meeting, not to be a committee to act on behalf of the Commission to choose the consultant.

Dare said the idea of hiring a consultant is deeply disturbing to her. The whole country is mired in a problem with redistricting, and these consultants are part of that process. She believes the Ulster County Commission is fresh air. Dare proposed to stick with a citizen's commission to accomplish the work.

Bill West said, as it was expressed by some last night, there are people who are uncomfortable with the fact that this Commission has two individuals working for it that are from the Executive Branch. These individuals are providing the Commission with a great deal of input. The concept of hiring a consultant means the Commission can reach out to someone who is separated from the Executive Branch and get clear answers to problems and questions.

Bea Havranek said that the Commissioners should look at the law and see that she is the one, solely, who will defend this Commission when everything is done. She said she has not encouraged the Commission to draw a line, or do anything that has to do with the physical redistricting of Ulster County. What she has done is respond to the Commissions requests for opinions when asked.

Rob Leibowitz suggested the Commission have an open meeting beginning at 9AM and go as long as it takes to create a plan from scratch.

Paul Benkert said that he is in favor of hiring a consultant, and voted accordingly at yesterday's Commission meeting. However, at the meeting with the Legislature last night, the Commission agreed to have a final product presented by April 26th. Paul questioned if it was possible to hire a consultant and have a final product by that date.

Michael Catalinotto said that Rob's idea was a good one, and he would like to do that in parallel with hiring a consultant.

Bea reminded the Commission that there is an element of time when it comes to negotiating a contract.

Laura Walls, Deputy Comptroller, agreed that creating a map from scratch during an open meeting is a good idea. She suggested having Legislative Majority and Minority counsels attend the Commission's meetings as a way to combat partisanship.

Paul Benkert said he is in support of creating a plan from scratch. He believes that the Commission can come to an agreement on a final map that way. However, in the event that it can't, Paul said the Commission should gather names of consultants and start the process so the Commission has a backup plan if necessary.

Rich Messina said that none of the Commissioners have gotten any further along with the software within the last two weeks. Rich questioned if the Commission could accomplish its goal without the help of Rob or a consultant.

Cynthia said she doesn't believe it was ever intended that the Commission would do everything on its own. She thinks it is a waste of time to do the minutia that the software requires and lose sight of the bigger picture; the impact that the Commission will have on each town and the whole County. The benefit of sitting together and using Rob to manipulate the software allows the Commission to be concerned with the big problem and not the mechanics of a computer program. Cynthia continued by saying that she cares about what the end product is and wants to be in the room when the maps are being drawn or things are being altered.

Dare said the enemy is not the software, it's time. She would like to move on.

Michael Catalinotto said the Commission is tasked to create new districts. In getting there, the Commission must use census blocks. The Commission has to have someone manipulate the census blocks to come up with districts that the Commissioners are satisfied with. You can't just come in and say break up the town of Marbletown this way or the Town of Plattekill that way. The Commission must use the census blocks to figure out the population that will be in each newly created district.

Cynthia said it's not just about population. It's about people. Who better knows where people live, where the geographic issues are and the communities than someone who lives here. What does a consultant know about Ulster County?

Vernon said that this is not about redistricting or the Executive or Legislative branch. If you looked closely at the bunch in the room at last night's meeting, they said they don't want a Planning Department member to do this. They want this to be done by the Commission only. Yet, when Mike said that the Commission was considering hiring a consultant that same section of the room cheered. Vernon said this is about pushing a political agenda of the majority party. He said that he is confident that the task can be done without the aide of a consultant by using the personal knowledge of the Commissioners, the input heard at the Town Board Meetings, and Rob's expertise.

Michael said he is insulted by Vernon's remarks, and there is nothing he is trying to do other than get the product done that the Commission was assigned to create. Michael reiterated that he said it was a good idea for the Commission to create a map from scratch. He said to leave the politics outside and suggested picking a date and moving on. Michael made a motion for the Commission to meet on Wednesday, April 20th at 9AM until whatever time necessary to attempt to complete a map. All in favor. Carried. The Commission will also reserve Saturday, April 23rd in the event another all day meeting is necessary.

Michael Catalinotto said that since it was his motion to consider hiring a consultant, he will gather information on potential candidates and disseminate that information via e-mail to the Commission. Michael will obtain names, copies of contracts that have been used, specific information on what services are included, candidate employment history, and any affiliations.

- Next Meeting Agenda Items

The Commission will focus on creating its map.

Cynthia gave the floor to Tom Turco. Tom advised that overlaying the election districts on the map sooner than later will help the Commission with its process. He said he looked at the three draft map versions and the Commission has cut 1/3 of the election districts in half or into some odd segment. There would be a very large amount of corrections that would need to be made if the Commission waited until the end of its process to overlay the election districts. Tom said the census information is used to obtain the best representation for the people. Tom again advised the Commission to put the population centers in the election districts to make the process easier.

Dare said she is not concerned with how much work is created for the Board of Elections. However, she is concerned about voter displacement. Although it was going to be done later in the process, Dare would like to see election districts overlaid on the maps now to try to minimize difficulty for the voters.

Rob confirmed that the current election districts can be overlaid on the draft maps in the software. After some discussion, the Commissioners agreed to look at the election district overlay as they are creating their map at Wednesday's meeting.

Bill West requested a map that utilizes the highest allowable deviation in an effort to maintain the integrity of as many towns as possible. Dare added the criteria of minimizing the distortion caused by the prison population pool. (Districts containing the prisons should have a higher total population than the other districts)

- Public Comment

Mike Baden suggested starting Wednesday's meeting with a completely blank map. He also suggested not taking public comment at that meeting. Mike believes this is the only way no one can argue that the process wasn't completely fair. Michael Catalinotto confirmed that is the intention of the Commission.

Legislator Maloney offered an example of the negative effects of not considering election districts. In the Town of Ulster there is a neighborhood where at one time all its inhabitants voted about 400 feet down the road. In the last redistricting effort, a rail road line was used as a district boundary, cutting the neighborhood. As a result, people on one side of the road still go 400 feet to vote and people on the other side of the road have to drive 6 miles each way.

- Adjournment

A motion to adjourn was made by Bill West, Seconded by Michael Catalinotto, with all in favor. Carried. The meeting was adjourned at 5:03 P.M.

Respectfully Submitted,

Victoria Fabella, Deputy Clerk, Ulster County Legislature

OFFICE OF THE ULSTER COUNTY LEGISLATURE
MEETING MINUTES

NAME OF GROUP: Commission On Reapportionment

DATE: April 20, 2011

TIME: 9:00 A.M.

PLACE: UCOB, Legislative Chambers, 6th Floor

MEMBERS PRESENT: Vernon Benjamin, Michael Catalinotto, Cynthia Lowe, Richard Messina, Dare Thompson, Bill West, Paul Benkert (arrived at 10:08 AM)

MEMBERS EXCUSED: None

OTHERS ATTENDING: Legislators Hansut, Harris, Maloney, Roberts, Madsen, Rodriguez, and Gregorious; Dennis Doyle, Director, UC Planning Department; Robert Leibowitz, Principal Planner, UC Planning Department; Laura Walls, Deputy Comptroller; Jim Quigley, Town of Ulster Supervisor; Hugh Reynolds, Reporter, Ulster Publishing; Patricia Doxsey, Reporter, Daily Freeman; Michael Novinson, Reporter, Times Herald Record; Tom Kadgen, LWV; Lee Cane, LWV; Victoria Fabella, Deputy Clerk, Legislature; Michael Baden, Town of Rochester Planning Board; Manuela Michailescu, Town of Rochester Councilwoman; Joel Tyner; David O'Hallaran; Butch Denner; Robin Yess; Dennis Arluck; Fawn Tantillo; Beth Murphy; Mike Harkavy; Rokki Carr

- The meeting was called to order by Michael Catalinotto at 9:10 AM.
- A motion was made by Dare Thompson, Seconded by Vernon Benjamin, to approve the Minutes from the April 6, 2011 Meeting. All in favor, Carried.
- Draft Maps Versions 1- 4 are available on the Commission's website and in hardcopy form for today's meeting.
- Draft Map

Vernon asked the Commissioners to jot down any issues that need revisiting or items requiring further discussion that may arise throughout the process. During breaks, Vernon will post those items on the large easel pad. Every change/revision made to the map will be tracked via the software.

The Commission will begin with a blank canvas. Vernon recommended starting with the City of Kingston. Dare made a recommendation to begin in Marlborough. After discussion, the Commission agreed to begin work on their map in Marlborough.

The Commission created one complete district in Marlborough and then continued working on the map moving West creating districts using trial and error to stay within the allowable population deviation range. Creation of each district required lengthy discussion and consideration of the following: geography, historical relationships, where communities go to shop, all previously heard public input, prison populations, schools districts, and each Commissioner's own knowledge of each area. The Commission periodically overlaid the election districts onto the map to aid in determining where the lines should be drawn. Draft Map Versions 1 through 4 were used as reference tools.

Shawangunk proved to be a particularly difficult area for the Commission. Dare strongly reiterated the concerns heard at the Shawangunk Town Board Meeting about the Town being disenfranchised in the past. The Commission created a district within the allowable deviation that includes part of Shawangunk, encompasses much of Wawarsing, part of Rochester and all of Denning. General consensus of the Commission is that this district may be too large and contain unrelatable communities. Therefore these newly created district lines may have to be revisited.

The Commission took a recess at 11:09 AM and resumed at 11:25 PM.

The Commission continued working on the map, picking up with the Lloyd area, working West towards New Paltz. The Commission then directed its efforts North towards Esopus. The Commission successfully accommodated the written request it received to have the Bruderhof communities placed in the same district.

The Commission recessed for lunch at 12:15 PM and resumed at 1:17 PM.

Upon return from the break, Facilitator Catalinotto requested that the Commissioners each provide feedback on the process thus far. Mr. Catalinotto said that he is pleased with the progress the Commission has been able to make in a few hours. He said that he had proposed the idea of a consultant, but he now believes that will be on the back burner because Michael thinks the Commission is making enough progress to get the train out of the station. The Commission is on its way.

Cynthia thanked Michael. She said she is really pleased to hear that.

Vernon commented that the Commission has created districts with a dominance of percentages over the population mean. Therefore, when the Commission gets to the North towns there may be a problem. Vernon thinks the Commission should strive to create a completed map today.

Paul Benkert said the Commission has made a lot of progress in a short time. He thinks there are a couple towns that need tweaking but otherwise Paul believes the Commission is doing well.

Bill West said that he would be very much opposed to trying to resolve this today. He would like to step back after today's progress and make a thorough evaluation of the work. Facilitator Catalinotto agreed, and said he would like to sleep on it. Bill said that whatever the Commission does will be carved in stone for 10 years. Bill thinks the plan deserves a tremendous amount of consideration, even if it means the Commission does not meet the April 26th deadline.

Rich Messina referenced Vernon's comment about wiggle-room and offered some suggestions on how to alter Marlborough, Plattekill and Lloyd. Rich asked Rob Leibowitz to provide the Commissioners with print-outs of the work completed today. Rich also commented that everything accomplished today is solely, without a doubt, the work of the Commission.

Dare too thinks the Commission will have to do some tweaking. She encouraged the public to submit input on the Commission's newly created districts. Dare reiterated that the Commission has really made an effort to get people to feed the Commission information since the start of the process.

Michael suggested requesting through Vicky that the Legislators who have an interest and a point of view submit to the Commission in writing what their concerns are so that the Commission can consider them when making final decisions with respect to the districts. That way the Legislators will have another opportunity for input. Michael reiterated that it was a prior concern of the Legislature that the maps were not created by the Commission. He

said the map created today is a product of the Commission. Michael said that he now has a more positive view of the process than he's had at any time during the period of time the Commission has been working.

Cynthia said that the Commission has tried its best to apply every single thing the Commission has heard for consideration on a map. Cynthia said she believes it is abundantly clear to anyone who is watching the manipulation of the process that the Commission cannot always accomplish what everyone wants. Cynthia also commented that she is much more pleased with the Commission's progress at this point in the day than she expected to be.

Michael asked that all Legislators be provided with a copy of the map created today to go along with the request for input. The Commissioners agreed. Vernon suggested requesting that all input be submitted by Saturday, 4/23/11, by 9:00 AM so the Commissioners can utilize the input during its next meeting.

The Commission resumed work on its map focusing on the Rosendale and Marbletown areas. The Commission then proceeded to the Northwest towns. Then moving to the North portion of the County, general consensus of the Commission was to create four districts encompassing the Towns of Kingston, Ulster, Saugerties and the Village of Saugerties.

As the Commission progressed with its work, it was essential to make constant alterations to the districts it created in order to keep the populations in each district within the allowable deviation range.

The Commission next worked with the City of Kingston, agreeing that the population warranted 3 inclusive districts. Draft map versions 1 - 4 all split the City into 3 districts using the existing 9 wards; three per district. Bill West asked to see the demographics in the three districts. The software demonstrated the minority population is spread about evenly across the districts. Dare commented that may not be what the Commission wants. Cynthia wants to make sure the Commission doesn't separate a population density that it shouldn't. Dare said the Commission doesn't want to dilute a minority voice, but strengthen it if possible. The Commission used trial and error to manipulate the 3 districts to produce a district with a large minority population. As the district lines are altered, the software recalculates the demographic percentages. The Commission was able to create a district with a minority population of 46% (the others being 32% and 20%). However, there were some concerns about the overall look of the districts and how the areas related to each other.

The Commission took a recess at 2:53 PM and resumed at 3:13 PM.

The Commission revisited the South and West areas of the County, exploring ways to shift the newly created district lines to better accommodate the wishes of the towns and more evenly distribute the populations among the districts. Each time a district line was altered, it proved to have an impact on the surrounding districts.

The Commission completed Draft Map Version 5, agreeing that it still needs alterations. The map will be posted on the Commission's website.

- Next Meeting Date

The Commission will hold its Public Comment Meeting for the North portion of the County at 7 PM this evening at the Olive Free Library in West Shokan. Bill West and Michael Catalinotto will not be in attendance.

The Commission scheduled its next meeting for 9AM on Saturday, April 23, 2011.

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The Commission scheduled its next meeting for 9AM on Saturday, April 23, 2011.

- New/Old Business

Michael Catalinotto made a motion to withdraw his proposal to hire a consultant because of the progress made at today's meeting. Seconded by Bill West, with all in favor. Carried.

- Adjournment

A motion to adjourn was made by Paul Benkert, Seconded by Dare Thompson, with all in favor. Carried. The meeting was adjourned at 4:12 P.M.

Respectfully Submitted,

Victoria Fabella, Deputy Clerk, Ulster County Legislature

OFFICE OF THE ULSTER COUNTY LEGISLATURE
MEETING MINUTES

NAME OF GROUP: Commission On Reapportionment

DATE: April 23, 2011

TIME: 9:00 A.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: Legislative Chairman Fred Wadnola, Legislators Belfiglio, Frey, Hansut, Roberts, Ronk, Hochberg, Loughran, Rodriguez, Gregorious and Zimet; Dennis Doyle, Director, UC Planning Department; Robert Leibowitz, Principal Planner, UC Planning Department; Bea Havranek, Ulster County Attorney; Jim Quigley, Town of Ulster Supervisor; Carl Chipman, Town of Rochester Supervisor; Michael Novinson, Reporter, Times Herald Record; Victoria Fabella, Deputy Clerk, Legislature; Michael Baden, Town of Rochester Planning Board; Mario Catalano, Larry Kithcart, Frank Cardinale, Julian Schreibman, Mary and Bill Carey, Cecilia Madden, Loretta and Peter Yaple, Gloria VanVliet, Shirley Whitlock, Roger Rascoe, Diana Puglisi, MD, Tavi Cilenti, Kathleen Colletti, Tony Spano, Rokki Carr

- The meeting was called to order by Paul Benkert at 9:08 AM.

Facilitator Paul Benkert commented that the Commission has received many e-mails and has heard a great deal of input over the last few days. Paul said that the Commission would allow time at the end of the meeting for public comment, but will not be taking comments during the time the Commissioners are working on their map.

Commissioner Benkert said he believes there are four areas the Commission must address: Woodstock/West Hurley, Shawangunk/Plattekill, Kingston, and the 50 mile Walker Valley/Denning district.

Paul said Bea Havranek wants to discuss the City of Kingston. Bea clarified that she wanted to discuss the minority issue. She said that she is not promoting that lines be moved in any way, but she wants to fully understand what the Commission has done. She is aware that a district comprised of a 46% minority population was created. Bea said she has researched United States Supreme Court Cases and one state case and the issue is dilution. The cases raise the question, if you go less than 50%, are you diluting the vote of a minority group to choose their own candidate. If you are able to create a 50% voting block, are you somehow diluting the other districts? Bea noted this is not easy to do. She reiterated that she is not telling the Commission to do this or not, but she said there could be a minority challenge if the Commission creates a district that is less than 50% despite having the opportunity to be higher. Bea said that the Commission may not be able to do anything more, but she requested that the Commission take a look and see if there is any way to eliminate that issue. Bea also reminded the Commissioners that they must also keep in mind the regular criteria used when drawing lines: compactness, contiguousness, total population, etc.

Commissioner Thompson said the Commission had two thoughts on this issue. One being that the minority population was fairly spread out. Two, Dare noted that the Commission was looking at all minorities mixed together, not any one minority. Dare said the Commission was trying to recognize the spirit of the law. The Commissioners also recognized that they did abide by the typical criteria of compactness, contiguousness and total population when creating the districts within the City of Kingston.

Facilitator Benkert asked the Commissioners if they would like to start working with the City of Kingston.

Michael Catalinotto said that before working on the map, he would like to discuss another matter. He said that although the computer is a great instrument, it is insensitive to people. In trying to achieve perfection and use of the computer chessboard, the Commission has managed to butcher towns. Michael said that what the Commission did to Shawangunk, chopping it up so that it is with several different towns in three different districts, is an abomination. Mr. Catalinotto said people aggregate themselves in communities because they have something in common. He said when the Commission butchers the towns so it can come up with 182,493 lbs of chopped meat to put into 23 sausages it becomes a counter-democratic, flawed process. Michael believes the only way to solve the problem is to use proportional or weighted voting. This will keep the towns the way the people created them. When the Commission attended the town board meetings, all of the towns said they wanted to remain whole. The Charter says the Commission's goal is to obtain equal and fair representation of all people in Ulster County, keeping districts compact, contiguous, and taking into account existing town, city, village and election district boundaries. Michael said the Commission is doing the opposite and he is against it. He said that the Commission can continue on with the slicing and dicing process, but he believes it will result in the same problems. Michael said before the plan is submitted to the Legislature, he will make a motion to adopt weighted voting as the solution to the problem.

Facilitator Benkert asked Bea for legal input. Bea said it is discouraged. In areas where there is a board of supervisors, weighted voting is used because you have a town supervisor who represents the town and automatically becomes a member of the board of supervisors which is the legislature. Bea said she gave the Commissioners copies of the case law that addresses it. It is not unconstitutional per se, but it could be found to be unconstitutional depending on how it's done. Everything is up to a challenge.

Michael Catalinotto referenced one of the cases Bea provided and said that weighted voting was found to be constitutional and acceptable even though in that instance two towns represented more than 50% of the vote in the legislature. Michael said that is not the case here. Fortunately, in Ulster County it's spread out.

Bill West clarified with Bea that there are other counties that have legislatures that have weighted voting. Bea said there are. Bill also said that under the election law, which is a state mandated law, weighted voting is a part of the process.

Bea said there is also case law where it has been challenged and the challengers have been successful because of the way it was done. Bea reiterated that she is not here to tell the Commissioners to do it one way or another.

Cynthia Lowe suggested Michael Catalinotto move the question so the Commission can figure out where it stands. She said if the Commissioners are not going to fix the map, then they can all go home.

Bill West said the Commission has to figure out the City of Kingston regardless. Michael agreed saying part of his proposal would be to have three districts in the City of Kingston and the 20 towns being individual districts with one single member.

Commissioner Lowe said it should be determined now whether the Commission is going with proportional voting or whether the Commission will continue trying to come up with 23 individual districts.

Bill West commented that he believes that motion would be out of order. Bill said the Commission should try and make the map rational, and if it is unsuccessful, the people of Ulster County deserve to have each town wholly represented. He believes that would be the natural progression of events.

In reference to Michael Catalinotto's statement about the Commissions completed work in comparison to the description in the Charter, Vernon commented that it was completely unfair of Mike to state the Commission has failed to do that job. Vernon said each person sitting around the table knows there has been discussion about specific town boundaries, election districts; each of these matters. Vernon said the Commission took it a step beyond that and looked at creating a minority district. He said there is one area where the Commission failed- The City of Kingston because the Commission did not look at election districts. In retrospect, Vernon thinks the Commission may have diluted the voting and political power of the African American and Hispanic communities. Vernon would like to see the Commission revisit that. In reference to weighted voting, Vernon said he can't see abandoning the process that the Commission has embraced thus far and done a very good job at to date. He said the Commission is looking at relatively minor changes to the map. Vernon believes the Commission should move forward and complete the job, as it is very close to producing a map that can be submitted to the Legislature.

Michael Catalinotto passed out material which he said demonstrated how badly the Commission has chopped up the towns, disregarding the requests of the people from the towns to remain whole, and disrupted the communities which towns represent in order to achieve some mathematical satisfaction. (See handout *No. of Towns Involved, District #, Towns Involved*) Michael said the Commission is dealing with people, not little sections with colors on a map that looks attractive.

Commissioner Catalinotto made a motion to have 20 single member districts of the 20 towns and three districts in the City of Kingston to be apportioned to have three districts with minority representation. Seconded by Bill West.

Bea Havranek advised the Commission that the leading case law says when weighted districts are formed, there needs to be an analytical computerized plan done so that the weight of each district can be compared. It has to be shown that not one area, or political party or minority has any advantage over the other by doing this.

Cynthia Lowe said that she attended just about all of the town board meetings the Commission was invited to and no one proposed, questioned or advocated for proportional voting. Cynthia said the arithmetic has not changed since day one. The Commission was aware that it would not get equal districts. She said that at every town meeting the Commission went to, it discussed the problems it would have, that towns would be joined or divided based on population. Everyone that Cynthia heard from or spoke to accepted this. There was no question about that process. Cynthia said she is not in favor of changing the focus of the Commission. She is in favor of going forward with the districting the way the Commission has done it via the map, adding and subtracting towns, and utilizing all of the criteria the Commission has developed.

Dare said in support of the Charter, she believes it is so clear that no one was thinking of weighted voting as a solution. Dare believes the people wanted exactly what the Commission has been doing. Her perspective on weighted voting is that it is used in smaller counties. It's moving backwards to an older system.

Bill West believes there was language in the Charter that misled the people. The language he is referring to is "23 single member districts." Bill said that at all the meetings he attended people interpreted that language to mean each town would stand alone. Towns that have been sliced and diced in the past feel disenfranchised. Bill said weighted voting is an attempt to maintain the integrity of the towns.

Commissioner Benjamin objects to the language "slicing and dicing" that has been used repeatedly by some of the Commissioners. Vernon said that the Commission's process of obtaining public input has helped the Commission to

create a better picture of how Ulster County works and operates in a human sense rather than just breaking it up into proportional districts. Vernon also said proportional districts quickly get into a situation where the highly weighted districts control the actions of the Legislature. Joining the smaller towns with the larger towns and creating districts that represent the actual movement and life of people is more consistent with the needs of the County as a whole.

Rich Messina asked his fellow Commissioners if it would have made a difference if weighted voting was brought up in the beginning of the process rather than now. Vernon, Cynthia and Dare answered no. Michael Catalinotto commented that this is an attempt to remedy a flawed process, a process that results in the chopping of towns. Dare suggested this was being done last minute to stall the process. Mike said it became apparent last Wednesday after the Commission finished dicing and coming up with a map that chopped the towns up into various segments that this was a flawed process. Mike said he couldn't agree with it.

Facilitator Paul Benkert called for a vote.

MOTION DEFEATED BY THE FOLLOWING VOTE: 4-3 AYES: Catalinotto, Messina, West

Paul Benkert commented that he is open to the weighted voting proposal. However, at this time he believes it is in the best interest of the County for the Commission to proceed with its work on a map.

- Draft Map

For use as a reference tool, Rob Leibowitz distributed a map that demonstrated what he felt was a "best-of" all of the plans the Commission has done thus far. Although appreciative of Rob's work, the Commissioners decided to resume their work where they left off at their last meeting on Draft Map Version 5.

Before any changes to the map were made, Dare Thompson gave a synopsis of the Public Comment Meeting in Olive.

The Commission took a recess at 10:11 AM and resumed at 10:28 AM.

The Commissioners agreed that the Shawangunk area needed to be addressed. They ultimately split Shawangunk into two districts, one inclusive of the west part of the town, and the other encompassing the eastern portion of Shawangunk along with a small section of Gardiner and a small section of Plattekill.

Again the Commission used a trial and error, addition and subtraction process to attempt to accommodate the wishes of the towns and honor their culture while staying within the allowable population deviation. After discussion and much effort, the Commission made the following additional adjustments to Draft Map Version 5:

- The portion of Gardiner where the Town Hall and post office are located was restored to the district that contains the rest of Gardiner (minus the small piece that was put with Shawangunk).
- Modena and Clintondale were placed with the Lloyd district.
- A district was created encompassing the Towns of Denning, Hardenburgh, the northwest corner of Rochester and a large portion of Wawarsing.
- Olive and Shandaken were joined to form a district.
- Woodstock was kept whole and joined with West Hurley to form a district.
- Hurley was joined with the portion of Marbletown that is north of Rte. 213 to create a district.
- The Rosendale/Marbletown district now obtains some population from New Paltz.
- Part of the Marlborough district now reaches into Plattekill.

The map reflecting these changes will be identified as Draft Map Version 5a.

Facing great difficulty in the eastern portion of the County, the Commission left a portion of Wawarsing, to the east of the Village of Ellenville, south of Rte. 55 down to the Town line, unassigned to a district. The Commission will address this at their next meeting.

Noting the time and current status of the draft map, Paul Benkert commented that he has doubts about the Commission completing its work by the original deadline of next Tuesday, 4/26/11. He asked his fellow Commissioners for thoughts on this. General consensus was to postpone the deadline.

Paul Benkert made a motion to delay the Commission's presentation to the Legislature until May 9, 2011 to allow the Commission more time to accomplish its goals. Seconded by Mike Catalinotto. All in favor, Carried.

- Next Meeting Date

The Commission agreed to meet next on Monday, April 25, 2011 at 5:00PM. There will also be a meeting on Wednesday, April 27, 2011 at 3:00.

The Commission recessed at 12:03PM and resumed at 12:08PM.

- Public Comment

1. Legislator Peter Loughran

Legislator Loughran said he appreciated what the Commission was trying to do, but he doesn't agree with it. He represents the "minority district." He said he has the following valid objections:

- Creating a minority district that is not comprised of a majority of minorities does not work and will turn into a real problem.
- In terms of representation, there are currently two Legislators that represent that area. Legislator Loughran said he and Legislator Donaldson have been representing that portion of the City for years. He said they know the people, who are obviously quite happy with what their Legislators are doing. The Commission's plan will remove representation. There will be one individual representing that district and the other individual will be removed completely from the people of that area.
- There are some people who have questioned whether or not it will become a containment area.
- Legislator Loughran suggested maintaining the current ward boundaries. There are nine wards in the City and the Commission could assign three wards to each new legislative district, creating 3 districts with equal population and the same representation.
- Again Legislator Loughran commended the Commission for its efforts, but said that creating this minority district implies that neither Legislator Donaldson nor he can adequately represent the people of that district. He noted it would be equally wrong for him to say that because there is not a minority on the Commission that the Commission is incapable of representing minorities.
- Legislator Loughran referenced some of the minorities in attendance at today's meeting who are currently politically active in that district and he said they, too, are not in agreement with what the Commission has done with the City.

Legislator Loughran said that he would also put his thoughts together in an e-mail to the Commission.

2. Legislator Susan Zimet

Legislator Zimet said that the Commission treated the Town of New Paltz like a second class citizen compared to the Village. The Commission left the Village whole, but split the town into three districts comprised of several different towns. Legislator Zimet said she came to express her concern that New Paltz had 3 Legislators in the previous maps, but after today's session, it is now four and the Commission has disenfranchised New Paltz even more. She noted that there is no one on the Commission from New Paltz and she feels New Paltz was chopped up and put aside to deal with later.

Although she knows this process is supposed to be devoid of politics, Legislator Zimet said prior to the last redistricting effort, it was impossible to get Democrats elected in the Legislature. It wasn't until they did certain redistricting to make it more even that the next election there were 16 Democrats and 17 Republicans. That was the first time the Legislature worked as a government, Legislator Zimet said. The 16 and 17 worked together for the good of the people of Ulster County. Therefore, Legislator Zimet said, in some ways the Commission has to keep an eye on where we are going with all of this. If you go back and put all of the power into the hands of one party, the County takes steps backwards to where we were all those years ago.

Legislator Zimet commented that some Legislators are leaning towards proportional representation thinking it is the only way towns will have a voice. Sitting here watching this, she said, is like, where is the representation?

Legislator Zimet thinks there are a lot of issues that have to be considered. At the end of the day she believes the Commission wants what is best for Ulster County but she thinks there are a lot of issues the Commission still needs to address.

3. Legislator Roy Hochberg

Legislator Hochberg thanked the Commissioners for their efforts, and commented that he agreed with the decisions made by the Commission in the creation of Draft Map Version 5. Like anything, he said, it has its advantages and disadvantages. He sees that the Commission is in the process of developing what appears to be version 6, and presumably will move onto versions 7, or 8. In doing so, Legislator Hochberg asked the Commissioners to look into the future a little bit. He said that according to the census data, the growth in Ulster County seems to be focused in the south, south-eastern portions of the County, and there is a decline in the Northwest. For example, Hurley went down 248 people. As the Commission does its percentages, it would seem to make sense to be a little bit under in the south and a bit over in the north to keep the voting proportional and balanced.

Legislator Hochberg also spoke to consolidation and regionalization which he said seems to be teed off of how the towns feel and their judgment of what they can consolidate and what they can regionalize, yet maintain, to some degree, their own character. Legislator Hochberg said that is an argument to maintain the integrity of the towns.

Legislator Hochberg reiterated the desire to keep Hurley intact, as the people work at that. Road and drainage projects go back and forth between West Hurley and Old Hurley. The town supports the libraries in both portions of Hurley. The town supports the fire department financially in both portions. There are government functions and operations that are holding and keeping the town together.

Legislator Hochberg said maybe a compromise is in order and there should be a hard look taken at proportional voting versus the, what was referred to earlier as the "balkanized approach," that has occurred here.

4. Legislator Ken Ronk

Legislator Ronk thanked the Commissioners for the way they took the concerns of the residents of the Town of Shawangunk into account today, particularly the residents of Walker Valley. Legislator Ronk said there is a great community in Shawangunk who understands that the town must be split because of its population. As the Commission makes future changes, Legislator Ronk asked that those changes not be made with only the goal of maintaining a population deviation, but also have the lines make sense for the people that live there. He believes people have a vested interest in knowing and having interaction with their representatives. Legislator Ronk noted that it is hard to do if you are in a convoluted district with three or four towns.

5. Legislator Carl Belfiglio

Legislator Belfiglio spoke about the Town of Esopus, saying that all of the draft map versions prior to version 5 kept most of Esopus intact, which he was very pleased about. He pointed out that there are religious communities located in Esopus that the Commission has now divided. Legislator Belfiglio said these types of organizations are facing tough times in this economic climate and he hopes the Commission would be sensitive to this particular area. He concluded by thanking the Commission for its work.

6. Mike Baden, Town of Rochester Planning Board Member

Mr. Baden pointed out that he is not an elected official representing anyone. He said he submitted a map to the Commission that he produced on the public computer. He noted some of the reasoning he used while making his map:

- His full range deviation is 4.86%
- He managed to keep the majority of towns under the mean population whole. He believes if the deviation was increased he could possibly do an even better job with this.
- He looked at regional issues as well as town/political boundaries.
- He created a district around the Rte. 28 corridor and around the reservoir with current issues in mind. The reservoir is a large County issue right now. He made it one person's responsibility.
- He broke up the larger towns in the south, separating them by corridors. For example, he created a Rte. 52 corridor, which is the village of Ellenville down into Walker Valley.
- Although Shawangunk gets split into four districts, one of those districts has a portion of Shawangunk with Plattekill, and that portion of Shawangunk is made up largely of the prison.

Mike said he would be happy to give out his contact info if anyone has any additional questions. He understands first-hand the difficulties the Commission is facing and asked that some of his suggestions be considered.

7. Legislator Don Gregorious

Legislator Gregorious thanked the Commission for its work. He recognized many of the criteria the Commission has considered during decision making, saying that he believes it is most important to keep cultural things together and keep in mind boundaries that are impassable, i.e. mountains, the reservoir. Legislator Gregorious said sometimes what appears to be simple is more complicated from a cultural standpoint and how life works.

8. Roger Rascoe

Mr. Rascoe advocated for proportional voting. He said it is the fairest solution. He reiterated that he has had a bad taste in his mouth about being disenfranchised in Shawangunk for the past 10 years. He said that although after today's session he is appreciative of the way the Commission redistricted Shawangunk, he knows the Commission will make changes to the Town while trying to fix the problems in Wawarsing.

Roger also understands that the Commission has pushed back their deadline until May 9, 2011, but he suggested that the Commission release its plan to the Legislature and to the public as soon as it is ready should that date be before the 9th.

9. Legislative Chairman Fred Wadnola

The Chairman thanked the Commissioners for their work. He commended them for keeping the City of Kingston whole, as he knows from representing the area in the past the issues faced there are unique to the City.

- Adjournment

A motion to adjourn was made by Bill West, Seconded by Rich Messina, with all in favor. Carried. The meeting was adjourned at 12:35 P.M.

Respectfully Submitted,

Victoria Fabella, Deputy Clerk, Ulster County Legislature

OFFICE OF THE ULSTER COUNTY LEGISLATURE
MEETING MINUTES

NAME OF GROUP: Commission On Reapportionment

DATE: April 25, 2011

TIME: 5:00 P.M.

PLACE: UCOB, Legislative Chambers, 6th Floor

MEMBERS PRESENT: Vernon Benjamin, Paul Benkert, Michael Catalinotto, Cynthia Lowe, Richard Messina, Bill West, Dare Thompson (arrived at 5:26 PM)

MEMBERS EXCUSED: None

OTHERS ATTENDING: Legislative Chairman Fred Wadnola, Legislators Hansut, Frey, Maloney, Ronk, Rodriguez and Loughran; Dennis Doyle, Director, UC Planning Department; Robert Leibowitz, Principal Planner, UC Planning Department; Tom Turco, Commissioner, BOE; Vic Work, Commissioner, BOE; Hugh Reynolds, Reporter, Ulster Publishing; Patricia Doxsey, Reporter, Daily Freeman; Lee Cane, LWV; Victoria Fabella, Deputy Clerk, Legislature; Michael Baden, Town of Rochester Planning Board; Frank Cardinale; Fawn Tantillo; Joseph & Ellen DiFalco, Beth Murphy; Mike Harkavy; Kitty Brown

- The meeting was called to order by Vernon Benjamin at 5:13 PM.
- Draft Map

Facilitator Benjamin began the meeting by giving a summary of the problems the Commission must address based on where the Commission left off at its last meeting with Draft Map Version 5a.

Bill West said the Commission received e-mail input from Legislator Frey stating reasons why the Commission should consider putting the Bishop's Gate Community in the same district with Barclay Heights and the Village. Cynthia Lowe said, in the interest of full disclosure, Legislator Frey lives in that area. The Commissioners discussed the suggestion and examined the map. There is no consensus, at this point, as to whether the Commission agrees this is a reasonable request. The Commissioners agreed to revisit this after all of the other agreed upon issues are addressed.

Commissioner Benkert commented that he has heard a great deal of input recently suggesting the Commission consider some of the elements from Mike Baden's plan. Vernon said he reviewed Mike's plan during the hours he spent earlier today working with the map and software in the Planning Department to come up with possible solutions. Vernon asked Rob to bring up the map he worked on today. Vernon pointed out the changes that were made:

- Olive, Shandaken, Denning and Hardenburgh were joined to form one district. Vernon believes this is a natural fit.
- Hurley, with the exception of West Hurley, is extended over to Marbletown.
- Rochester is whole, and expanded into Wawarsing.
- Wawarsing is kept out of Denning, but goes into Walker Valley which is necessary for the numbers.

- The Village of Ellenville is kept intact and the extra population for the district comes from Wawarsing.
- Gardiner is kept whole.
- The Town of New Paltz is kept whole and spills into Esopus, following the school district boundaries.
- The Rosendale District follows the 213 corridor.
- The City of Kingston is split into 3 districts following existing ward boundaries.

Vernon said this plan keeps more towns whole than any other plan the Commission has developed. Vernon noted that this map stays just within the allowable deviation.

There was some discussion about the districts in the City of Kingston. Vernon asked Rob to bring up the minority percentages for these districts. They are 28%, 31% and 39%. Dare said that is consistent with the feedback she received, that the minorities are really spread throughout the community. Dare also noted there is no block of population that the Commission is ignoring. Vernon said there has also been feedback that minorities are engaged and involved in the political process so there is no problem the Commission needs to address in that sense. Paul Benkert questioned whether or not the ward groupings are the most logical combinations. The following wards are currently grouped together to form the three City of Kingston districts: 1,2,4; 3,5,6; 7,8,9. The Commissioners closely examined the overall boundaries of these ward groupings.

The Commissioners zoomed out from the City, and again evaluated and discussed the draft map. Rich Messina commented that he would like to have a detailed version of this map printed out so that he can take it home and thoroughly review it. He said that most of the inquiries he's gotten are directed around which roads the Commission has used for boundary lines. Vernon commented that this will take extra time that the Commission doesn't have.

The Commission reviewed the districts in Saugerties, and, after much discussion and debate, agreed to make some changes to make the district around the Village more compact. The NYS Thruway was used as a boundary, and existing election districts were considered. Before finalizing any changes in Saugerties, the Commission took a short break.

The Commission took a recess at 6:13 PM and resumed at 6:23 PM.

Before continuing in Saugerties, Paul Benkert said that he has received communication from a former Legislator who was upset that every plan developed joined the Town of Ulster with the Town of Kingston. Paul said he would bring the issue up for discussion in a meeting however he doesn't see another logical way to address this area. He thinks it's a natural fit based on the shape of the area, and Paul noted that's the way the Town Board wanted it. The consensus of the Commission is to leave the two areas joined as is.

The Commission picked up where it left off in Saugerties. Paul Benkert said since Saugerties has to have three districts based on its population, the goal is to make the two districts that encompass the Town as equal as possible (The third district is comprised of a portion of Saugerties and a portion of the Town of Ulster). Paul commented that based on his daily business operations and personal experience, he agrees that Bishop's Gate is closer to, and associated with, Barclay Heights. He does not consider Bishop's Gate to be part of Glasco. Vernon is still not in 100% agreement. Paul noted that the Commission is not protecting anyone politically, as there are incumbents living in both the districts being questioned. After further discussion and trial and error manipulating the census blocks, the Commission agreed on some additional changes creating a difference between the two districts of 175 people.

Paul Benkert suggested that Rob print out a large copy of this map for each Commissioner to take home and review. Then, the Commissioners can come back and vote on the plan on Wednesday.

Vernon Benjamin made a motion to adopt this plan, version 6, and send it to the Legislature for their action, Seconded by Cynthia Lowe for the purposes of discussion. Although no official vote was taken, Commissioners Benkert, Catalinotto, Messina, Thompson, and West expressed that they were not in favor of the motion. MOTION WITHDRAWN.

The Commissioners asked Rob to put Mike Baden's plan up on the large screen, and they compared it to the work they completed today. Dare noted that Mike also used ward boundaries when creating this districts in the City of Kingston, although he grouped them together differently.

- Next Meeting Date

The next meeting will be on Wednesday, April 27, 2011 at 3:00 PM.

- Adjournment

A motion to adjourn was made by Vernon Benjamin, with all in favor. The meeting was adjourned at 6:46 P.M.

Respectfully Submitted,

Victoria Fabella, Deputy Clerk, Ulster County Legislature

OFFICE OF THE ULSTER COUNTY LEGISLATURE
MEETING MINUTES

NAME OF GROUP: Commission On Reapportionment

DATE: April 27, 2011

TIME: 3:00 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: Legislative Chairman Fred Wadnola, Legislators Terrizzi, Hochberg, Madsen, Loughran and Zimet; Dennis Doyle, Director, UC Planning Department; Robert Leibowitz, Principal Planner, UC Planning Department; Bea Havranek, Ulster County Attorney; Hugh Reynolds, Reporter, Ulster Publishing; Patricia Doxsey, Reporter, Daily Freeman; Michael Novinson, Reporter, Times Herald Record; Doug Short, Reporter, YNN; Paula Sirc, Reporter, Shawangunk Journal; Lee Cane, LWV; Victoria Fabella, Deputy Clerk, Legislature; Michael Baden, Town of Rochester Planning Board; Manuela Michailescu, Town of Rochester Councilwoman; Gerry Benjamin; Fawn Tantillo; Beth Murphy; Mike Harkavy, Rokki Carr

- The meeting was called to order by Bill West at 3:03 PM.

Facilitator West said that since he believes this will be one of the Commission's last meetings before action is taken on the map, he would like to hear Public Comment at the beginning of today's meeting. The Commissioners concurred.

- Public Comment

1. Dr. Gerry Benjamin

Dr. Benjamin recognized the efforts of the Commission. He said he was present at today's meeting to address the topic of weighted voting, which he opposes. Gerry believes it to be unconstitutional and not widely tested or practiced in New York State. He doesn't believe weighted voting was ever intended to be a redistricting solution and thinks it will certainly be challenged should the Commission choose this route. He doesn't think it is what the people of Ulster County want; as he believes they expect the Commission to craft single member districts. Gerry said he spoke with Legislative Chairman Fred Wadnola, and Legislative Counsel is also opposed to weighted voting.

2. Legislator Cathy Terrizzi

Legislator Terrizzi thanked the Commission for its efforts, but said that the constituency that she represents in Shawangunk has expressed concerns about the Town being divided into 3 districts. She understands that the Town must be divided because of its large population, but the people of the Shawangunk community are worried that being separated into three districts will result in a diminished voice for the township. Legislator Terrizzi recognized the

difficulties the Commissioners have been facing when constructing their map, but asked that they be more conservative in the dividing lines and split Shawangunk into two districts as opposed to three.

3. Fawn Tantillo

Mrs. Tantillo suggested that the Commission make a recommendation in its final report that redistricting be completed in the year ending in "3" as opposed to the year ending in "1." She said that she became aware that many of the census blocks have the wrong numbers in them. She said that cannot begin to be challenged until June or July. There is also the issue of the prison population, which makes up 21% of the district in Wawarsing, and 12% in Shawangunk. If future redistricting efforts occur at a later date, there will be time to closely look at and/or clean up the numbers. Fawn also said she came up with a possible solution for Saugerties.

4. Mike Harkavy

Mr. Harkavy said that while looking at Saugerties, he hopes the Commission keeps in mind that there are no incumbents since everyone will be running in new districts. He said decisions should not be made based on incumbency, but only on the census numbers.

5. Mike Baden

Mr. Baden said the plan the Commission was working on during Monday's meeting was great work. It mirrors a lot of the same issues that he came up against when drafting his plan. Although, he noticed that hamlets are not always kept together, i.e. Wallkill and Stone Ridge. He said hamlets are truly neighborhoods and he thinks taking one or two census blocks out of a hamlet and putting them with another district would be doing those people a disservice. He advised using the hamlet overlay available in the software to ensure it is not a problem anywhere else in the County.

6. Beth Murphy

Beth said she has been attending Commission meetings since the beginning and she thanked the Commissioners for the tremendous amount of time they have dedicated to the redistricting process. She commended the Commission for keeping politics out of the process and really focusing on the census blocks and trying to make the districts equal in population. Beth said Ulster County gets the gold star in setting the example for how citizens should reapportion a county.

- Discussion

Before beginning work on the map, Facilitator West asked Rob Leibowitz for clarification on Fawn Tantillo's comment about census blocks having incorrect numbers in them. Rob said what Fawn is referring to is that the group quarters data is not available yet. He said just looking at the aerials you can see a couple of the group quarters on Watchtower and on one of the Wallkill prisons are about a block over. It's not a huge deal. You just have to be cautious around those particular blocks. There is a census quality review process that happens in June. The County participated in this process back in 2000 as well. Commissioner West asked Rob if he was comfortable with the data that the Commission is using. Rob said yes. He is aware of where the problems are and it has not affected any of the districts the Commission has created.

Bill West said he wanted to make a point for Gerry Benjamin's edification. Columbia County is using weighted voting and went through the mathematical requirements. Per Bill's conversations with people in that area, they are very pleased and there are no problems with the process.

Bea Havranek said that she concurs with Dr. Benjamin's opinion. She believes if this Commission goes to weighted voting, at this stage especially, the County would be challenged immediately and it would only delay the process. Bea distributed copies of the Dutchess County and Rockland County Legislative Districts. Bea said if you look at their maps, they have single member districts. They are not weighted voting districts. They have combined towns, and they have cut towns into pieces and added them to others. These two sets of Legislative districts have been able to withstand any challenges to date.

There was further discussion amongst the Commissioners about weighted voting. This was followed by a debate after Commissioner Catalinotto questioned the genesis of the map the Commissioners worked on at their last meeting. After consensus was reached that the draft maps are in fact a product of the Commission, Cynthia Lowe made a motion to go back to the last map the Commission worked on during Monday evening's meeting. Seconded by Michael Catalinotto, with all in favor. Carried.

- Draft Map

After discussion and trial and error moving the census blocks, the Commissioners made some adjustments, as well as tweaks to accommodate existing election districts, to the following areas of the map:

- The northern portion of Marlborough, making the district division line straighter
- The northern portion of the Marlborough/Lloyd district, keeping the north portion of the district to the east of Rte. 9W and bringing the district up to the Esopus Town line
- The southern portion of the Lloyd/Plattekill district, making the district dividing line smoother and the district more compact
- The western portion of Shawangunk, giving as much of that area as possible back to the all-inclusive Shawangunk district, and creating a corridor to Watchtower to give the Wawarsing district its necessary population (Concern about the appearance of this district was expressed by some of the Commissioners.)
- The Saugerties districts were slightly tweaked to ensure communities within the districts remain intact

The Commission took a recess at 4:50 PM and resumed at 5:00 PM.

- Next Meeting Date

The Commission hopes to conclude its work at its next meeting, Monday, May 2, 2011 at 7:00 PM. After the Commission's work is complete, Legislative Chairman Fred Wadhola will call a Special Meeting to set a public hearing.

- Adjournment

A motion to adjourn was made by Vernon Benjamin, Seconded by Michael Catalinotto, with all in favor. The meeting was adjourned at 5:09 P.M.

Respectfully Submitted,

Victoria Fabella, Deputy Clerk, Ulster County Legislature

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 Schreiber, 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 Walkkill 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 Schreibman

Mr. Schreibman 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. Schreibman 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. Schreibman 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. Schreibman 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

OFFICE OF THE ULSTER COUNTY LEGISLATURE
MEETING MINUTES

NAME OF GROUP: Commission On Reapportionment

DATE: May 11, 2011

TIME: 3:00 P.M.

PLACE: UCOB, Legislative Chambers, 6th Floor

MEMBERS PRESENT: Vernon Benjamin, Paul Benkert, Cynthia Lowe, Richard Messina, Dare Thompson, Bill West, Michael Catalinotto (arrived at 3:30 PM)

MEMBERS EXCUSED: None

OTHERS ATTENDING: Legislator Maloney; Beatrice Havranek, Ulster County Attorney; Tom Turco, Commissioner, Board of Elections; Vic Work, Commissioner, Board of Elections; Hugh Reynolds, Reporter, Ulster Publishing; Lee Cane, LWV; Victoria Fabella, Deputy Clerk, Legislature

- The meeting was called to order by Facilitator Lowe at 3:10 PM.
- Final Report

Facilitator Lowe said the Commission was at a disadvantage because it didn't have any guidelines of any sort to go by. The Commission was breaking brand new ground on its own and didn't know what the options might be. Rather than make strong recommendations declaring exactly what the next Commission should do, Cynthia, referencing a recommendation by Paul Benkert via e-mail, suggested including everything as items for consideration. Cynthia thinks this will allow for all possible topics to be covered. She said, for example, she may not agree with weighted voting but she does agree that if something is a valid issue it should be an item for consideration and people should know about it upfront, as opposed to half way through the process. Cynthia added that there would be no need for a minority report using this method. The Commissioners agreed. The final report will include a recommendation section that will list potential stumbling blocks so the next Commission will not have to review all the minutes of this Commission.

Commissioner Lowe said the Commission needs to speak to two audiences: the Charter Review Commission and the next Redistricting Commission.

The Commissioners have been exchanging e-mails containing suggested recommendations for inclusion in the final report. After considerable discussion, the Commissioners agreed on the following recommendations:

- Any appropriation for the Reapportionment Commission should be made to the Commission, under its control
- The Charter Revision Commission and Legislature should provide clarification through broadening of the term "public official"
- Charter Language should be clarified regarding the adoption of the Commission's final plan by the Legislature; The final vote by the Legislature should be up or down
- The timeline for completion of the redistricting process should be extended
- The prison populations should be addressed
- The Commission's name should be changed from Reapportionment Commission to Redistricting Commission

- All software proposals should be reviewed and researched early on
- Consideration should be given to selecting a chairperson rather than having a rotating facilitator
- Consideration should be given at the beginning of the process to hiring professional staff, consultants, etc.
- Selected Commissioners should have minimal political involvement
- Consideration should be given to weighted voting
- An orientation on County geography should be arranged once the Commission is formed

The following recommendations were made and debated, but a consensus was not reached:

Dare Thompson suggested having both the Legislative and Executive bodies of government participate in generating the candidate pool. The Commissioners agreed the recruitment process should be as broad and wide open as possible.

Cynthia Lowe said there was a constant effort to have a non-partisan Commission and that's what the Charter called for, but there is no way to keep politics completely out of a political process. She thinks that perhaps a cleaner way of establishing the Commission would be to say that the Minority and Majority Leaders are on the Commission. Then, politics are put right upfront and everybody knows exactly what their bias is. On day one you would have the two parties represented and you know who is representing those two parties. Cynthia said not only does it make it very clean, but it brings forward some of the political concerns that the Commissioners need to at least know about in order to make the right decisions. She believes the rest of the Commission should be as nonpartisan as possible, but the political people sitting at the table should be identified. Perhaps if it was known that there were identified political people at the table, one from each party, it would encourage the appointment of less partisan people for the remaining seats at the table.

Dare Thompson suggested adding that Commissioners' reasonable expenses be reimbursed.

Paul Benkert will work with clerk Vicky Fabella to develop an organized draft of the Commission's recommendations. Vernon Benjamin will draft the narrative of the final report. These documents will be e-mailed to all Commissioners on or about May 18th for review and input.

- New Business

Commissioner of Elections, Tom Turco, was given the floor. He said the Board of Elections has received the Commission's Final Plan and corresponding deviation stat sheet. Mr. Turco said that they have not completed their review of these documents, but have noticed that the election districts have been carved up. Some of the changes affect a minute number of people. Tom said he and fellow Commissioner Vic Work will be sending suggested tweaks to this plan that will not affect the 23 districts as the Commission has created them, but might add a few people here or there to keep the election districts whole. He said the reason for doing this is threefold; maintain districts if possible as to not disenfranchise voters, you can not create election districts of over 1150 voters, and finally, there is a financial impact because when a district is changed each voter must be notified by first class mail.

Tom Turco also suggested the Commission include in its recommendations to keep the BOE as a resource. He said he just came back from a conference and discovered that Ulster was the only County going through reapportionment that did not bring in the BOE for assistance. The other counties, as a result of their actions, did not run into the problems that this Commission is facing with the election districts.

Vernon Benjamin commented that the Commission's process has been transparent and open. He also said the Commission did concentrate on protecting election districts during its process. Vernon said the Commission received

no feedback. He also said that if the BOE is recommending minimal changes then the Commission should have the list in-hand today.

Commissioner West asked how many changes the Board of Elections was going to recommend. Vic Work said the exact amount is unknown, but there are 5 or 6 at this point.

After lengthy discussion, the Commissioners, although confused as to why this information wasn't presented sooner, decided that if the BOE recommended changes are trivial, promptly submitted and presented in a clear visible manner via the map, the Commissioners will entertain these changes. If the Commissioners agree to the changes, they will be submitted to the Legislature as endorsed changes attached to the current map.

Bea Havranek said she would need to confer with Legislative Counsel to determine if the changes recommended by the Board of Elections could be considered substantive. If deemed so, a new public hearing would be required.

Bea Havranek distributed a copy of the communications she received via fax from the New York Civil Liberties Union. She said that it is their position that the Commission should not be including the prisoners in the reapportionment process. Bea has contacted the organization to let them know she disagrees, and that there is a timing issue at this point. Bea noted that this Commission is following past practice in counting the prison populations. There is nothing the Commission needs to do in reference to this matter at this time. Bea just wanted to make the Commission aware of the issue.

- Next Meeting

The Commission decided to meet next on Monday, May 16 at 4:00 PM to address the BOE recommendations. There will also be a meeting on Monday, May 23, 2011 at 5:00 PM to finalize the Commission's final report. The Legislature will hold a public hearing on the Commission's plan on Tuesday, May 17, 2011 prior to the start of Regular Monthly Session.

- Adjournment

A motion to adjourn was made by Paul Benkert, Seconded by Vernon Benjamin, with all in favor. Carried. The meeting was adjourned at 5:02 P.M.

Respectfully Submitted,

Victoria Fabella, Deputy Clerk, Ulster County Legislature

OFFICE OF THE ULSTER COUNTY LEGISLATURE
MEETING MINUTES

NAME OF GROUP: Commission On Reapportionment

DATE: May 16, 2011

TIME: 4:00 P.M.

PLACE: UCOB, Legislative Library Conference Room, 6th Floor

MEMBERS PRESENT: Vernon Benjamin, Paul Benkert, Cynthia Lowe, Richard Messina, Dare Thompson, Bill West

MEMBERS EXCUSED: Michael Catalinotto

OTHERS ATTENDING: Legislative Chairman Fred Wadnola; Legislator Maloney; Beatrice Havranek, Ulster County Attorney; Ken Gilligan, Legislative Majority Counsel; Michael Kavanagh, Legislative Majority Counsel; Chris Raggucci, Legislative Minority Counsel; Vic Work, Commissioner, Board of Elections; Rob Leibowitz, Principal Planner, UC Planning Department; Laura Walls, Deputy Comptroller; Hugh Reynolds, Reporter, Ulster Publishing; Patricia Doxsey, Reporter, Daily Freeman; Lee Cane, LWV; Fawn Tantillo; Karen Binder, Clerk, Legislature, Victoria Fabella, Deputy Clerk, Legislature

- The meeting was called to order by Facilitator Benkert at 4:08 PM.
- Board of Elections Recommended Changes to The Commission's Final Map

Facilitator Benkert asked Commissioner Lowe to explain what has transpired with regards to the Board of Elections recommended changes to the Commission's final map. Cynthia explained that she and Commissioner Messina met with the BOE Commissioners this past Friday afternoon and evaluated the approximately 20 changes being proposed in an effort to maintain existing election districts. After careful assessment, it came down to a final of 8 adjustments that could conceivably be made, should the Commission agree. Cynthia said that the BOE's concern is that if the changes were not made and new election districts need to be created, it could cost the affected towns \$6,000.

The Commissioners agreed to examine each recommended change individually with the assistance of Rob Leibowitz demonstrating the effects of each change via the redistricting software. The Commissioners will then vote as to whether or not each change will be endorsed. If endorsed, the Commission will provide a list of these endorsements to the Legislature along with the final map. Legislative Counsel will witness the process to determine if the changes are substantive in nature.

Proposed Amendment #1: 0 Population moved from District 15 to District 14

As this change maintains an election district, but does not affect any population, Vernon Benjamin made a motion to endorse this change, Seconded by Bill West, with all in favor. Carried.

Proposed Amendment #2: 38 people from District 14 (Shawangunk) to District 16 (Gardiner)

A motion to endorse this change was made by Dare Thompson, Seconded by Richard Messina, with all in favor. Carried.

Proposed Amendment #3: 289 people from District 4 (Ulster) into District 3 (Saugerties)

This amendment was not endorsed, as the Town of Ulster Town Hall would be moved from the District mainly comprised of the Town of Ulster into the District that is split between the Town of Ulster and Saugerties. The Commissioners also felt that this amendment affects a significant amount of people.

Proposed Amendment #4: 54 people from District 4 (Ulster) into District 3 (Saugerties)

A motion to endorse this change was made by Cynthia Lowe, Seconded by Paul Benkert, with all in favor. Carried.

Proposed Amendment #5, #6, #7, and #8, all affecting the City of Kingston, were taken together.

Proposed Amendment #5: 27 people from District 5 to District 6

Proposed Amendment #6: 56 people from District 6 to District 7

Proposed Amendment # 7: 106 people from District 7 to District 5

Proposed Amendment #8: 79 people from District 7 to District 5

A motion to endorse these changes was made by Paul Benkert, Seconded by Vernon Benjamin, with all in favor. Carried.

After some explanation regarding the purpose of the amendments, as well as some additional questioning by Legislative Counsel, Bea Havranek and the 3 Legislative attorneys left for approximately 10 minutes to make a determination about the nature of these amendments.

Upon returning, Ken Gilligan said that counsel believes the amendments would be substantive in nature and they recommend against them. He said that there is a tight timetable here and these changes could provoke a lawsuit resulting in possible problems getting the map approved.

Paul Benkert made a motion to pull all of the amendments the Commission made today, leaving the map as-is with no Commission-endorsed changes, Seconded by Cynthia Lowe, with all in favor. Carried.

- County Attorney Memo Dated May 16, 2011

Bea Havranek went over the above-mentioned memo, which included a time schedule for official adoption of the Commission's plan. The memo also addressed the NYS Civil Liberties Union's objection to including the prison populations in the total population count when creating the new 23 Legislative districts. Bea noted that she has spoken with Mr. Arthur Eisenberg from the CLU and he seems to understand Ulster County's position on this issue. The prison population was included, as it was in past UC redistricting efforts, and the Commission took two prisons that are a very close distance from one another and separated them by placing them in two different districts. Bea asked that the Commission give approval for her to send this memo to the NYSCLU.

Vernon Benjamin made a motion to authorize Bea Havranek to send the memo dated May 16, 2011 to the NYSCLU. Seconded by Cynthia Lowe, with all in favor. Carried.

- Final Report

Bea Havranek gave some recommendations for additional inclusions into the legal issues and prison population sections of the Commission's final report.

The Commissioners will review the narrative of the final report submitted by Vernon, as well as Bea's recommendations, and communicate via e-mail prior to the next meeting with any questions and/or comments.

There was some discussion about the recommendations portion of the Commission's report. General consensus of the Commission was to add Dare's recommendation that reasonable expenses of Commissioners should be reimbursed. Again, the Commission reiterated that it is best to put all recommendations in the report, regardless if they are unanimously agreed upon or not.

- Next Meeting

The Commission will meet next on Monday, May 23, 2011 at 5:00 PM to finalize its final report.

- Adjournment

A motion to adjourn was made by Cynthia Lowe, Seconded by Bill West, with all in favor. Carried. The meeting was adjourned at 5:15 P.M.

Respectfully Submitted,

Victoria Fabella, Deputy Clerk, Ulster County Legislature

OFFICE OF THE ULSTER COUNTY LEGISLATURE
MEETING MINUTES

NAME OF GROUP: Commission On Reapportionment

DATE: May 23, 2011

TIME: 5:00 P.M.

PLACE: UCOB, Legislative Library Conference Room, 6th Floor

MEMBERS PRESENT: Vernon Benjamin, Paul Benkert, Michael Catalinotto, Cynthia Lowe, Richard Messina, Dare Thompson, Bill West

MEMBERS EXCUSED: None

OTHERS ATTENDING: Beatrice Havranek, Ulster County Attorney; Lee Cane, LWV; Victoria Fabella, Deputy Clerk, Legislature

- The meeting was called to order by Facilitator Benjamin at 5:02 PM.

Vernon began the meeting by confirming with Bea Havranek that the County Executive's public hearing on the Local Law will be held on May 31, 2011 at 10:00 A.M.

Michael Catalinotto suggested including a group photo of the Commission in the final report. The Commissioners agreed.

- Final Report

Facilitator Benjamin went around the table, giving each Commissioner an opportunity to voice recommended edits.

The Commission went page by page, agreeing to and making the changes to the narrative recommended by Michael Catalinotto. Next, the Commission did the same with Dare Thompson's recommendations. Facilitator Benjamin suspended the Rules to allow Lee Cane (LWV) to question word usage which resulted in the Commission replacing "Hispanic origin" with "ethnicity."

All changes will be documented by Vicky Fabella and then the edited report will be e-mailed to the Commissioners.

The Commission then moved on to the Recommendations section of its report. After deliberations, the following items were changed/ added:

- Recommendation added: The Board of Elections should be encouraged to make the Commission aware of any issues relating to election districts as early as possible.
- Recommendation #5, "The process for adoption of the Commission's final plan should be clarified in the language of the Charter," should be moved up and become Recommendation #3.
- Time frame changed/ statement in () added: The timeframe for the redistricting process should be expanded.
 - A. Commissioners should be appointed by **January 1st of the year ending in 2 (two)** following the census.
 - B. The Commission should submit its redistricting plan by **December 31st of the year ending in 2 (two)** following the census data release. (This will allow for maximum input from the communities.)

- Recommendation #4 changed to read: "Political affiliation should be minimized in selecting Commissioners. Members of a political party committee or their chairs and officers should not be appointed to the Commission."
- Recommendation #7, "Commissioners should be reimbursed for any expenses incurred," was removed from the list.
- Recommendation added: More attention should be given to the selection of the computer software or any other product available to assist the Commission in the conduct of its responsibilities with a view toward selecting computer software or other product which a layperson can comfortably use after appropriate training and documentation.

Commissioner West made a motion to have the Commission's website remain active until at least the first of the year, 2012. Seconded by Cynthia Lowe, with all in favor. Carried.

- Next Meeting

The Commission decided to meet next on Wednesday, June 15 at 4:00 PM to finalize its report.

- Adjournment

A motion to adjourn was made by Michael Catalinotto, Seconded by Dare Thompson, with all in favor. Carried. The meeting was adjourned at 6:43 P.M.

Respectfully Submitted,

Victoria Fabella, Deputy Clerk, Ulster County Legislature

OFFICE OF THE ULSTER COUNTY LEGISLATURE
MEETING MINUTES

NAME OF GROUP: Commission On Reapportionment

DATE: June 15, 2011

TIME: 4:00 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: Victoria Fabella, Deputy Clerk, Legislature

- The meeting was called to order by Facilitator West at 4:17 PM.
- A motion was made by Bill West, Seconded by Michael Catalinotto, to approve the Minutes of the Meetings on April 12, 2011, April 13, 2011 Afternoon Meeting, April 13, 2011 Public Comment Meeting, and April 20, 2011 Afternoon Meeting. All in favor, Carried.
- Final Report

Facilitator West asked the Commissioners their thoughts on the report.

Commissioner Catalinotto said he finds it acceptable.

Commissioner Benkert said he, too, is comfortable with the report, as the Commission has discussed it at the last three meetings. Again, Paul reiterated that it is not this Commission's role to tell future redistricting commissions how to do their job, but to list for them the problems/issues they may face in order to better prepare them to accomplish their goals.

Commissioner Thompson suggested adding the following recommendation to the report:

"Both for good government reasons and to help avoid litigation, we recommend that the whole process be as transparent as possible and that public participation be actively encouraged. Besides having open, videotaped meetings with a time for public comment, we recommend a page on the county website where videos, minutes, drafts of maps, and other information can be posted; visits by commissioners to all town boards who request them; well-publicized meetings with the legislature and in the southern and northern parts of the county; and at least one easily-accessible computer with the mapping software on it. Technological advances will no doubt provide even more options."

After discussion, the Commissioners agreed to add this as the final recommendation under the Recommendation portion of its report.

Facilitator West went around the table, asking each Commissioner if he/she had any further recommendations for the final report. All Commissioners are satisfied with the report as it stands.

Again, Facilitator West went around the table, this time asking for any final comments.

Commissioner Benjamin said it has been a wonderful process for him. He said he enjoyed working with everybody.

Commissioner Lowe thanked all of her fellow Commissioners for their hard work. She said that she is thankful all of the Commissioners are sitting around the table smiling at each other. Cynthia said that's what the goal was. In addition, she added, the Commission got the job accomplished and that's a major victory all the way around.

Commissioner Thompson said she is delighted.

Commissioner Catalinotto said it has been an interesting experience. He called the relationship between Commissioners "cantankerous congeniality."

Commissioner Messina said it was his first time getting involved in any political work and he really enjoyed it. He added that the Commission worked very hard, and he can't say enough about his feelings for his fellow Commissioners. He said it was a pleasure.

Commissioner Benkert echoed Commissioner Messina's comments. He said that despite animosity at some points, he believes every Commissioner left the table feeling okay. He feels the Commission did a good job and did the right thing. He added that he might even consider doing this again.

Commissioner West said it's been a relatively pleasant experience. He believes this was a congenial group. He said there could have been a fair amount of contention, but there wasn't.

The Commissioners determined that this will be their last official meeting. They will come to the Legislative Office when all of the meeting minutes are complete to officially sign off on them.

- Adjournment

A motion to adjourn was made by Bill West, Seconded by Michael Catalinotto, with all in favor. Carried. The meeting was adjourned at 4:36 P.M.

Respectfully Submitted,

Victoria Fabella, Deputy Clerk, Ulster County Legislature

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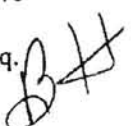
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MEMORANDUM

TO: Hon. Michael P. Hein
Ulster County Executive

FROM: Beatrice Havranek, Esq.
County Attorney 

DATE: October 22, 2010

RE: Opinion - Commission on Reapportionment
Eligibility Regarding Membership on the Commission

You have requested an opinion from this office regarding the Commission on Reapportionment membership eligibility requirements. The Commission on Reapportionment was established in the Ulster County Charter. Section C-10(A) of the Ulster County Charter (Commission on Reapportionment) states, in pertinent part, the following requirements regarding eligibility: "This Commission shall consist of seven members who are County residents, are eligible to vote and are not public officers or employees."

Thus, while it can usually be easily determined whether or not an individual is a County employee or an employee of any town, city or village within the County of Ulster, the determination of who is a public officer can only be determined based upon the definitions provided within the Ulster County Charter and Administrative Code together with state statutes, court cases and state opinions.

The definition of Public Office in the Ulster County Charter is "Any office of federal, state or local government whether elected or appointed." See Section C-6 of the Ulster County Charter and Section A1-8 of the Ulster County Administrative Code.

In addition, Section A2-4(A) of the Ulster County Administrative Code (Commission on Reapportionment) states, in pertinent part, the following: "*For purposes of this section, "public officers or employees" shall be defined as public officers or County employees or employees of any town, city or village within the County of Ulster.*"

The definition of "public officer" is defined in the State Constitution and various statutes and laws of the State of New York including, but not limited to, Public Officers Law, General Municipal Law, Election Law, General Construction Law, Town Law, and Village Law as well as in various opinions rendered by the Office of the New York State Attorney General and the Office of the New York State Comptroller.

The definition of a "public officer" has been construed by the courts in various opinions, two of which are referenced here. The occupant of a governmental position, even of a minor nature, is a "public official." See Gilligan v. King, 48 Misc.2d 212, (Sup. Ct., New York Co. 1965) affirmed 29 A.D.2d 935 (1st Dep't. 1968). Public office has been defined as the right, authority and duty, created and conferred by law, by which for a given period, either fixed by law or enduring at the pleasure of the creating power, an individual is vested with some portion of the sovereign functions of the government, to be executed by him or her for the benefit of the public. See Kingston Associates, Inc v. LaGuardia, 156 Misc. 116 (Sup. Ct., New York Co. 1935).

Thus, the term "public officer," as it applies to the Reapportionment Commission, would apply to any and all individuals, regardless of whether or not they reside in Ulster County, and further includes any federal, state or local government public officer, whether paid or unpaid, and whether or not they are elected or appointed. Based upon the foregoing and a review of specific case law and opinions, the following list, which is not inclusive, represents offices that have been determined to be public offices/public officers:

1. Elected federal, state, county, town, village, school board, election district, and special district officers (including, but not limited to, fire, water, sewer, and library districts);
2. Appointed federal, state, county, town, village, school board, special district officers including, but not limited to, school board members, a superintendent of a school district, community college boards, trustees of a community college and trustees of the State University of New York, park commissioners, municipal building inspectors and their deputies, board of managers of a public general hospital, certain corrections officers employed by Department of Corrections, deputy sheriffs, prison wardens, city police officers, members of an industrial development agency, members of a bridge commission, public authority members including housing authority members as well as their executive directors, members of town planning boards and zoning boards of appeal, court officers including court stenographers and librarians, county fire advisory board members and other various advisory board members, and election inspectors.

It is interesting to note that while election inspectors have been deemed "public officers," the chairman of a political party and party committee members are not public officers. The reason for the distinction is that an inspector of elections is a public officer as an election district is the political subdivision of the state. See Opinion of the Attorney General, 276 (1895). Political party officials, however, do not represent a political subdivision of the state. Under the definitions found in Public Officers Law and Election Law, the position of chairman of a political party is not a public office. See Sulli v. Board of Supervisors, 24 Misc.2d 310 (Sup. Ct., Monroe Co. 1960); Cunningham v. Bronx County Democratic Executive Committee, 420 F. Supp 1004 (USDC, SDNY 1976). County Committee members are neither federal, state or local public officers. See Doherty v. Meisser, 66 Misc.2d 550 (Sup. Ct., Nassau Co. 1971).

Although political party committee persons and officers do not meet the definition of "public officers," Section C-10(A) of the Charter and Section A2-4(A) of the Administrative Code state the following, in pertinent part, regarding the Commission's redistricting responsibilities: "...and reapportion...as necessary...but giving no consideration to providing advantage to one or another political party." This is a factor that the legislative majority and minor leaders may want to consider when selecting their respective appointments to the Reorganization Commission.

As noted above, the list of officers that have been deemed public officers is not all inclusive as there may likely be other specific positions that may be public offices; and those shall need to be identified on a case-by-case basis based upon all of the factual issues related to a specific office.

BH:gr

cc.: Adcle Reiter, Chief of Staff

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MEMORANDUM

TO: Hon. Michael P. Hein
Ulster County Executive

FROM: Beatrice Havranck, Esq. 
County Attorney

DATE: November 18, 2010

RE: Opinion - Commission on Reapportionment
Eligibility Regarding Membership on the Commission
Notary Public

ISSUE

Is a notary public a public officer as it relates to eligibility for membership on the Commission on Reapportionment?

FACTS

On October 22, 2010, I rendered a written opinion to you regarding the Commission on Reapportionment membership eligibility requirements. The Commission on Reapportionment was established in the Ulster County Charter. Section C-10(A) of the Ulster County Charter (Commission on Reapportionment) states, in pertinent part, the following requirements regarding eligibility: *"This Commission shall consist of seven members who are County residents, are eligible to vote and are not public officers or employees."*

In addition, Section A2-4(A) of the Ulster County Administrative Code (Commission on Reapportionment) states, in pertinent part, the following: *"For purposes of this section, "public officers or employees" shall be defined as public officers or County employees or employees of any town, city or village within the County of Ulster."*

As noted in my opinion, the list of officers set forth in that opinion, who were deemed public officers, was not all inclusive as it was not possible to research every law, statute, case and opinion that exists on this broad issue. Since that time, my office has been reviewing the responses and communicating with certain applicants where there remained a question as to whether or not the applicant was a "public officer" as intended in the Ulster County Charter and Administrative Code. This was done, on a case-by-case basis, based upon the factual issues related to a specific office that an applicant held.

A question recently arose during the process as to whether or not a notary public is a public officer as intended in the Ulster County Charter and Ulster County Administrative Code as it relates to the Commission on Reapportionment.

THE LAW

Section 130 of Executive Law of the State of New York provides for the "*appointment and commission*" of notaries of public in New York State. The appointment is made by the secretary of state for a term of four years. Except where the applicant is an attorney or counselor at law, the appointment is subject to an examination or test. In addition, the applicant must be a resident of New York or have an office or place of business in New York at the time of his or her appointment.¹ There are other requirements in the law that require, among other things, for the notary to be of "good moral character," have the "equivalent of a common school education," and be familiar with the "duties and responsibilities of a notary public." While that law does not specifically use the term "public office" or "public officer," there is enough language in the law to conclude that a notary public is a "public officer."

There are also cases and opinions that have held that a notary public is a public officer. Although the facts in those cases and opinions mainly had to do with age, residency, moral character, criminal conduct, misconduct and ethical issues, it is clear from those cases and opinions that a notary public is a public officer.²

THE CHARTER COMMISSION

I have reviewed the notes of the Ulster County Charter Commission provided to my office by Dr. Gerald Benjamin, the Chairperson of the Charter Commission. The notes contained therein do not contain any indication that the Commission intended to preclude notaries from being eligible for appointment to the Commission on Reapportionment. Notwithstanding the foregoing, the Charter Commission did not include any such language in the proposed Charter,

¹ Section 130(1) of Executive Law.

² See People v. Rathbone, 145 N.Y. 434 (1895); Patterson v. Department of State, 35 A.D.2d 616 (3rd Dep't 1970); People v. Olensky, 91 Misc.2d 225 (Sup. Ct., Queens County 1977); 1980 Op. Att'y Gen. 72; and 1972 Op. Att'y Gen. 56.

nor did the Ulster County Legislature include any such language in the Charter or Administrative Code that would exempt or exclude a notary public from being a public officer for this purpose.

CONCLUSION

Based upon the foregoing, it is my opinion that a notary public is a public officer as it relates to eligibility for membership on the Commission on Reapportionment.

During the course of communicating with applicants for membership on the Commission on Reapportionment, one individual did note that she was a notary public. However, the question still remains open as to other applicants, including attorneys, who may hold the public office of notary public. Thus, it is possible that some of the applicants for the Commission on Reapportionment may hold the office of notary public, particularly if they are attorneys or other individuals who are otherwise eligible but commissioned as a notary public. These applicants may not be aware of the fact that a notary is a public officer.

If a notary public were to be appointed as a member of the Ulster County Commission on Reapportionment, the County is highly likely to face a legal challenge to its eventual redistricting plan. Thus, it would prudent for the appointing authorities to pose this question to all of the applicants prior to making any appointment. The appointing authorities for this purpose are the Ulster County majority and minority leaders and the four individuals appointed by the leaders.

It should be further noted that during the course of communicating with applicants for membership on the Commission on Reapportionment, some individuals have resigned their current public offices in order to be eligible for appointment. Likewise, in order for an applicant who is a notary public to be eligible for appointment as a member of the Commission on Reapportionment, the applicant would have to resign his or her commission as notary public.

BH:gr

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MEMORANDUM

TO: Hon. Michael P. Hein
Ulster County Executive

FROM: Beatrice Havranek, Esq. *BH*
County Attorney

DATE: November 18, 2010

RE: Opinion
Commission on Reapportionment
Procedure for Redistricting for the November 2011 Elections

Per your request, I have researched the referenced issue below as it relates to the Ulster County Charter, the Ulster County Administrative Code and relevant state law.

ISSUE

What is the procedure for the redistricting of the County of Ulster to provide for the 23 County Legislative districts that become effective for the 2011 general election?

FACTS

Reapportionment - Single Member Districts

Section C-8(A) of the Charter provides for that County of Ulster "shall be divided into 23 legislative districts, from each of which shall be elected one person to be a member of the County Legislature," effective for the November 2011 general election. This is a change or "reapportionment" of the current 33 member Legislature representing multi-member districts.

This change was adopted by the County Legislature initially via a local law subject to a mandatory referendum; and again ratified in the Ulster County Charter, which was also subject to a mandatory referendum.¹

Thus, there is no issue as to the law and the fact that the County Legislature shall consist of 23 County Legislators representing 23 single member legislative districts as of January 1, 2012, the same of which are to be elected in the November, 2011 election.

THE LAW

State Law Regarding Legislative Districts

Redistricting has been the subject of numerous federal and state court lawsuits in the past, regarding various issues in various jurisdictions. This has resulted in case law regarding the criteria for redistricting.

In addition, Section 10(1)(ii)(a)(13)(a) of Municipal Home Rule Law sets forth criteria that governs the “plan” to redistrict or apportion the new 23 voting districts. It provides that the plan “*shall comply with the following standards, which shall have priority in the order herein set forth, to the extent applicable: [Emphasis added]*”

- i. *The plan shall provide substantially equal weight for all voters of that government in the allocation of representation of the legislative body;*
- ii. *In such a plan adopted by a county, no town except a town having more than one hundred and ten percent of a full ratio for each representative shall be divided in the formation of representation areas. Adjacent representation areas in the same town or city shall not contain a greater excess in population than five per cent of a full ration for each representative;*
- iii. *The plan shall provide substantially fair and effective representation for the people of local government as organized in political parties;*
- iv. *Representation areas shall be of convenient and contiguous territory in as compact form as practicable.”*

¹Section 10 of Municipal Home Rule Law grants the County the power to adopt and amend local laws not inconsistent with any general law or the constitution relating to various enumerated subjects. The reapportionment plan was subject to a mandatory referendum as a result of various factors including, but not limited to, a prior lawsuit, a petition pursuant to Section 24 of Municipal Home Rule Law, and the abolishment/changes to elective office pursuant to Section 23 of Municipal Home Rule Law.

The procedure for adopting the plan is set forth in Section 20 of Municipal Home Rule Law and requires the usual public notice and public hearing by the Legislature. A subsequent public hearing (with notice) by the County Executive, as the chief executive officer of the County must also take place. A mandatory referendum is not required, nor is a permissive referendum required unless a proper petition is filed with the County. (See Section 10(1)(ii)(a)(13)(d) of Municipal Home Rule Law.)

The Ulster County Commission on Reapportionment

Section C-10(A) of the Ulster County Charter provides in pertinent part that the *“Commission on Reapportionment shall be established as soon as practicable after the availability of data from the 2010 census to create single member districts for the Ulster County Legislature and thereafter to meet and evaluate existing legislative districts no later than the 60 days after the necessary census date becomes available from the decennial federal census and reapportion them as necessary to meet established standards in federal and state law for equal representation by all people in Ulster County, keeping districts compact and contiguous while taking also into account existing town, city, village and elections district boundaries and defining geographic boundaries and defining geographic features but giving no consideration to providing advantage to one or another political party.”* [Emphasis added]

Section C-10(E) of the Ulster County Charter provides that Commission on Reapportionment *“will reapportion in accordance with a process that allows timely input from the County Legislature and its members and the maximum public participation and comment, and in accord with a calendar it adopts for itself after consideration of New York State Election law that assures that elections in newly appointed districts be held in the year ending in “1” in every decade.”* [Emphasis added]

It should be duly noted that the words “reapportion,” “apportion,” “redistrict,” and “district,” have consistently been used and interpreted throughout statutes, case law and the Charter, in this sense, to mean “redistrict” as it applies to creating the geographic boundaries of the an election district.

The Ulster County Charter Commission

It would appear from the language in the Charter that it was the Charter Commission’s intent that the final determination as to what entity would determine the new 23 election districts would rest solely with the Commission on Reapportionment as found in the use of the words and phrases in the Charter, to wit: *“to create single member districts,” “reapportion them,” “district boundaries,” “will reapportion” and “newly appointed districts.”*

I also reviewed the notes of the Ulster County Charter Commission provided to my office by Dr. Gerald Benjamin, the chairperson of the Charter Commission. It contained notes regarding a possible plan for adoption of the redistricting plan. The procedure provided for

presentation of the plan by the Commission on Reapportionment to the Legislature; and in the event it was not objected to by the Legislature within a specified period of time, it then became the final plan. It indicated some intention to put a legislative veto arrangement in place with a default to the Commission on Reapportionment's recommendations. Notwithstanding the foregoing, the Charter Commission did not insert that procedure into the Charter.

The Charters of Other Counties and the City of New York

I have reviewed charters of other counties currently in existence; and the majority of them require adoption by the County via the local law procedure even where there is a Reapportionment or Redistricting Commission in place. None contained a legislative veto arrangement with default to the Commission.

It is interesting to note, however, that the City of New York Charter provides for its "Districting Commission" to create its plan, and upon filing with the city clerk, the plan becomes adopted. There are some distinctions between county charter and city charter laws; and, as of this date, I have not researched this any further as I believe it will not be relevant at this stage.

Local Laws and the Doctrine of Legislative Equivalency

The County of Ulster has consistently addressed the issue of redistricting via the adoption of, or modification of, local laws which designate the actual legislative districts. See, for example, Local Law No. 2 of 1975 (A Local Law Providing a Plan of Reapportionment for the Ulster County Legislature) and Local Law No. 3 of 1991 (A Local Law to Amend the County's Reapportionment Plan as Set Forth in Local Law Number 5 of 1981). There were also subsequent local laws modifying the reapportionment plan.

Thus, the County of Ulster began reapportionment/redistricting via the adoption of a local law and continued to modify its plan with subsequent local law adoptions. It is well settled law that a local law can only be repealed or modified by the adoption of another local law. This principal is known as the "doctrine of legislative equivalency." It requires that existing legislation be amended or repealed by the same procedures that were used to enact it.² Since neither the Ulster County Charter or Ulster County Administrative Code, which were both adopted by local law, set forth any other method of modifying the existing plan, redistricting may only be accomplished with the adoption of a local law modifying the existing legislative districts.

Notwithstanding the fact that the plan must be formalized in a local law, it is obvious from the language and clear intent in the Charter that the Commission on Reapportionment has the power prepare the plan for redistricting the Ulster County Legislature. However, since the Commission on Reapportionment does not have the power to adopt local laws, the responsibility

²See Gallagher v. Regan, 42 N.Y.2d 230 (1977); Naftal Associates v. Town of Brookhaven, 221 A.D.2d 423 (2nd Dep't 1995).

to ratify that plan lies with the Ulster County Legislature subject to the approval powers of the County Executive as provided in the Charter and statute.

THE PROCEDURE

Appropriating Funds for the Work of the Commission

Even before the seven members of the Commission on Reapportionment are fully appointed, the County needs to expeditiously move toward the next step in anticipation of the release of the 2010 census data by the federal government and in order to assure that the intent of the Charter is carried out.

Thus, the County has a duty to provide the Commission on Reapportionment with the tools that it will need in order to carry out its mission, to wit: prepare and present the redistricting plan to the Ulster County Legislature for ratification and formal adoption. The Commission on Reapportionment will require the assistance of professionals in order to do this; and the County of Ulster has the necessary professionals and staff in the Executive Branch of government, specifically the Ulster County Department of Planning, the Ulster County Department of Information Services, and the Ulster County Attorney. All of these departments have been involved in and participated in all prior redistricting plans.

As a first step, funds should be set aside in the Ulster County Department of Planning to cover the cost of any outside expenses and in-kind costs that will inevitably be incurred during the process. The Commission on Reapportionment can then begin its work with the departments.

The Assistance of the Departments

The Department of Planning is vested with the power and duty to “*maintain basic data on the County’s population, land use.....and other such matters....as may be necessary in exercise of its powers...*”. See Section C-47(F) of the Charter and Section A7-2(F) of the Administrative Code. It already possess the information and data regarding the physical and geographic features and the boundaries of the municipalities within the County. Maps, overlays, and other data will have to be reviewed, analyzed, and compared with the census figures in order for a final plan to evolve.

The Director of the Department of Information Services has the power and duty to “*Develop programs designed to provide accurate, sufficient and timely information for decision-making by all units of County government.*” In the past, it has participated in the redistricting process by the formulating numbers (of persons) within any given area for the purpose of complying with the allowable percentages within each district. See Section A15-1(B)(2)(b) of the Administrative Code.

The County Attorney's Office has the power and duty to: (1) "*Be the sole legal advisor for the County*"; and, (2) "*Advise all County Officers, departments, agencies and units in all County legal matters of a civil nature.*" See Sections C-70(A) and (B) of the Charter and Administrative Code Sections A14-2(A)(1) and (2). The Commission on Reapportionment will require the legal advice of the County Attorney in order to assure that its redistricting plan conforms to all aspects of state and federal law.

The Steps Needed To Be Taken

Thus, the County must prepare itself to take the following steps for the purpose of preparing its redistricting plan in such a timely manner as to meet the Election Law deadlines for the circulation of and filing of designating (nominating) petitions.³

1. As soon as the membership of the Commission on Reapportionment is established, it must prepare to "*meet and evaluate existing legislative districts no later than 60 days after the necessary census date becomes available...*" See Section C-10(A) of the Charter and Section A2-4(A) of the Administrative Code. Thus, there is nothing to prohibit the Commission on Reapportionment from meeting sooner rather than later in light of the tight schedule it will face. Initially, it could meet to organize, appoint a chairperson, confer with the involved departments, and set a tentative schedule.
2. Once the census data has been published, the Commission on Reapportionment, in keeping with the Charter, may then begin its work "*in accordance with a process that allows timely input from the County Legislature and its members and the maximum of public participation and comment, and in accord with a calendar it adopts for itself...*" See Section C-10(E) of the Charter and Section A2-4(E) of the Administrative Code.
3. Thus, as soon as the census data is published, the Commission, having already met to organize, should structure its work in a manner so as to meet the following goals:
 - a. Conduct an informational public meeting to release its calendar and take initial public comment from the County Legislature, its members and the public;

³These dates are set by the state, usually in March; and assuming that it follows last year's schedule, circulation of petitions would begin in early June and filing of petitions would be in mid-July.

- b. Continue meeting with the advisory departments to review the census data, and relative data;⁴
- c. Prepare a plan for public comment and input by the County Legislature and its members;
- d. Prepare a final plan for presentation to the Legislature no later than late March or early April of 2011;
- e. The Legislature will then be required to schedule a local law public hearing (at a special or regular meeting), conduct the hearing (at a regular or special meeting) on or before April 15, 2011 and, finally, adopt the necessary local law no later than the first week of May, 2011.
- f. The County Executive should then immediately conduct his public hearing so that the final approval process can be completed and the local law can be accordingly filed with the state by the Clerk of the Legislature.

CONCLUSION

There is nothing in the Charter that prohibits all parties to act sooner rather than later. Accordingly, the County Executive has already begun the process of establishing the pool from which members will be appointed with the intention of turning over the pool to the Legislature's majority and minority leaders by mid-November, 2010.

In the interest of the severely tight time frame that is imminent in the process, it is imperative that the legislative leaders act expeditiously in making their appointments so that the remaining three appointments to the Commission on Reapportionment can be made by the four initial members. At that point the Commission should immediately begin to organize and prepare for the release of the census data so that it may be in a position to timely meet the scheduled goals laid out above.

BH:gr

Opinion's/opinion.hein.redistrictingreapportionment.11.18.10

⁴It should be noted that the Commission on Reapportionment must comply with the public notice regarding the "Open Meetings Law"; and that meetings may have to be structured to take place with a frequency of weekly, more or less, in order to complete the work assigned to it.

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MEMORANDUM

TO: Reapportionment Commission

FROM: Beatrice Havranek, Esq.
County Attorney *BH*

DATE: March 1, 2011

RE: Opinion
Effect of Section 10(1)(ii)(a)(13)(a)(ii) of Municipal Home Rule Law
to Redistricting in Ulster County

RECEIVED

MAR 02 2011

ULSTER COUNTY LEGISLATURE

ISSUE

You have asked me what the effect Section 10(1)(ii)(a)(13)(a)(ii) of Municipal Home Rule Law has on the redistricting of Ulster County in light of specific case law regarding the powers of a Charter County as it relates to this section of the law. I have set forth the statute below and, for clarification purposes, I have highlighted the specific portion of the statute at issue.

FACTS/LAW

Section 10(1)(ii)(a)(13)(a) of Municipal Home Rule Law sets forth criteria that governs the "plan" to redistrict or apportion the new 23 voting districts. It provides that the plan "*shall comply with the following standards, which shall have priority in the order herein set forth, to the extent applicable*."

- i. *The plan shall provide substantially equal weight for all voters of that government in the allocation of representation of the legislative body;*
- ii. *In such a plan adopted by a county, no town except a town having more than one hundred and ten percent of a full ratio for each representative shall be divided in the formation of representation areas. Adjacent representation areas in the same town or city shall not contain a greater excess in population than five per cent of a full ratio for each representative;*
- iii. *The plan shall provide substantially fair and effective representation for the people of local government as organized in political parties;*
- iv. *Representation areas shall be of convenient and contiguous territory in as compact form as practicable.” [Emphasis added]*

In *League of Women Voters of Westchester County v. County of Westchester*, 218 A.D.2d 730 (2d Dep’t 1995), the Court held that since Westchester County was a charter county, Section 10(1)(ii)(a)(13)(a) of Municipal Home Rule Law was not controlling and that its reapportionment plans are adopted pursuant to its charter and not Section 10(1)(ii)(a)(13)(a) of Municipal Home Rule Law.

The section related to redistricting in the Westchester County Charter, adopted as Local Law No. 12 of 1993, is set forth, in its entirety, as follows:

“The County Board shall, if necessary, after each decennial federal census commencing with that for the year 1970, adopt a local law amending subsection 1. of this section to prescribe County Board districts. Such local law shall comply with the legal requirements for equal representation and representation areas prescribed in such local law be of convenient and contiguous territory in as compact a form as practicable.”¹

The Ulster County Charter imposes higher standards and criteria regarding redistricting as opposed to the Westchester County Charter. In fact, the Ulster County Charter mirrors much of the criteria set forth in Section 10(1)(ii)(a)(13)(a) of Municipal Home Rule Law with the exception of the “110 percent rule” in subsection ii of that section.

The Ulster County Charter specifically directs the Ulster County Committee on Reorganization to *“reapportion. . . necessary to meet established standards in federal and state law for equal representation by all people in Ulster County, keeping districts compact and contiguous while taking also into account existing town, city, village and elections district*

¹ Section 1. of the Westchester County Charter is the section that specifically describes the geographic boundaries and contents of each district.

boundaries and defining geographic boundaries and defining geographic features but giving no consideration to providing advantage to one or another political party.”² [Emphasis added]

The Ulster County Charter makes no specific reference to Municipal Home Rule Law or the “110 percent rule.” While it does make a reference to “*established standards in federal and state law for equal representation by all people in Ulster County,*” it does so in much of the same context as the Westchester County Charter.

CONCLUSION

Thus, it is my opinion that the Ulster County Commission on Reapportionment must meet, *to the extent applicable*, those standards set forth in Section 10(1)(ii)(a)(13)(a) of Municipal Home Rule Law as provided for in the Ulster County Charter. However, it is not bound by the “110 percent rule” in subsection ii of that section as the Charter, which is controlling, makes no reference to this.

Copies of the above referenced case and the section of the Westchester County Charter cited hereinabove are enclosed for your convenience.

BH:gr
enclosures

cc: Hon. Michael P. Hein, County Executive (w/encs.)
Kenneth D. Gilligan, Esq., Legislative Counsel (w/encs.)
Michael Kavanagh, Esq., Legislative Counsel (w/encs.)
Christopher Ragucci, Esq., Minority Legislative Counsel (w/encs.)

² See Section C-10(A) of the Ulster County Charter.

Parts of Census Tract 14.03

Block Groups: 1 (block 004),	
2 (blocks 002, 003, 004, 006)	
Total District Population	53,494
TOTAL COUNTY POPULATION	923,459

3. Each county legislator shall be an elector of the county and a resident of the district from which he is elected. A county legislator who ceases to be a resident of such district from which he is elected shall forfeit his office and the same shall be deemed vacant, except as provided in subsection 6. of this section.

4. A county legislator shall not hold any other salaried or elective public office during his tenure.

5. County legislators shall be elected at the general election held in each odd-numbered year.

6. The County Board shall, if necessary, after each decennial federal census commencing with that for the year 1970, adopt a local law amending subsection 1. of this section to prescribe County Board districts. Such local law shall comply with the legal requirements for equal representation and representation areas prescribed in such local law be of convenient and contiguous territory in as compact a form as practicable.

7. No member of the County Board shall be required to vacate his office by reason of any change in the boundary lines of his County Board district made during his term.
 (Added as § 8 by L.L. No. 10-1970* amended by L.L. No. 2-1973; L.L. No. 5-1978; L.L. No. 6-1983; L.L. No. 8-1991; L.L. No. 12-1991; L.L. No. 8-1993; L.L. No. 12-1993; L.L. No. 25-2001)

Sec. 107.51. Chairman of the Board.

(§ 10 of the Laws of 1937, Ch. 617; repealed L.L. No. 10-1970)

Sec. 107.61. Procedure; rules.

The board shall keep a journal of its proceedings. It shall establish rules for its proceedings including rules for the appointment of all committees and for compelling the attendance of absent members, not inconsistent with the provisions of this act or of general law or with the following specific provisions:

1. The County Board shall proceed only by local law, act or resolution. Local laws, acts and resolutions except motions for adjournment shall be introduced only in written or printed form. All acts, except acts making appropriations and acts modifying or rearranging existing acts or resolutions or enacting a code of laws, shall be confined to one subject, and the subject or subjects of all acts shall be clearly expressed in the title. Acts making appropriations shall be confined to the subject of appropriations. No money shall be appropriated, bond issue or other loan authorized, tax or assessment levied, office created, salary fixed, franchise or privilege granted, real property of the county sold, ordinance adopted, fine or penalty established, except by act.
2. Except as otherwise provided by this charter or by Chapter 852 of the Laws of 1948 known as the Westchester County Administrative Code, as amended, or as otherwise provided by the Local Finance Law or other statute, no local law, act or resolution, except resolutions relating to po

Supreme Court, Appellate Division, Second Department, New York.

LEAGUE OF WOMEN VOTERS OF WESTCHESTER, et al.,
Appellants,
v.
COUNTY OF WESTCHESTER, et al., Respondents.

Aug. 21, 1995.

Action was brought for judgment declaring unconstitutional amendment to county plan for **reapportionment** of legislative districts. The Supreme Court, **Westchester County**, Ingrassia, J., granted summary judgment for county. On appeal, the Supreme Court, Appellate Division, held that Municipal Home Rule Law section addressing **reapportionment** plans was inapplicable to county's **redistricting** plans, as county operated under **charter** form of government and its **reapportionment** plans were adopted pursuant to its **charter**, not pursuant to that statute.

Affirmed.

[West Headnotes \(1\)](#)

[Skip Headnotes](#)

[Back to Top of Headnotes](#)

Attorneys and Law Firms

**68 Reed & Neale, White Plains (J. Henri Neale, Jr., of counsel), for appellants.

Marilyn J. Slaatten, County Attorney, White Plains (Clara L. Van Slyke and Vincent M. Casello, of counsel), for respondents.

Before SHILLIVAN, J.P., and O'BRIEN, THOMPSON and SANTECCHI, JJ.

Opinion

**30 MEMORANDUM BY THE COURT

In an action for a judgment declaring, *inter alia*, Local Laws, 1993, No. 12 of the County of Westchester unconstitutional, the plaintiffs appeal from an order of the Supreme Court, **Westchester County** (Ingrassia, J.), entered August 9, 1994, which denied their motion for summary judgment and granted the defendants' cross motion for summary judgment.

ORDERED that the order is affirmed, with costs, and the matter is remitted to the Supreme Court, **Westchester County**, for the entry of an appropriate judgment.

declaring that Local Laws, 1993, No. 12 of the County of Westchester is constitutional and does not violate Municipal Home Rule Law § 100(1)(1)(i)-(iii).

Local Laws, 1993, No. 12 of the County of Westchester, which amended subsection 2 of § 107.31 of the Laws of Westchester County, generally provides for the reapportionment of the legislative districts of the Westchester County Legislature. The Supreme Court held that the redistricting plan does not violate Municipal Home Rule Law § 100(1)(1)(i)-(iii) "because that section is inapplicable to the redistricting plans of Westchester County as a matter of law". We agree. Westchester County operates under a charter form of government and its reapportionment plans are adopted pursuant to its charter, not Municipal Home Rule Law § 100(1)(1)(i)-(iii). Since the County Board of Legislators of the County of Westchester did not adopt a plan of reapportionment pursuant to Municipal Home Rule Law § 100(1)(1)(i)-(iii), it is not controlling here (see, *Mehiel v. County Bd. of Legislators*, 175 A.D.2d 109, 120, 571 N.Y.S.2d 808; see also, *Suffolk County Democratic Comm. v. Gaffney*, 196 A.D.2d 790, 800, 601 N.Y.S.2d 935; *Master of Angell v. Tompkins County Bd. of Representatives*, 90 A.D.2d 806, 897, 436 N.Y.S.2d 510(1987) (quoting *Mv. Sh. n. S. 1124*, at 255).

We have considered the plaintiffs' remaining contentions and find them to be without merit (see, *Matter of Benoitju Gato Asan v. Macchiarola*, 82 N.Y.2d 101, 106, 593 N.Y.S.2d 790, 623 N.E.2d 1140; *Matter of Schneider v. Ruckelshaus*, 31 N.Y.2d 420, 340 N.Y.S.2d 889, 293 N.E.2d 97; *Bay Ridge Community Council v. Carey*, 193 A.D.2d 280, 479 N.Y.S.2d 716; *aff'd*, 66 N.Y.2d 657, 495 N.Y.S.2d 972, 486 N.E.2d 830).

Parallel Citations

218 A.D.2d 730

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MEMORANDUM

TO: Commissioner Paul Benkert
 Commissioner Richard Messina
 Commissioner Dare Thompson
 Commissioner Vernon Benjamin
 Commissioner Michael E. Catalinotto
 Commissioner Cynthia Lowe
 Commissioner William West

FROM: Beatrice Havranek, Esq. *BH*
 County Attorney *15*

DATE: April 12, 2011

RE: A Request of Commissioner West

Per the request of Commissioner West, I have attached copies of several cases regarding weighted voting.

IANNUCCI v. BOARD OF SUPERVISORS OF THE COUNTY OF WASHINGTON, 20 N.Y.2d 244(1967) is the leading New York State Court of Appeals case.

I would be happy to discuss the issue with the Commission if it so desires.

BH:gr
enclosures

229 N.E.2d 195
Court of Appeals of New York.

Jerry IANNUCCI et al., Respondents,

v.

BOARD OF SUPERVISORS OF the COUNTY OF WASHINGTON,
Appellant, and State of New York, Respondent.

SARATOGIAN, INC., et al., Respondents,

v.

BOARD OF SUPERVISORS OF the COUNTY OF SARATOGA,
Appellant; State of New York et al., Respondents, and Harry D.
Snyder, Jr., as Supervisor of the City of Saratoga Springs, Intervenor
Respondent.

July 7, 1967.


Appeals from orders of the Supreme Court at Special Term, Saratoga and Washington Counties, Michael E. Sweeney, J., invalidating as unconstitutional plans of apportionment based on weighted voting. The Supreme Court, Appellate Division, modified and affirmed, 27 A.D.2d 346, 279 N.Y.S.2d 458, and 28 A.D.2d 585, 279 N.Y.S.2d 462, and appeals were taken. The Court of Appeals, Fuld, C.J., held that County Law providing that supervisors of the several cities and towns in each county, without regard to population differences, shall constitute the county board of supervisors, and that the board shall conduct its business by affirmative vote of a majority of its total membership, violated the 'one person, one vote' principle announced in Reynolds v. Sims, and that it was incumbent upon county boards of supervisors, whose memberships were challenged on constitutional grounds, to come forward with requisite proof that their reapportionment plans were not defective, and where such was not done it was correctly determined that the plans were invalid.

Orders of Appellate Division modified and affirmed.


Breitell, Van Voorhis and Burke, JJ., dissented.

West Headnotes (7)

Skip Headnotes

1 **Municipal Corporations**  Nature and Constitution of Body in General
Doctrines announced in Reynolds v. Sims apply to local elective legislative bodies exercising general governmental powers.

2 Cases that cite this headnote

2 **Counties**  Nature and Constitution in General
County Law providing that supervisors of several cities and towns in each county, without regard to population differences, shall constitute county board of supervisors, and that the board shall conduct its business by affirmative vote of a majority of its total membership, violated the "one person, one vote" principle announced in Reynolds v. Sims. County Law, §§ 150, 153, subd. 4.

5 Cases that cite this headnote

Counties  Nature and Constitution in General

3 In absence of a valid statute establishing the organization and composition of county boards of supervisors, the boards should be directed to reapportion themselves in accordance with powers granted to them by Municipal Home Rule Law. Municipal Home Rule Law, § 10, subd. 1(ii), cl. a(1).

4 **Municipal Corporations** ↔ Nature and Constitution of Body in General
All constitutional principles which govern apportionment of state legislatures are not necessarily applicable to organization of local governments.

5 **Constitutional Law** ↔ Population Deviation
Principle of one man-one vote is violated when power of a representative to affect the passage of legislation by his vote, rather than by influencing his colleagues, does not roughly correspond to proportion of population in his constituency.

18 Cases that cite this headnote

6 **Counties** ↔ Nature and Constitution in General
It was incumbent upon county boards of supervisors, whose memberships were challenged on constitutional grounds, to come forward with requisite proof that their reapportionment plans were not defective, and where such was not done it was correctly determined that the plans were invalid.

2 Cases that cite this headnote

7 **Constitutional Law** ↔ Apportionment, Election, and Discipline of Members of Legislature
It is improper for a court, in passing upon a constitutional question, to lightly disregard the considered judgment of legislative body which is also charged with duty to uphold the Constitution, but with respect to weighted voting a considered judgment is impossible without computer analyses and, accordingly, if county boards of supervisors chose to reapportion themselves by use of weighted voting there is no alternative but to require them to come forward with such analyses and demonstrate the validity of their reapportionment plans.

28 Cases that cite this headnote

[Back to Top of Headnotes](#)

Attorneys and Law Firms

****504 **196 *246** Julian V. D. Orton, County Atty., for appellant in the first above-entitled action.

Harold R. Moore, Jr., Hudson Falls, for Jerry Iannucci and another, respondents in the first above-entitled action.

Louis J. Lefkowitz, Atty. Gen. (Robert W. Imrie, Ruth Kessler Toch, Albany, and Herbert H. Smith, Waverly, of counsel), for State.

***247** Edward A. Tracy, County Atty., for appellant in the second above-entitled action.

William L. Ford, Saratoga Springs, for Saratogian, Inc., and another, respondents in the second above-entitled action.

David A. Wait, Saratoga Springs, for Common Council of City of Saratoga Springs, respondent in the second above-entitled action.

Harry D. Snyder, Jr., Saratoga Springs, intervenor-respondent in pro. per.

John F. Banzhaf III, amicus curiae.

Richard C. Cahn, Huntington, for the Towns Huntington, Babylon, Brookhaven, Islip and Smithtown, New York, amici curiae.

Opinion

FULD, Chief Judge.

In these two reapportionment cases, the courts below have struck down as unconstitutional the weighted voting plans which had been proposed to correct the conceded malapportionment of the Boards of Supervisors of Washington and Saratoga Counties.

*248 In the Washington County case, the plaintiffs are residents, taxpayers and property owners of the Town of Kingsbury and, in the Saratoga County case, the plaintiffs are property owners and taxpayers of the City of Saratoga Springs. In each case, they instituted these actions seeking (1) a declaratory judgment that the apportionment of the Board of Supervisors of their respective county was unconstitutional and (2) an order directing the board to submit a valid plan of apportionment. It is not disputed that, at present, as prescribed by section 150 of the County Law, Consol.Laws, c. 11, the municipalities in each county are equally **505 represented by one member on the Board of Supervisors, even though there is a great disparity in the populations of the several towns and cities.¹

**197 In the Washington County litigation, the court at Special Term held that the apportionment of the board and section 150 of the County Law, as applied, violated the one man-one vote rubric and were, accordingly, unconstitutional. The board was directed to prepare and submit a permanent plan of reapportionment but was permitted, in the interim, to function as it was presently constituted. The board thereupon adopted what it terms an 'Adjusted Weighted Voting Plan' which provides that each town is to be represented on the board by at least one supervisor who will be entitled to cast one vote for every 279 persons residing in the town, up to a maximum of 15 votes. The membership of the board would be enlarged to allow for additional supervisors from those towns with populations large enough to warrant more than 15 votes. Thus, Kingsbury, the largest town, would be represented by three supervisors who would each cast 13 votes, for a total of 39. Dresden, Hampton and Putnam, the smallest towns, would each be represented by one supervisor who would cast two votes and the most votes cast by any single member of the board would be the 14 allotted to the supervisor from Greenwich.

Shortly after the action was commenced in Saratoga County, its Board of Supervisors adopted a so-called 'Fractional-Weighted Voting Plan' which, generally speaking, follows the *249 same pattern as the one for Washington County. This plan provides that each town and city will be represented on the board by at least one supervisor who will be entitled to cast one vote for every 600 persons residing in the municipality, up to a maximum of 20 votes. The membership of the board would be enlarged to allow for an additional supervisor from Saratoga Springs which has a population large enough to warrant more than 20 votes. More specifically, Saratoga Springs would be represented by two supervisors who would each cast 14 votes for a total of 28, while Providence, Edinburg and Day, the smallest towns, would each be represented by one supervisor who would cast one vote; the most votes cast by any single member of

the board would be the 16 allotted to the supervisor from the Town of Moreau.

The court at Special Term found each weighted voting plan unacceptable, on constitutional grounds, because, in its words, the plan, in practice, 'virtually strips the smaller towns of a true voice on the board.' Each ***506 board was ordered to submit a plan other than one involving weighted voting and the Appellate Division affirmed both orders.²

1 2 3 There is no doubt that, as presently constituted, both Boards of Supervisors are malapportioned. Equal representation on the boards of municipalities with populations that vary from a few hundred to many thousands does not satisfy the 'one person, one vote' principle announced in *Reynolds v. Sims*, 377 U.S. 533, 84 S.Ct. 1362, 12 L.Ed.2d 506 and, although the United States Supreme Court has not as yet passed upon the question (see, e.g., *Dusch v. Davis*, 387 U.S. 112, 87 S.Ct. 1554, 18 L.Ed.2d 656; *Avery v. Midland County*, 406 S.W.2d 422 (Tex.), cert. granted 388 U.S. 905, 87 S.Ct. 2106, 18 L.Ed.2d 1345), we have expressly held that the rule of the *Sims* case applies to local 'elective legislative bodies exercising general governmental powers'. (*Seaman v. Fedlourich*, 16 N.Y.2d 94, 101, 262 N.Y.S.2d 444, 449, 209 N.E.2d 778, 782; see, generally, *250 Weinstein, *The Effect of the Federal Reapportionment Decisions on Counties and Other Forms of Municipal Government*, 65 Col.L.Rev. 21.) The present imbalance on the boards is directly attributable to the County Law which provides that the supervisors of the several cities and towns in each county, without **198 regard to population differences, 'shall constitute the board of supervisors of the county' (s 150) and that the board shall conduct its business 'by the affirmative vote of a majority of (its) total membership' (s 153, subd. 4). Quite clearly, therefore, these sections of the County Law, as applied to Saratoga and Washington Counties, are violative of constitutional requirements. (See *Michil v. Shanklin*, 17 N.Y.2d 906, 272 N.Y.S.2d 130, 218 N.E.2d 897; cf. *Graham v. Board of Supervisors of Erie County*, 18 N.Y.2d 672, 273 N.Y.S.2d 419, 219 N.E.2d 870; see, also, *McGill v. Board of Supervisors of Niagara County*, 19 N.Y.2d 860, 280 N.Y.S.2d 592, 227 N.E.2d 406.) In the absence of a valid statute establishing the organization and composition of the Boards of Supervisors of those counties, the boards should be directed to reapportion themselves in accordance with the powers granted to them by the Municipal Home Rule Law (s 10, subd. 1, par. (ii), cl. a, subcl. (1)).

4 The Supreme Court recently observed that all of the constitutional principles which govern the apportionment of state legislatures are not necessarily applicable to the organization of local governments. In ***507 *Sailors v. Board of Educ.*, 387 U.S. 105, 110, 87 S.Ct. 1549, 1553, 18 L.Ed.2d 650, the court remarked:

'Viable local governments may need many innovations, numerous combinations of old and new devices, great flexibility in municipal arrangements to meet changing urban conditions. We see nothing in the Constitution to prevent experimentation.'

And, in *Dusch v. Davis*, 387 U.S. 112, 87 S.Ct. 1554, *supra*, the court approved Virginia Beach's 'experimentation' in local government. The City of Virginia Beach had consolidated with an adjoining county, which was both rural and urban, under a borough form of government. A plan was adopted, by which all of the members of the City Council were elected at large, it being provided, however, that at least one councilman was required to reside in each of the city's seven boroughs. This plan was said to properly 'reflect a detente between urban and rural communities that may be important in resolving the complex problems *251 of the modern megalopolis' (387 U.S., at p. 117, 87 S.Ct. at p. 1556; see, also, *Matter of Blaikie v. Power*, 13 N.Y.2d 134, 243 N.Y.S.2d 185, 193 N.E.2d 55, app.

dismd. 375 U.S. 439, 84 S.Ct. 507, 11 L.Ed.2d 471).

It might appear, on first impression, that the modified weighted voting plans before us were designed to accomplish almost the same objective as the scheme underlying the Virginia Beach plan—namely, to assure that sparsely populated areas have a voice in the councils of government. However, as we noted in the *Graham* case (18 N.Y.2d 672, 674, 273 N.Y.S.2d 419, 219 N.E.2d 870, *supra*), any method of allocating votes among representatives in proportion to population is liable to have hidden 'inherent defects'. Although the small towns in a county would be separately represented on the board, each might actually be less able to affect the passage of legislation than if the county were divided into districts of equal population with equal representation on the board and several of the smaller towns were joined together in a single district. (See Banzhaf, *Weighted Voting Doesn't Work: A Mathematical Analysis*, 19 Rutgers L.Rev. 317.) The significant standard for measuring a legislator's voting power, as Mr. Banzhaf points out, is not the number or fraction of votes which he may cast but, rather, his 'ability * * * , by his vote, to affect the passage or defeat of a measure' (19 Rutgers L.Rev., at p. 318). And he goes on to demonstrate that a weighted voting plan, while apparently distributing this voting power in proportion to population, may actually operate to deprive the smaller towns of what little voting power they possess, to such an extent that some of them might be completely disenfranchised and rendered incapable of affecting any legislative determinations at all (19 Rutgers L.Rev., at pp. 325-338).

****508** Of course, in any weighted voting scheme, those representatives who cast the larger aggregates of votes can be expected to have ****199** greater influence with their colleagues than representatives with only a single vote. We find nothing unconstitutional in a disparity of influence among the various members of a county board of supervisors. In every legislature there will be some members who, because of particular expertise, wealth, political office, a reputation for probity and the like, will be found to exercise more sway than others in the passage or defeat of legislation and, when weighted voting is employed, ***252** such influence might well attach to the representatives from the larger constituencies who cast the larger aggregates of votes.

5 The principle of one man-one vote is violated, however, when the power of a representative to affect the passage of legislation by his vote, rather than by influencing his colleagues, does not roughly correspond to the proportion of the population in his constituency. Thus, for example, a particular weighted voting plan would be invalid if 60% Of the population were represented by a single legislator who was entitled to cast 60% Of the votes. Although his vote would apparently be weighted only in proportion to the population he represented, he would actually possess 100% Of the voting power whenever a simple majority was all that was necessary to enact legislation. Similarly, a plan would be invalid if it was Mathematically impossible for a particular legislator representing say 5% Of the population to ever cast a decisive vote. Ideally, in any weighted voting plan, it should be mathematically possible for every member of the legislative body to cast the decisive vote on legislation in the same ratio which the population of his constituency bears to the total population. Only then would a member representing 5% Of the population have, at least in theory, the same voting power (5%) under a weighted voting plan as he would have in a legislative body which did not use weighted voting—e.g., as a member of a 20-member body with each member entitled to cast a single vote. This is what is meant by the one man-one vote principle as applied to weighted voting plans for municipal governments. A legislator's voting power, measured by the mathematical possibility of his casting a decisive vote, must approximate the power he would have in a legislative body which did not employ weighted voting.

6 Unfortunately, it is not readily apparent on its face whether either of the plans before us meets the constitutional standard. Nor will practical experience in the use of such plans furnish relevant data since the sole criterion is the mathematical voting power which each legislator possesses in theory-i.e., the indicia of representation-and not the actual voting power he possesses in fact-i.e., the indicia of influence. In order to measure the mathematical voting power of each member ***509 of these county boards of supervisors and compare it with the proportion of the population which he represents, it would be necessary to *253 have the opinions of experts based on computer analyses. The plans, then, are of doubtful constitutional validity and to establish the facts one way or another would be, in all likelihood, most expensive. In our view, it was incumbent upon the boards to come forward with the requisite proof that the plans were not defective. (See, e.g., Connor v. Johnson, D.C., 265 F.Supp. 492, 493-494, *affd.* 386 U.S. 483, 87 S.Ct. 1174, 18 L.Ed.2d 224; Swann v. Adams, D.C., 263 F.Supp. 225, 226.) Since this was not done, the courts below correctly determined that the plans were invalid.

It is true that, in *Johnson v. City of New York*, 274 N.Y. 411, 430, 9 N.E.2d 30, 38, 110 A.L.R. 1502, our court declared that reapportionment legislation 'should not be declared unconstitutional unless it clearly appears to be so; all doubts should be resolved in favor of the constitutionality of an act.' However, that pronouncement must be judged in the light of the situation actually presented. The *Johnson* case involved the issue whether the so-called Hare System of Proportional Voting violated the constitutional provision that each voter was **200 entitled to vote for 'all officers' standing for election in a particular district. In the first place, the mechanics of the Hare System were fully understood by the court and, in the second place, there was no factual dispute about the operation of the system which could be resolved only by resort to higher mathematics and at great expense. The case turned on the interpretation to be accorded the words 'all officers', and the court was simply not convinced by the arguments, of those who attacked the plan, that the phrase-'all officers'-should be given a broad reading.

In the cases before us, on the other hand, there is no problem of interpretation or construction. If the smaller towns have been substantially deprived of the voting power to which they are entitled, the plans would unquestionably be violative of the one man-one vote principle. Consequently, the only issue calling for resolution is the factual one pertaining to the mathematical structure of the plans. At the very least, there is a significant possibility that the plans are actually defective, and yet the boards adopted them without obtaining the complicated and expensive mathematical analyses that would establish the facts one way or the other.

7 Under these circumstances, the boards are not entitled to rely on a presumption that their legislative acts are constitutional. *254 Such a presumption-and that was the sort of presumption reflected in the *Johnson* case (274 N.Y. 411, 9 N.E.2d 30, *supra*)-is derived from the principle that it is improper for a court, in passing upon a constitutional question, to lightly disregard the considered judgment of a legislative ***510 body which is also charged with a duty to uphold the Constitution. With respect to weighted voting, however, a considered judgment is impossible without computer analyses and, accordingly, if the boards choose to reapportion themselves by the use of weighted voting, there is no alternative but to require them to come forward with such analyses and demonstrate the validity of their reapportionment plans.

We may not overlook the very real danger in these reapportionment cases of the

courts being unnecessarily dragged into a 'mathematical quagmire' (Baker v. Carr, 369 U.S. 186, 268, 82 S.Ct. 691, 7 L.Ed.2d 663 (per FRANKFURTER, J., dissenting)), understood only by experts using computers. It is claimed that, if these counties were divided up into districts of equal population, the smaller towns would, of necessity, lose their identity because they would be combined with the larger industrial communities in the county, creating districts thereby lacking in mutual sentiments and interests. This result, however, is not inevitable; we have barely crossed the threshold in exploring the variety of devices which may be employed, consistent with the constitutional mandate of one man-one vote, to assure that the points of view of the smaller towns in the county will be heard on the Board of Supervisors.

The order of the Appellate Division in each case should be modified so as to provide that the respective Board of Supervisors adopt and submit to the court at Special Term a constitutionally valid plan of reapportionment within 60 days from the date of entry of this court's order and, as so modified, affirmed, without costs.

BREITEL, Judge (dissenting).

It is significant that the court does not hold that weighted voting schemes are per se unconstitutional, or even that the particular plans Sub judice deviate so much from the constitutional ideal of one man-one vote as to be rendered invalid. Rather, the holding assumes that the plans *255 are of doubtful validity although the Supreme Court of the United States has abstained deliberately from mandating the one man-one vote doctrine on local legislative bodies and that, in the present cases, the defendant counties have not satisfied the burden of demonstrating or producing evidence that the plans are constitutional.

****201** On these premises, there is no disagreement that there is insufficient evidence before the court to conclude that the present plans are unconstitutional. As the court recognizes, therefore, petitioners have not come forward with evidence, mathematical or otherwise, sufficient to justify a holding that these plans offend constitutional norms. Instead, the burden of proof is shifted to the proponents of constitutionality on the ground that weighted voting plans are of 'doubtful constitutional validity', an unusual and extraordinary procedure (McKinney's Cons.Laws of **511 N.Y., Book 1, Statutes, s 150; see, also, Fortson v. Dorsey, 379 U.S. 433, 439, 85 S.Ct. 498, 13 L.Ed.2d 401, applying the rule to reapportionment; but see Swann v. Adams, 263 F.Supp. 225, 226 (S.D., Fla.), holding that a State had the burden to justify population variations and also holding without discussion that an undescribed weighted voting plan for a State legislature was impractical and of doubtful validity).

The Supreme Court of the United States has recently recognized that the one man-one vote doctrine should not be applied with the same precision to local elective bodies as to State legislatures (Sailors v. Board of Educ., 387 U.S. 105, 87 S.Ct. 1549, 18 L.Ed.2d 650; Dusch v. Davis, 387 U.S. 112, 87 S.Ct. 1554, 18 L.Ed.2d 656). This would appear to be a recognition that mathematical precision in this area may involve a correlative sacrifice of socially and politically desirable values. Consequently, it cannot be said that weighted voting plans are generically invalid, or that there is or should be any presumption to that effect.

Most suggested alternatives to a weighted voting plan (of some formula), and especially those suggested in these cases, are undesirable: either local bodies are to be composed of numerous members, with a commensurate loss of deliberative capability, or the political voices of small but discrete and geographically compact groups are to be overwhelmed by combining *256 the votes of their members with those of larger groups in a single district.

Thus, a weighted voting scheme, qua weighted voting scheme, cannot be condemned as of 'doubtful constitutional validity'. Such a plan may be as viable politically and socially as any other alternative. To be sure, the one man-one vote doctrine may not be ignored simply because local subdivisions, rather than the State itself, are involved (see *Seaman v. Fedourich*, 16 N.Y.2d 94, 262 N.Y.S.2d 444, 209 N.E.2d 778). If a weighted voting plan is shown to discriminate unduly in favor of or against electors in one district or another it should be struck down as unconstitutional. But the burden of demonstrating, and of coming forward with evidence in the first instance, that a particular plan is repugnant to the Constitution should remain on those who make the claim.

Turning to the particular problems in the present cases, it requires no refined analysis or computer assistance to understand that a weighted voting plan, by giving a few representatives more votes than their colleagues in a legislative body, gives them votes that are proportionately more effective, simply because their multiple votes cast as inseparable aggregates must, therefore, be more influential. In fact, it is not too difficult to understand that such a system gives the representatives from the larger districts more effective voting power than would be warranted under a strictly mathematical and therefore mechanical adherence to the one man-one vote ideal. Consequently, the electors whom they represent **512 are thereby given, theoretically, a greater control through their representatives than would otherwise be the situation. On the other hand it is equally obvious that to atomize sectors of these populations into numerous districts reduces the effectiveness of the local legislative body and the deliberative participation by its members. If single-member districts, without weighted voting, are to be mandated, and if legislative bodies of reasonable size are to be retained, it will often be necessary to deprive territorially concentrated and discrete groups of their own representation by combining **202 their votes with those of larger demographic units.

Given these difficulties the solution should not be governed by rigid constitutional limitations in assessing a weighted voting plan. Rather the solution should be left to local experimentation *257 and practical compromises within reasonable limits or, better, to determination by the State Legislature, itself reasonably apportioned under constitutional plans. True, there may be some instances where the amount and kind of weighting in a weighted voting plan or, for that matter, a multiple district plan, would exceed constitutionally tolerable standards. If a multiple district plan proposed a local legislative body of an unwieldy number of representatives its members would be deprived of the effective power to act, let alone deliberate. On the other hand, if a weighted voting plan were to give a city or a single populous town in a county virtual power to enact or veto legislation through one representative then that, too, would be patently defective. But plans that do not approach dangerously close to these extremes should be permitted, at least by way of experimentation.

Moreover, plans have been formulated whereby votes of the members of the legislative body are so weighted as to compensate for the disproportionately great power alleged to be given to the representatives of populous districts. A study of this nature was undertaken and found feasible by the Supreme Court of Wayne County in rejecting an unadjusted weighted voting plan in *Dobish v. State of New York*, 53 Misc.2d 732, 279 N.Y.S.2d 565 (LIVINGSTON, J.). See, also *Town of Greenburgh v. Board of Supervisors of Westchester County*, 53 Misc.2d 88, 97-99, 277 N.Y.S.2d 885, 896-899 (NOLAN, J.), suggesting a 'modified' weighted voting plan, whereby weighted voting and multiple-member district systems are combined to produce a mathematically equitable result, but rejecting the plan before it since it was predicated upon numbers of registered voters instead of

population in the districts.

Such a system might be the best solution to the dilemma with which the court is faced, making it necessary to choose between undesirable alternatives. Unfortunately, however, the papers before the court do not demonstrate that such a system is mathematically feasible in this case. But in the absence of any greater knowledge, it cannot be said ***513 that the legislative determination in favor of weighted voting under the formulas Sub judice, in preference to equally or more undesirable alternatives, is presumptively unconstitutional, in the absence of a clear demonstration that the disproportion created by the *258 present formula is undue (see *Fortson v. Dorsey*, 379 U.S. 433, 439, 85 S.Ct. 498, *supra*).

Lastly, as for Mr. Banzhaf's helpful analysis, he modestly limits its value to the mathematical consequences and mathematical evaluations of weighted voting systems. He says, in his Amicus brief, quite candidly, that his mathematical models do not purport to present a realistic picture of the actual operation of such systems 'which of course would involve factors such as party politics and urban-rural interests which are not considered by these simple models'. And that is what cases of this kind are about.

Accordingly, I dissent and vote to reverse.

SCILEPPI, BERGAN and KEATING, JJ., concur with FULD, C.J.

BREITEL, J., dissents and votes to reverse in an opinion in which VAN VOORHIS and BURKE, JJ., concur.

In each case: Order modified in accordance with the opinion herein and, as so modified, affirmed, without costs.


Parallel Citations

20 N.Y.2d 244, 229 N.E.2d 195

Footnotes

- 1 In Washington County, the town populations vary from 11,012 for Kingsbury to 426 for Dresden and, in Saratoga, the populations differ from about 16,000 for the City of Saratoga Springs to about 600 for the Town of Day.
- 2 Although the Appellate Division granted permission to appeal to this court, such leave was unnecessary since the appeals lay as of right on the basis of the constitutional questions involved (CPLR 5601, subd. (b), par. 1; see *Graham v. Board of Supervisors of Erie County*, 18 N.Y.2d 672, 273 N.Y.S.2d 419, 219 N.E.2d 870; *Michl v. Shanklin*, 17 N.Y.2d 906, 272 N.Y.S.2d 130, 218 N.E.2d 897; see, also, CPLR 5520, subd. (b).)

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298 N.E.2d 68

Court of Appeals of New York.

Lawrence FRANKLIN et al., Respondents,

v.

Stanley W. KRAUSE, as Clerk of the Board of Supervisors of the
County of Nassau, et al., Defendants, and Francis T. Purcell et al.,
Constituting the Board of Supervisors of the County of Nassau,

Appellants.

May 3, 1973.




Proceeding on application for appointment of nonpartisan commission to prepare and submit plan of apportionment and voting for Nassau County board of supervisors and on application for approval of a local law providing weighted voting plan. The Supreme Court, Special Term, Nassau County, Mario J. Pittoni, J., 72 Misc.2d 104, 338 N.Y.S.2d 561, denied the applications and adjudged the local law to be unconstitutional as violating equal protection clauses of the State and Federal Constitutions and an appeal was taken on constitutional grounds. The Court of Appeals, Gabrielli, J., held that weighted voting plan, produced by computer analyst for county in which dominant town contained more than half of population, was constitutional although, on one hand, smaller units were superenfranchised and although supervisors from dominant town would have 70 of 130 votes, where plan required 71 votes for majority so that dominant town's supervisors could not alone pass a measure although they could defeat a measure.

Judgment reversed and cross-motion granted.


Wachtler, J., took no part.

West Headnotes (4)

[Skip Headnotes](#)

- 1 **Counties**  Nature and Constitution in General
Fair measure of superinfranchisement and disenfranchisement can be tolerated for sake of preservation of local units and apportionment plan need not be discarded solely because complete mathematical perfection is not achieved at local level.
[2 Cases that cite this headnote](#)
- 2 **Counties**  Nature and Constitution in General
One-man, one-vote ideal is not to be abandoned at local level but can be tempered to meet local exigencies and preserve boundary lines.
[3 Cases that cite this headnote](#)
- 3 **Counties**  Nature and Constitution in General
Weighted voting plan for county government, produced by computer analyst for county in which dominant town contained more than half of population, was constitutional although, on one hand, smaller units were superenfranchised and although supervisors from dominant town would have 70 of 130 votes, where plan required 71 votes for majority so that dominant town's supervisors could not alone pass a measure although they could defeat a measure. U.S.C.A.Const. Amend. 14; Const. art. 1, § 11.

9 Cases that cite this headnote

- 4 Counties  Nature and Constitution in General
Total deviation of 7.3% in weighted voting plan for county government was tolerable figure.

3 Cases that cite this headnote

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****886 **68 *235** George C. Pratt, Mineola, for appellants.

John M. Armentano, Stanley Harwood and A. Thomas Levin, Mineola, for respondents.

Opinion

GABRIELLI, Judge.

Special Term has declared unconstitutional a weighted voting plan adopted by the Board of Supervisors of *236 Nassau County; and we are presented with the question whether the board has overcome the infirmity of a prior plan it had proposed.

In *Franklin v. Mandeville* (26 N.Y.2d 65, 308 N.Y.S.2d 376, 256 N.E.2d 534) this court rejected the weighted voting plan under which the Board of Supervisors **69 (board) had operated for well over 30 years primarily for the reason that Supervisors representing some 57% Of the county's population located in the Town of Hempstead could cast but 49.6% Of the board's vote. It was further determined that, within six months from the public announcement of the results of the 1970 census, the board was to promulgate an acceptable plan. Ultimately, after delays beyond the six-month limit not here pertinent, plaintiffs, residents, taxpayers and qualified voters of Nassau County, moved at Special Term for an order appointing a nonpartisan commission to prepare a plan then to be implemented by the court. In September, 1972, the board, composed of four Republicans and two Democrats, unanimously adopted Local Law No. 13-1972, which provided a new ***887 weighted voting system. The board cross-moved for approval of this plan.

Special Term ruled that the plan contained the same fault for which it was previously rejected; that it did not otherwise meet criteria set down by this court in other cases; and that weighted voting was per se unacceptable as a matter of law. Special Term refused to appoint a nonpartisan commission and gave the board 60 days to devise an acceptable plan. Under the rationale of this decision, of course, the plan would either have to be based on the multi-member or single-member district concept. The board appeals directly here under CPLR 5601 (subd. (b), par. 2).

The new plan emerged after a computer analyst reviewed over 2,000 different combinations of votes and voting-this, in an effort to conform to this court's pronouncements on weighted voting made in *Iannucci v. Board of Supervisors of County of Washington* (20 N.Y.2d 244, 282 N.Y.S.2d 502, 229 N.E.2d 195) where, Inter alia, it was held that 'voting power' could only be equalized properly through computer mathematical analysis. One hundred possibilities were given the board's attorney and of these he submitted 'a half dozen or so' for the board's consideration. The plan selected provides for a

total of 130 votes to be distributed among the *237 six Supervisors, as follows: Each of the two Supervisors elected at large from the Town of Hempstead, 35; the Oyster Bay Supervisor, 32; the North Hempstead Supervisor, 23; the Long Beach Supervisor, 3; and the Glen Cove Supervisor, 2. Since the Town of Hempstead contains some 56% Of the county's population, and its two Supervisors possess combined voting power corresponding to 55% There is minimal deviation off the ideal, of but -1.6. Oyster Bay with some 23% Of the population has 20.370% Voting power through its Supervisor, a deviation of -2.7. North Hempstead 16.5% Population, 13% Voting power, -3.5 deviation. Long Beach 2.3% Population, 5.6% Voting power, 3.3 deviation. Glen Cove 1.8% Population, 5.6% Voting power, 3.8 deviation.

Thus, the smaller communities are superenfranchised to a somewhat greater extent than the larger communities are disenfranchised. But the range of deviation is only 7.3% And the plan fits comfortably within the intendment of *Iannucci v. Board of Supervisors of County of Washington* (20 N.Y.2d 244, 282 N.Y.S.2d 502, 229 N.E.2d 195, *Supra*) as affected by subsequent case law. The problem in *Iannucci* was that the smaller units of local government were not accorded decisive voting power under those weighted voting plans which would approximate the power they would project through their representatives in a legislative body which did not employ weighted voting. With regard to the plan here under consideration, and in light of the voting power combinations worked out by the computer analyst, the **888 superenfranchisement of the smaller units in this case satisfies *Iannucci* in this respect.

It was also noted in *Iannucci* that a weighted voting plan would be invalid if over 50% Of the population were represented by a legislator entitled to cast over 50% Of the votes for then, in reality, he would possess 100% Voting power, at least as to measures requiring a majority vote **70 for passage. The instant plan would violate that injunction, of course, were it not for its provision that for passage of a measure requiring a majority 71 and not 66 votes are required; and for measures requiring a two-thirds vote, 92, and not 87, votes are required. Thus, while the Town of Hempstead Supervisors together possess 70 votes, more than a majority of the total 130, they cannot have 55% Voting power which would ordinarily be 100% Voting power in a 'pure majority' situation. This admittedly artificial *238 voting requirement, in reality, gives the Town of Hempstead a greater disenfranchisement than would otherwise be the case in certain voting combinations.

This is precisely the point which caused our rejection of the former plan, which, although based on different scales and values, contained the same sort of bar preventing the Town of Hempstead Supervisors from having 100% Voting power. At the time that decision was handed down, the preachment was that one man, one vote had to be applied at all levels of government with mathematical certitude and this court was concerned with the scope of Hempstead's disenfranchisement. In the intervening years this stricture has been considerably softened with respect to local level government and this reshaping is most desirable, as demonstrated in the case at bar.

The problem here is somewhat unique. In none of the literature (see *Johnson, An Analysis of Weighted Voting as Used in Reapportionment of County Governments in New York State*, 34 *Albany L.Rev.* 1 (1969); *Banzhaf, Weighted Voting Doesn't Work: A Mathematical Analysis*, 19 *Rutgers L.Rev.* 317 (1965)), or the cases thus far has the situation arisen where, as here, one of the units of local government, in a county seeking to employ weighted voting, alone includes a majority of the county's total population. It is argued that for this reason the

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 principle of weighted voting is impossible of application because in order precisely to satisfy the principle of one man, one vote the largest unit's voting power ought to be commensurate with the size of its population, but that to achieve that would be to violate the Iannucci ban on 100% Voting power.

We would be extremely reluctant to reject this weighted voting plan, approved unanimously by a bipartisan board, and force the county into multi-member districting. It has been argued to us, without material opposition, that the small board, composed of the ***889 unit Supervisors, is the most efficient form of government, and has proved to be such over the years. It is also pointed out, again without serious question, that multi-member districting would necessitate a very large legislative body (estimated at 55 members), because of the central problem—the huge disparity between the size of the population in the Town of Hempstead, and the other units which even among themselves are grossly disproportional in population size. Thus, *239 to preserve unit boundary lines and the concomitant efficiency in the rendition of local services, without creating a monstrous legislative body, virtually necessitates a weighted voting system which can approach as closely as possible the one man, one vote principles discussed in Iannucci.

1 We now know that if complete mathematical perfection is not achieved at the local level there need be no reason to discard an apportionment plan solely for that reason. It has now become clear that a fair measure of superenfranchisement and disenfranchisement can be tolerated for the sake of the preservation of local units.

In *Abate v. Mundt*, 25 N.Y.2d 309, 305 N.Y.S.2d 465, 253 N.E.2d 189, this court approved a multi-member districting plan over the argument of excessive deviation. Judge Burke noted that the one man, one vote principle is treated differently at the three levels of legislative apportionment, i.e., at the congressional, State and local levels; that different considerations obtain at **71 the local level and that "variations from a pure population standard might be justified by such state policy considerations as the integrity of political subdivisions, the maintenance of compactness and contiguity in legislative districts or the recognition of natural or historical boundary lines" (25 N.Y.2d, at p. 316, 305 N.Y.S.2d, at p. 469, 253 N.E.2d, at p. 192, quoting from *Swann v. Adams*, 385 U.S. 440, 444, 87 S.Ct. 569, 17 L.Ed.2d 501, emphasis added by Judge Burke). *Abate* was affirmed in the Supreme Court where it was stated that slightly greater percentage deviations could be tolerated for local apportionment schemes. 'Of course, this Court has never suggested that certain geographic areas or political interests are entitled to disproportionate representation. Rather our statements have reflected the view that the particular circumstances and needs of a local community as a whole may sometimes justify departures from strict equality' (403 U.S. 182, 185, 91 S.Ct. 1904, 1907, 29 L.Ed.2d 399). In a companion case, *Whitcomb v. Chavis* (403 U.S. 124, 91 S.Ct. 1858, 29 L.Ed.2d 363), involving the reapportionment of Marion County, Indiana, as a multi-member district for the election of State representatives and senators, the court declared multi-member districts not to be inherently unconstitutional and approved the plan over objection that it discriminated against concentrations of Negro voters. The *Abate* scheme held a 12% Variation, and Justice Harlan, in a concurring opinion, remarked upon ***890 the court's declining enthusiasm for the application of strict standards to local situations.

*240 In *Mahan v. Howell* (410 U.S. 315, 93 S.Ct. 979, 35 L.Ed.2d 320 (1973)) the plan involved apportionment of the State of Virginia for the election of State delegates and senators. Basic to the plan was the preservation of political subdivision boundary lines and this resulted in a 'maximum percentage variation

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 from (the) ideal' of 16.4%. Justice Rehnquist specifically approved the idea that more 'flexibility' was constitutionally permissible with respect to State legislative reapportionment than in congressional redistricting, stating: 'Thus, whereas population alone has been the sole criterion of constitutionality in congressional redistricting * * * broader latitude has been afforded the State * * *. The dichotomy between the two lines of cases has consistently been maintained. In *Kirkpatrick v. Preisler* (394 U.S. 526, 89 S.Ct. 1225, 22 L.Ed.2d 519), for example, one asserted justification for population variances was that they were necessarily a result of the State's attempt to avoid fragmenting political subdivisions by drawing congressional district lines along existing political subdivision boundaries. This argument was rejected in the congressional context. But in *Abate v. Mundt*, 403 U.S. 182, 91 S.Ct. 1904, 29 L.Ed.2d 399 (1971), an apportionment for a county legislature having a maximum deviation from equality of 11.9% was upheld in the face of an equal protection challenge, in part because New York had a long history of maintaining the integrity of existing local government units within the county.' (At p. 322, 93 S.Ct. at p. 984).¹

Finally, in *Matter of Schneider v. Rockefeller* (31 N.Y.2d 420, 340 N.Y.S.2d 889, 293 N.E.2d 67) this court approved the new State legislative plan, Judge Jasen's **72 opinion including dictum especially pertinent in the case now before us. Petitioners argued in *Schneider* that *Abate v. Mundt* (25 N.Y.2d 309, 305 N.Y.S.2d 465, 253 N.E.2d 189, aff'd, 403 U.S. 182, 91 S.Ct. 1904, 29 L.Ed.2d 399, *Supra*) had softened the *241 principles of *Reynolds v. Sims* (377 U.S. 533, 84 S.Ct. 1362, 12 L.Ed.2d 506), the landmark case on State legislative reapportionment, but the court found *Abate v. Mundt* applicable only to units of local government, stating: 'While we would agree that *Abate* perhaps signals a reappraisal by the court of apportionment standards for local ***891 government, we think that the authorities amply support the choice of maximum population equality as a guiding principle in redistricting and reapportioning the State Legislature' (31 N.Y.2d, at p. 428, 340 N.Y.S.2d, at p. 895, 293 N.E.2d, at p. 71). Footnote 3 to the *Schneider* opinion states: '3. There may be good reason for treating local government apportionment as a distinct problem. As the court noted in *Abate*, local legislative bodies have fewer members and local legislative districts have fewer voters than their State and national counterparts. Thus, it may be more difficult to devise apportionment plans that comply with numerical equality at the local level. Furthermore, there are over 80,000 units of local government serving various functions. A certain flexibility may, therefore, be desirable to facilitate intergovernmental co- operation at this level. (See, e.g., *Avery v. Midland County*, 390 U.S. 474, 485, 88 S.Ct. 1114, 20 L.Ed.2d 45.)'

2 3 That footnote distills the more recent thinking that the one man, one vote ideal, while not to be abandoned at the local level, can at least be tempered to meet local exigencies and preserve boundary lines. The plan before us comports with the standards set forth in *Iannucci v. Board of Supervisors of County of Washington* (20 N.Y.2d 244, 282 N.Y.S.2d 502, 229 N.E.2d 195, *Supra*) as closely as is possible, given the unique situation created by Hempstead's size with the disparities in population among the other units. The fact that the plan still carries the problem found decisive in *Franklin v. Mandeville* (26 N.Y.2d 65, 308 N.Y.S.2d 375, 256 N.E.2d 534, *Supra*) should not constitute a continuing bar to validation. It has been demonstrated that the standards applied to our former decision have been very significantly altered. The more thought that was given to the local situations, the more it became apparent it was more desirable to preserve traditional unit representation even if that led to a slight degree of disparity in voting power. The integration of local taxing and local services depends on preservation of unit boundary lines and unit representation. To merge these units into one another for the sake of creating mathematically equal districts would be to sacrifice practicality for an abstraction; *242 a situation which surely was never contemplated or briefed in

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Reynolds v. Sims (377 U.S. 533, 84 S.Ct. 1362, 12 L.Ed.2d 506, Supra).
Representation at the State and congressional levels can be arranged on a more precise mathematical basis because the responsibilities of the representatives are not so specifically tied to the management of local affairs.

4 The plan before us has been 'computerized' as suggested by the Iannucci requirement and moves close to one man, one vote without granting Hempstead 100% Voting power. The total deviation is 7.3%, a tolerable figure within the contemplation of Abate and other recent cases (e.g., 16.4% in the ***892 Mahan case, 410 U.S. 315, 93 S.Ct. 979, 35 L.Ed.2d 320, Supra, and that at the State level). The Hempstead Supervisors' voting power is such that, assuming they wish to pass a measure requiring a majority, they need only one other Supervisor's vote. It would seem that together they can defeat any such measure without further aid since the rest of the Supervisors together do not have 71 votes among them. Thus, the citizens of Hempstead certainly have a weighty voice in this legislative process, while at the same time, the citizens of the other units cannot always be overwhelmed by that power. In other words, the citizens of the smaller units ***73 have decisive power in a significant share of the possible voting combinations.

In no way are we suggesting that the one man, one vote principle be abandoned at the local level. We will continue to insist that this ideal be the goal and that Iannucci be the guide. We merely conclude that the plan before us meets a sufficient standard when measured against the law it now is with regard to local government. This law has assumed a desirable practicality because it allows for flexibility—something which at least prior to Abate v. Mundt (25 N.Y.2d 309, 305 N.Y.S.2d 465, 253 N.E.2d 189, affd. 403 U.S. 182, 91 S.Ct. 1904, 29 L.Ed.2d 399, Supra) was lacking.

We hold there is no constitutional infirmity in the plan adopted by Local Law No. 13-1972.

The judgment should be reversed, without costs, and appellants' cross motion should be granted.

FULD, C.J., and BURKE, BREITEL, JASEN and JONES, JJ., concur;
WACHTLER, J., taking no part.
Judgment reversed, etc.

Parallel Citations

32 N.Y.2d 234, 298 N.E.2d 68

Footnotes

- 1 In two very recent cases it was held that special-purpose units of government such as water and sewage districts could operate outside strict one man, one vote principles because they affected "definable groups of constituents more than other constituents", and that certain groups could thus have disproportionate voting power (Salyer Land Co. v. Tulare Lake Basin Water Stor. Dist., 410 U.S. 719, 93 S.Ct. 1224, 35 L.Ed.2d 659 (1973); Associated Enterprises v. Toltec Watershed Improvement Dist., 410 U.S. 743, 93 S.Ct. 1237, 35 L.Ed.2d 675 (1973)). These decisions do not specifically extend to units of general local government apportionment such as we find in the instant case. There may be, however, further indication in these cases that the Supreme Court does not demand strict one man, one

1 of 1 results

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vote principles at the local level.

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94 A.D.2d 755, 462 N.Y.S.2d 695

Gloria English et al., Appellants,

v.

Sandra Lefever et al., Respondents. (Action No. 1.);

Howard F. Brooks et al., Respondents-Appellants,

v.

Sandra Lefever et al., Appellants-Respondents. (Action No. 2.)

Supreme Court, Appellate Division, Second Department, New York

May 23, 1983

CITE TITLE AS: English v Lefever

Motion by plaintiffs in the first action to resettle an order of this court, dated December 13, 1982 (91 AD2d 622), which, *inter alia*, directed the Rockland County Legislature and the board of elections to submit a new plan of reapportionment to the Supreme Court, Rockland County, with all deliberate speed, so as to delete therefrom all references to the board of elections.

Motion granted, the decision and order of this court both dated December 13, 1982 are recalled and vacated, and the following decision is substituted therefor: In consolidated actions for a judgment declaring that the Legislature of the County of Rockland is unconstitutionally apportioned, the appeals are (1) by plaintiffs in the first action from an order and judgment (one paper) of the Supreme Court, Rockland County (Kelly, J.), dated August 7, 1981, which, *inter alia*, in declaring the 18-member and proposed 20-member legislatures unconstitutional, rejected plaintiffs' contention that the addition of the two extra legislators required at least a permissive referendum, (2) by defendants from so much of a judgment of the same court, entered June 14, 1982, as declared a proportional weighted voting plan for the 20-member county legislature unconstitutional as a permanent plan of reapportionment and directed the county to provide a new plan, within 45 days, for the court's approval, and (3) by plaintiffs in the second action from so much of the same judgment as denied their application for the designation of an additional legislator as a representative from the Town of Haverstraw. Appeal from the order and judgment dated August 7, 1981, dismissed as moot, without costs or disbursements. Judgment entered June 14, 1982, modified by deleting therefrom the second decretal paragraph thereof and substituting therefor a provision directing that the new plan for reapportionment be submitted to the Supreme Court, Rockland County, by the Rockland County Legislature with all deliberate speed. As so modified, judgment affirmed insofar as appealed from, without costs or disbursements.

The contention of plaintiffs in the first action, that the size of the legislature was improperly increased without a referendum, need not be addressed. On November 5, 1981, after a public hearing, the county legislature adopted a proposed local law providing for a 20-member weighted voting plan subject to a permissive referendum. On December 15, 1981 the local law was amended by the county legislature to provide for a mandatory referendum. That referendum was stayed by the judgment entered June 14, 1982, which we today affirm in all material respects. Moreover, although plaintiffs in the first action claim to be dissatisfied with the form of interim government provided for in Justice Kelly's order dated December 28, 1981, and continued as an interim plan in the judgment entered June 14, 1982, they did not appeal from either the said order or judgment. With respect to defendants' appeal from that portion of the judgment which declared the proportional weighted voting scheme unconstitutional, we

reject their challenge because we conclude that they failed to sustain their burden of proof on the issue. The proponent of any weighted voting scheme has the burden of proving by computer analysis that the plan is not defective (see *Iannucci v Board of Supervisors of County of Washington*, 20 NY2d 244; *Van Nostrand v Board of Supervisors of County of Seneca*, 67 Misc 2d 1096). At bar, the defendants have done little more than reject the study of their own expert by disputing the accuracy of the study's conclusion that there exists a 37.15% discrepancy between the legislators' voting power and the percentage of the population represented by each. Moreover, unlike the proponents of the Nassau County Plan in *Franklin v Krause* (32 NY2d 234, app dsmd 415 U.S. 904), the defendants here have failed to establish that their plan has no practical alternatives. Absent such proof, the 37.15% discrepancy was properly held to be grossly excessive. Accordingly, the declaration of unconstitutionality is affirmed and the Rockland County Legislature is directed to submit a new plan to the Supreme Court, Rockland County, with all deliberate speed. We have considered the parties' other contentions and find them to be without merit.

Mollen, P. J., Damiani, Titone and Weinstein, JJ., concur.

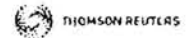
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325 N.Y.S.2d 372

Supreme Court, Seneca County, New York.

Fred E. VAN NOSTRAND, and on behalf of all other residents of the
County of Seneca similarly situated, Plaintiff,

v.

BOARD OF SUPERVISORS OF COUNTY OF SENECA et al.,
Defendants.

Oct. 27, 1971.

Action for declaration that apportionment of county board of supervisors was unconstitutional in view of change in population. The Supreme Court, Seneca County, James H. Boomer, J., held that hearing was required to determine whether County had made goodfaith effort to achieve equality of representation and whether there was sufficient justification for any variance from absolute equality. The Court also held that circumstance that supervisors of the two largest towns would possess more than 50% Of the voting power of the entire board would not render apportionment plan unconstitutional.

Order accordingly.

West Headnotes (7)


Skip Headnotes

- 1 **Counties** ↪ Nature and Constitution in General
Weighted voting plans are of doubtful constitutional validity and it is, therefore, incumbent upon legislative bodies adopting such plans to provide the requisite proof that the plans are not defective.
- 2 **Counties** ↪ Nature and Constitution in General
Legislative bodies may be required to reapportion by changing weight of vote of each legislator to accord with any change in population shown, at least, by any decennial Federal Census made after the original adoption of the apportionment plan.
- 3 **Counties** ↪ Nature and Constitution in General
Circumstance that population had increased 9.7%, with increase ranging from 0.3% for one town to 22.1% for another town, necessitated hearing to determine whether county had made good-faith effort to achieve equality of representation on board of supervisors and whether there was a sufficient justification for any variance from absolute equality.
- 4 **Declaratory Judgment** ↪ Constitutions
That committee of board of county supervisors was studying question of reapportionment did not render premature action for declaration as to constitutionality of the existing plan of apportionment; any new plan could be submitted to court for approval at time of hearing.
- 5 **Counties** ↪ Nature and Constitution in General
That supervisors of the two largest towns in county would possess more than 50% of the voting power of the entire board of supervisors would not render the apportionment plan unconstitutional or require that before approval of any plan of weighted voting additional legislators be added to represent the constituents of the largest towns.
- 6 **Counties** ↪ Nature and Constitution in General

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Weighted apportionment of county board of supervisors might be unconstitutional if it could be shown that, by placing a majority of the voting power in hands of only two legislators, the plan would operate to minimize or cancel out the voting strength of racial or political elements of the voting population.

- 7 Declaratory Judgment  Subjects of Relief in General Plaintiff challenging plan for apportionment of county board of supervisors on ground that supervisors of the two largest towns possessed more than 50% of voting power of the entire board had burden of proving that plan operated to minimize or cancel out the voting strength of political elements of the voting population.

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Attorneys and Law Firms

****373 *1097** Louis J. Lefkowitz, Atty. Gen. (Robert W. Imrie, Asst. Atty. Gen., of counsel), for defendant State of New York.

***1096** Harold A. Kosoff, Newark, New York, for plaintiff.

Daniel A. DePasquale, Seneca Falls, for defendants Board of Supervisors and County of Seneca.

Opinion

MEMORANDUM

JAMES H. BOOMER, Justice.

In 1967 the apportionment of the legislative body of the County of Seneca was found to violate the constitutional requirement of 'one person, one vote' (Reynolds v. Sims, 377 U.S. 533, 84 S.Ct. 1362, 12 L.Ed.2d 506) and the Supreme Court, Seneca County, approved a permanent plan of weighted voting for that county. This plan, formulated by computer analysis, provided for one representative for ****374** each of the ten towns in the county with each representative having such a number of votes that his voting power approximated the percentage of the population of the county represented by him.

The plaintiff brings this proceeding for a declaration that the present plan is unconstitutional in view of the change in population of the county and the various towns as reflected by the 1970 census. The defendants contend that the change of population is not significant enough to create any substantial disparity between the voting power of any legislator and the percentage of population of the county represented by him so as to require a further reapportionment.

The census figures show that between 1960 and 1970 the population of the county has increased from 31,984 to 35,083, a percentage increase of 9.7%. The percentage increase in population for each of the towns ranges from 0.3% For the town of Ovid to 22.1% For the town of Romulus. The population of the town of Ovid increased from 3097 in 1960 to 3107 in 1970, while the population of the town of Romulus increased from 3,509 to 4,284.

1 2 3 In passing upon the constitutionality of legislative apportionment, the court must, 'in light of the particular circumstances of (the) case, determine whether the county has made a good faith effort to achieve equality of representation and whether there is sufficient justification for any

variance from absolute equality.' (Abate v. Mundt, 25 N.Y.2d 309, 315, 305 N.Y.S.2d 465, 468, 253 N.E.2d 189, 191, affd. 397 U.S. 904, 90 S.Ct. 929, 25 L.Ed.2d 86.) Whether or not the present plan, in view of the population change shown by the 1970 census, meets this standard, cannot be determined from the pleadings in this case; it can only be determined after hearing 'the opinions of experts based upon computer analyses.' (Iannucci v. Board of Supervisors of County of Washington, 20 N.Y.2d 244, 253, 282 N.Y.S.2d 502, 509, 229 N.E.2d 195, 199.) Weighted voting plans 'are of doubtful constitutional validity' and it is, therefore, incumbent upon legislative bodies adopting such plans to provide the requisite proof that the plans are not defective. *1098 (Iannucci v. Board of Supervisors of County of Washington, supra, 20 N.Y.2d 244, 253, 282 N.Y.S.2d 502, 509, 229 N.E.2d 195, 199). It is not unreasonable, therefore, to require those legislative bodies to rejustify such plans and to reapportion by changing the weight of the vote of each legislator to accord with any change in population shown, at least, by any decennial Federal Census made after the original adoption of the plan. Accordingly, the court directs that a hearing be held before this court to decide the questions of fact in this matter, on January 17, 1972 or on such other date as may be approved by the court upon application of either of the parties.

4 The defendant argues that this action is premature since a committee of the Board of Supervisors of the county is presently *375 studying the question of reapportionment. Should the Board adopt a new plan of reapportionment prior to the hearing of this matter such plan may be submitted to this court for approval at the time of the hearing.

5 Since there is an indication that the Board will reapportion in accordance with the 1970 Federal Census, one contention of the plaintiff should be commented upon. Under the present plan only 2 legislators, the Supervisor of the town of Seneca Falls and the Supervisor of the town of Waterloo, together, possess more than 50% Of the voting power of the entire Board and, therefore, these two representatives, voting together, can control the Board, thus disenfranchising the representatives of the other 8 towns. Plaintiff contends that this renders the present plan unconstitutional and he requests that the court not approve any plan of weighted voting unless additional legislators are added to represent the constituents of the two largest towns of Seneca Falls and Waterloo.

Obviously, if more than 50% Of the voting power were vested in any one legislator the plan would be unconstitutional, for 'a particular weighted voting plan would be invalid if 60% Of the population were represented by a single legislator who was entitled to cast 60% Of the votes. Although his vote would apparently be weighted only in proportion to the population he represented, he would actually possess 100% Of the voting power wherever a simple majority was all that was necessary to enact legislation.' (Iannucci v. Board of Supervisors of County of Washington, supra 20 N.Y.2d 244, 252, 282 N.Y.S.2d 502, 508, 229 N.E.2d 195, 199.) The same is not necessarily true, however, where more than 50% Of the voting power is vested in two legislators, for 'a legislator's voting power, measured by the mathematical possibility of his casting a decisive vote, must approximate the power he would have in a legislative body which did not employ weighted voting. * * * *1099 (T)he sole criterion is the mathematical voting power which each legislator possesses in theory-i.e., the indicia of representation-and not the actual voting power he possesses in fact-i.e., the indicia of influence.' (Iannucci v. Board of Supervisors of County of Washington, supra, 20 N.Y.2d 244, 252, 282 N.Y.S.2d 502, 508, 229 N.E.2d 195, 199.) It would seem, therefore, that regardless of the possibility or even probability that the supervisors of the two largest towns might combine and act as one, the present plan would not thereby be unconstitutional for there is a

possibility that they may not so combine and therefore, it would be 'mathematically possible for every member of the legislative body to cast the decisive vote on legislation.' (*Iannucci v. Board of Supervisors of County of Washington*, 20 N.Y.2d 244, 252, 282 N.Y.S.2d 502, 508, 229 N.E.2d 195, 199.)

6 7 Nevertheless, the present plan, which places a majority of the voting power in the hands of only two legislators, may be "376 unconstitutional if it can be shown that 'designedly or otherwise * * * (the plan) would operate to minimize or cancel out the voting strength of racial or political elements of the voting population.' (*Burns v. Richardson*, 384 U.S. 73, 88, 86 S.Ct. 1286, 16 L.Ed.2d 376, quoted in *Abate v. Mundt*, supra, 25 N.Y.2d 309, 317, 305 N.Y.S.2d 465, 470, 253 N.E.2d 189, 193.) It appears here that the two populous towns of Seneca Falls and Waterloo are contiguous and are predominantly urban in character, whereas the eight other towns in the county are predominantly rural in character. From the pleadings in this action, however, the court cannot determine whether the present plan operates to minimize or cancel out the voting strength of political elements of the voting population. The burden of proof on this question is upon the plaintiff. On the hearing, the court will consider any proof bearing upon this issue and will decide whether or not each of the two towns of Seneca Falls and Waterloo may be represented by only one legislator. This issue may, however, become moot should the Board of Supervisors adopt a plan providing for additional representatives for these two towns.

Parallel Citations

67 Misc.2d 1096

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462 N.Y.S.2d 695

Supreme Court, Appellate Division, Second Department, New York.

Gloria ENGLISH et al., Appellants,

v.

Sandra LEFEVER et al., Respondents. (Action No. 1)

Howard F. BROOKS et al., Respondents-Appellants,

v.

Sandra LEFEVER et al., Appellants-Respondents. (Action No. 2)


May 23, 1983.


In consolidated action for declaratory judgment that legislature of county was unconstitutionally apportioned, appeals were taken by plaintiffs in first action from order and judgment of the Supreme Court, Special Term, Rockland County, Kelly, J., 110 Misc.2d 220, 442 N.Y.S.2d 385, which declared the proposed legislature unconstitutional, but rejected a claim that the addition of two extra legislators required at least a permissive referendum, and by defendants from so much of a judgment of the same court which declared proportional weighted voting plan for 20-member county legislature unconstitutional and by plaintiffs in the second action from so much of the same judgment as denied their application for designation of an additional legislator as a representative from a specified town. The Supreme Court, Appellate Division, 91 A.D.2d 622, 456 N.Y.S.2d 802, dismissed the plaintiffs' appeal from the first judgment and affirmed the second judgment. On a motion to resettle the order, the Supreme Court, Appellate Division, held that: (1) the contention of the plaintiffs in the first action that the size of the legislature was improperly increased without referendum would not be addressed, and (2) the county officials failed to sustain their burden of establishing that the weighted voting scheme was not defective.


Appeal dismissed and judgment modified and, as modified, affirmed.

West Headnotes (3)

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- 1 **Counties**  Nature and Constitution in General
Although plaintiffs claimed to be dissatisfied with form of interim government provided by trial court's order which stayed mandatory referendum on 20-member weighted voting plan for county, where plaintiffs did not appeal from either order or judgment staying that referendum, contention that size of legislature was improperly increased without referendum would not be addressed.

1 Cases that cite this headnote
- 2 **Counties**  Nature and Constitution in General
Proponent of any weighted voting scheme for county legislature has burden of proving by computer analysis that plan is not defective.

2 Cases that cite this headnote
- 3 **Counties**  Nature and Constitution in General
Where county officials had done little more than reject study of their own expert by disputing accuracy of study's conclusion that there existed 37.15 percent discrepancy between county legislators' voting power and percentage of population represented by each and officials failed to establish that their plan had no practical alternatives, 37.15

percent discrepancy was properly held to be grossly excessive.

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***695** Before MOLLEN, P.J., and DAMIANI, TITONE and WEINSTEIN, JJ.

Opinion

MEMORANDUM BY THE COURT.

*755 Motion by plaintiffs in the first action to resettle an order of this court, dated December **696 13, 1982, which, *inter alia*, directed the Rockland County Legislature and the Board of Elections to submit a new plan of reapportionment to the Supreme Court, Rockland County, with all deliberate speed, so as to delete therefrom all references to the Board of Elections.

Motion granted, the decision and order of this court both dated December 13, 1982, 91 A.D.2d 622, 456 N.Y.S.2d 802, are recalled and vacated, and the following decision is substituted therefor:

In consolidated actions for a judgment declaring that the Legislature of the County of Rockland is unconstitutionally apportioned, the appeals are (1) by plaintiffs in the first action from an order and judgment (one paper) of the Supreme Court, Rockland County (KELLY, J.), dated August 7, 1981, 110 Misc.2d 220, 442 N.Y.S.2d 385, which, *inter alia*, in declaring the 18-member and proposed 20-member Legislatures unconstitutional, rejected plaintiffs' contention that the addition of the two extra legislators required at least a permissive referendum, (2) by defendants from so much of a judgment of the same court, entered June 14, 1982, as declared a proportional weighted voting plan for the 20-member County Legislature unconstitutional as a permanent plan of reapportionment and directed the county to provide a new plan, within 45 days, for the court's approval, and (3) by plaintiffs in the second action from so much of the same judgment as denied their application for the designation of an additional legislator as a representative from the Town of Haverstraw.

Appeal from the order and judgment dated August 7, 1981, dismissed as moot, without costs or disbursements.

Judgment entered June 14, 1982, modified by deleting therefrom the second decretal paragraph thereof and substituting therefor a provision directing that the new plan for reapportionment be submitted to the Supreme Court, Rockland County, by the Rockland County Legislature with all deliberate speed. As so modified, judgment affirmed insofar as appealed from, without costs or disbursements.

1 The contention of plaintiffs in the first action, that the size of the Legislature was improperly increased without a referendum, need not be addressed. On November 5, 1981, after a public hearing, the County Legislature adopted a proposed local law providing for a 20-member weighted voting plan subject to a permissive referendum. On December 15, 1981 the local law was amended by the County Legislature to provide for a mandatory referendum. That referendum was stayed by the judgment entered June 14, 1982, which we today affirm in all *756 material respects. Moreover, although plaintiffs in the first action claim to be dissatisfied with the form of interim government provided for in Justice KELLY's order dated December 28, 1981, and continued as an interim plan in the

judgment entered June 14, 1982, they did not appeal from either the said order or judgment.

2 3 With respect to defendants' appeal from that portion of the judgment which declared the proportional weighted voting scheme unconstitutional, we reject their challenge because we conclude that they failed to sustain their burden of proof on the issue. The proponent of any weighted voting scheme has the burden of proving by computer analysis that the plan is not defective (see *Iannucci v. Board of Supervisors of County of Washington*, 20 N.Y.2d 244, 282 N.Y.S.2d 502, 229 N.E.2d 195; *Van Nostrand v. Board of Supervisors of County of Seneca*, 67 Misc.2d 1096, 325 N.Y.S.2d 372). At bar, the defendants have done little more than reject the study of their own expert by disputing the accuracy of the study's conclusion that there exists a 37.15% discrepancy between the legislators' voting power and the percentage of the population represented by each. Moreover, unlike the proponents of the Nassau County Plan in *Franklin v. Krause*, 32 N.Y.2d 234, 344 N.Y.S.2d 885, 298 N.E.2d 68 app. dsmd. 415 U.S. 904, 94 S.Ct. 1397, 39 L.Ed.2d 461, the defendants here have failed to establish that their plan has no practical alternatives. Absent such proof, the 37.15% discrepancy was properly held to be grossly excessive. Accordingly, the declaration of unconstitutionality **697 is affirmed and the Rockland County Legislature is directed to submit a new plan to the Supreme Court, Rockland County, with all deliberate speed.

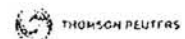
We have considered the parties' other contentions and find them to be without merit.

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94 A.D.2d 755

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298 N.E.2d 68

Court of Appeals of New York.

Lawrence FRANKLIN et al., Respondents,

v.

Stanley W. KRAUSE, as Clerk of the Board of Supervisors of the County of Nassau, et al., Defendants, and Francis T. Purcell et al., Constituting the Board of Supervisors of the County of Nassau, Appellants.

May 3, 1973.

Proceeding on application for appointment of nonpartisan commission to prepare and submit plan of apportionment and voting for Nassau County board of supervisors and on application for approval of a local law providing weighted voting plan. The Supreme Court, Special Term, Nassau County, Mario J. Pittoni, J., 72 Misc.2d 104, 338 N.Y.S.2d 561, denied the applications and adjudged the local law to be unconstitutional as violating equal protection clauses of the State and Federal Constitutions and an appeal was taken on constitutional grounds. The Court of Appeals, Gabrielli, J., held that weighted voting plan, produced by computer analyst for county in which dominant town contained more than half of population, was constitutional although, on one hand, smaller units were superenfranchised and although supervisors from dominant town would have 70 of 130 votes, where plan required 71 votes for majority so that dominant town's supervisors could not alone pass a measure although they could defeat a measure.

Judgment reversed and cross-motion granted.


Wachtler, J., took no part.

West Headnotes (4)

Skip Headnotes

- 1 **Counties** ↪ Nature and Constitution in General
Fair measure of superinfranchisement and disenfranchisement can be tolerated for sake of preservation of local units and apportionment plan need not be discarded solely because complete mathematical perfection is not achieved at local level.
2 Cases that cite this headnote
- 2 **Counties** ↪ Nature and Constitution in General
One-man, one-vote ideal is not to be abandoned at local level but can be tempered to meet local exigencies and preserve boundary lines.
3 Cases that cite this headnote
- 3 **Counties** ↪ Nature and Constitution in General
Weighted voting plan for county government, produced by computer analyst for county in which dominant town contained more than half of population, was constitutional although, on one hand, smaller units were superenfranchised and although supervisors from dominant town would have 70 of 130 votes, where plan required 71 votes for majority so that dominant town's supervisors could not alone pass a measure although they could defeat a measure. U.S.C.A.Const. Amend. 14; Const. art. 1, § 11.

9 Cases that cite this headnote

- 4 Counties  Nature and Constitution in General
 Total deviation of 7.3% in weighted voting plan for county government was tolerable figure.

3 Cases that cite this headnote

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Attorneys and Law Firms

****886 **68 *235** George C. Pratt, Mineola, for appellants.

John M. Armentano, Stanley Harwood and A. Thomas Levin, Mineola, for respondents.

Opinion

GABRIELLI, Judge.

Special Term has declared unconstitutional a weighted voting plan adopted by the Board of Supervisors of ***236** Nassau County; and we are presented with the question whether the board has overcome the infirmity of a prior plan it had proposed.

In *Franklin v. Mandeville* (26 N.Y.2d 65, 308 N.Y.S.2d 376, 256 N.E.2d 534) this court rejected the weighted voting plan under which the Board of Supervisors ****69** (board) had operated for well over 30 years primarily for the reason that Supervisors representing some 57% Of the county's population located in the Town of Hempstead could cast but 49.6% Of the board's vote. It was further determined that, within six months from the public announcement of the results of the 1970 census, the board was to promulgate an acceptable plan. Ultimately, after delays beyond the six-month limit not here pertinent, plaintiffs, residents, taxpayers and qualified voters of Nassau County, moved at Special Term for an order appointing a nonpartisan commission to prepare a plan then to be implemented by the court. In September, 1972, the board, composed of four Republicans and two Democrats, unanimously adopted Local Law No. 13-1972, which provided a new *****887** weighted voting system. The board cross-moved for approval of this plan.

Special Term ruled that the plan contained the same fault for which it was previously rejected; that it did not otherwise meet criteria set down by this court in other cases; and that weighted voting was per se unacceptable as a matter of law. Special Term refused to appoint a nonpartisan commission and gave the board 60 days to devise an acceptable plan. Under the rationale of this decision, of course, the plan would either have to be based on the multi-member or single-member district concept. The board appeals directly here under CPLR 5601 (subd. (b), par. 2).

The new plan emerged after a computer analyst reviewed over 2,000 different combinations of votes and voting-this, in an effort to conform to this court's pronouncements on weighted voting made in *Iannucci v. Board of Supervisors of County of Washington* (20 N.Y.2d 244, 282 N.Y.S.2d 502, 229 N.E.2d 195) where, Inter alia, it was held that 'voting power' could only be equalized properly through computer mathematical analysis. One hundred possibilities were given the board's attorney and of these he submitted 'a half dozen or so' for the board's consideration. The plan selected provides for a

total of 130 votes to be distributed among the *237 six Supervisors, as follows: Each of the two Supervisors elected at large from the Town of Hempstead, 35; the Oyster Bay Supervisor, 32; the North Hempstead Supervisor, 23; the Long Beach Supervisor, 3; and the Glen Cove Supervisor, 2. Since the Town of Hempstead contains some 56% Of the county's population, and its two Supervisors possess combined voting power corresponding to 55% There is minimal deviation off the ideal, of but -1.6. Oyster Bay with some 23% Of the population has 20.370% Voting power through its Supervisor, a deviation of -2.7. North Hempstead 16.5% Population, 13% Voting power, -3.5 deviation. Long Beach 2.3% Population, 5.6% Voting power, 3.3 deviation. Glen Cove 1.8% Population, 5.6% Voting power, 3.8 deviation.

Thus, the smaller communities are superenfranchised to a somewhat greater extent than the larger communities are disenfranchised. But the range of deviation is only 7.3% And the plan fits comfortably within the intendment of *Iannucci v. Board of Supervisors of County of Washington* (20 N.Y.2d 244, 282 N.Y.S.2d 502, 229 N.E.2d 195, Supra) as affected by subsequent case law. The problem in *Iannucci* was that the smaller units of local government were not accorded decisive voting power under those weighted voting plans which would approximate the power they would project through their representatives in a legislative body which did not employ weighted voting. With regard to the plan here under consideration, and in light of the voting power combinations worked out by the computer analyst, the ***888 superenfranchisement of the smaller units in this case satisfies *Iannucci* in this respect.

It was also noted in *Iannucci* that a weighted voting plan would be invalid if over 50% Of the population were represented by a legislator entitled to cast over 50% Of the votes for then, in reality, he would possess 100% Voting power, at least as to measures requiring a majority vote **70 for passage. The instant plan would violate that injunction, of course, were it not for its provision that for passage of a measure requiring a majority 71 and not 66 votes are required; and for measures requiring a two-thirds vote, 92, and not 87, votes are required. Thus, while the Town of Hempstead Supervisors together possess 70 votes, more than a majority of the total 130, they cannot have 55% Voting power which would ordinarily be 100% Voting power in a 'pure majority' situation. This admittedly artificial *238 voting requirement, in reality, gives the Town of Hempstead a greater disenfranchisement than would otherwise be the case in certain voting combinations.

This is precisely the point which caused our rejection of the former plan, which, although based on different scales and values, contained the same sort of bar preventing the Town of Hempstead Supervisors from having 100% Voting power. At the time that decision was handed down, the preachment was that one man, one vote had to be applied at all levels of government with mathematical certitude and this court was concerned with the scope of Hempstead's disenfranchisement. In the intervening years this stricture has been considerably softened with respect to local level government and this reshaping is most desirable, as demonstrated in the case at bar.

The problem here is somewhat unique. In none of the literature (see Johnson, An Analysis of Weighted Voting as Used in Reapportionment of County Governments in New York State, 34 Albany L.Rev. 1 (1969); Banzhaf, Weighted Voting Doesn't Work: A Mathematical Analysis, 19 Rutgers L.Rev. 317 (1965)), or the cases thus far has the situation arisen where, as here, one of the units of local government, in a county seeking to employ weighted voting, alone includes a majority of the county's total population. It is argued that for this reason the

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 principle of weighted voting is impossible of application because in order precisely to satisfy the principle of one man, one vote the largest unit's voting power ought to be commensurate with the size of its population, but that to achieve that would be to violate the Iannucci ban on 100% Voting power.

We would be extremely reluctant to reject this weighted voting plan, approved unanimously by a bipartisan board, and force the county into multi-member districting. It has been argued to us, without material opposition, that the small board, composed of the ***889 unit Supervisors, is the most efficient form of government, and has proved to be such over the years. It is also pointed out, again without serious question, that multi-member districting would necessitate a very large legislative body (estimated at 55 members), because of the central problem-the huge disparity between the size of the population in the Town of Hempstead, and the other units which even among themselves are grossly disproportional in population size. Thus, *239 to preserve unit boundary lines and the concomitant efficiency in the rendition of local services, without creating a monstrous legislative body, virtually necessitates a weighted voting system which can approach as closely as possible the one man, one vote principles discussed in Iannucci.

1 We now know that if complete mathematical perfection is not achieved at the local level there need be no reason to discard an apportionment plan solely for that reason. It has now become clear that a fair measure of superenfranchisement and disenfranchisement can be tolerated for the sake of the preservation of local units.

In *Abate v. Mundt*, 25 N.Y.2d 309, 305 N.Y.S.2d 465, 253 N.E.2d 189, this court approved a multi-member districting plan over the argument of excessive deviation. Judge Burke noted that the one man, one vote principle is treated differently at the three levels of legislative apportionment, i.e., at the congressional, State and local levels; that different considerations obtain at ***71 the local level and that "variations from a pure population standard might be justified by such state policy considerations as the integrity of political subdivisions, the maintenance of compactness and contiguity in legislative districts or the recognition of natural or historical boundary lines" (25 N.Y.2d, at p. 316, 305 N.Y.S.2d, at p. 469, 253 N.E.2d, at p. 192, quoting from *Swann v. Adams*, 385 U.S. 440, 444, 87 S.Ct. 569, 17 L.Ed.2d 501, emphasis added by Judge Burke). *Abate* was affirmed in the Supreme Court where it was stated that slightly greater percentage deviations could be tolerated for local apportionment schemes. 'Of course, this Court has never suggested that certain geographic areas or political interests are entitled to disproportionate representation. Rather our statements have reflected the view that the particular circumstances and needs of a local community as a whole may sometimes justify departures from strict equality' (403 U.S. 182, 185, 91 S.Ct. 1904, 1907, 29 L.Ed.2d 399). In a companion case, *Whitcomb v. Chavis* (403 U.S. 124, 91 S.Ct. 1858, 29 L.Ed.2d 363), involving the reapportionment of Marion County, Indiana, as a multi-member district for the election of State representatives and senators, the court declared multi-member districts not to be inherently unconstitutional and approved the plan over objection that it discriminated against concentrations of Negro voters. The *Abate* scheme held a 12% Variation, and Justice Harlan, in a concurring opinion, remarked upon ***890 the court's declining enthusiasm for the application of strict standards to local situations.

*240 In *Mahan v. Howell* (410 U.S. 315, 93 S.Ct. 979, 35 L.Ed.2d 320 (1973)) the plan involved apportionment of the State of Virginia for the election of State delegates and senators. Basic to the plan was the preservation of political subdivision boundary lines and this resulted in a 'maximum percentage variation

from ^{Search term} (the) ideal' of 16.4%. Justice Rehnquist specifically approved the idea that more 'flexibility' was constitutionally permissible with respect to State legislative reapportionment than in congressional redistricting, stating: 'Thus, whereas population alone has been the sole criterion of constitutionality in congressional redistricting * * * broader latitude has been afforded the State * * *. The dichotomy between the two lines of cases has consistently been maintained. In *Kirkpatrick v. Preisler* (394 U.S. 526, 89 S.Ct. 1225, 22 L.Ed.2d 519), for example, one asserted justification for population variances was that they were necessarily a result of the State's attempt to avoid fragmenting political subdivisions by drawing congressional district lines along existing political subdivision boundaries. This argument was rejected in the congressional context. But in *Abate v. Mundt*, 403 U.S. 182, 91 S.Ct. 1904, 29 L.Ed.2d 399 (1971), an apportionment for a county legislature having a maximum deviation from equality of 11.9% Was upheld in the face of an equal protection challenge, in part because New York had a long history of maintaining the integrity of existing local government units within the county.' (At p. 322, 93 S.Ct. at p. 984).¹

Finally, in *Matter of Schneider v. Rockefeller* (31 N.Y.2d 420, 340 N.Y.S.2d 889, 293 N.E.2d 67) this court approved the new State legislative plan, Judge Jasen's **72 opinion including dictum especially pertinent in the case now before us. Petitioners argued in *Schneider* that *Abate v. Mundt* (25 N.Y.2d 309, 305 N.Y.S.2d 465, 253 N.E.2d 189, affd. 403 U.S. 182, 91 S.Ct. 1904, 29 L.Ed.2d 399. *Supra*) had softened the *247 principles of *Reynolds v. Sims* (377 U.S. 533, 84 S.Ct. 1362, 12 L.Ed.2d 506), the landmark case on State legislative reapportionment, but the court found *Abate v. Mundt* applicable only to units of local government, stating: 'While we would agree that *Abate* perhaps signals a reappraisal by the court of apportionment standards for local **891 government, we think that the authorities amply support the choice of maximum population equality as a guiding principle in redistricting and reapportioning the State Legislature' (31 N.Y.2d, at p. 428, 340 N.Y.S.2d, at p. 895, 293 N.E.2d, at p. 71). Footnote 3 to the *Schneider* opinion states: '3. There may be good reason for treating local government apportionment as a distinct problem. As the court noted in *Abate*, local legislative bodies have fewer members and local legislative districts have fewer voters than their State and national counterparts. Thus, it may be more difficult to devise apportionment plans that comply with numerical equality at the local level. Furthermore, there are over 80,000 units of local government serving various functions. A certain flexibility may, therefore, be desirable to facilitate intergovernmental co- operation at this level. (See, e.g., *Avery v. Midland County*, 390 U.S. 474, 485, 88 S.Ct. 1114, 20 L.Ed.2d 45.)'

2 3 That footnote distills the more recent thinking that the one man, one vote ideal, while not to be abandoned at the local level, can at least be tempered to meet local exigencies and preserve boundary lines. The plan before us comports with the standards set forth in *Iannucci v. Board of Supervisors of County of Washington* (20 N.Y.2d 244, 282 N.Y.S.2d 502, 229 N.E.2d 195, *Supra*) as closely as is possible, given the unique situation created by Hempstead's size with the disparities in population among the other units. The fact that the plan still carries the problem found decisive in *Franklin v. Mandeville* (26 N.Y.2d 65, 308 N.Y.S.2d 375, 256 N.E.2d 534, *Supra*) should not constitute a continuing bar to validation. It has been demonstrated that the standards applied to our former decision have been very significantly altered. The more thought that was given to the local situations, the more it became apparent it was more desirable to preserve traditional unit representation even if that led to a slight degree of disparity in voting power. The integration of local taxing and local services depends on preservation of unit boundary lines and unit representation. To merge these units into one another for the sake of creating mathematically equal districts would be to sacrifice practicality for an abstraction; *242 a situation which surely was never contemplated or briefed in

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 Reynolds v. Sims (377 U.S. 533, 84 S.Ct. 1362, 12 L.Ed.2d 506, Supra).
 Representation at the State and congressional levels can be arranged on a more precise mathematical basis because the responsibilities of the representatives are not so specifically tied to the management of local affairs.

4 The plan before us has been 'computerized' as suggested by the Iannucci requirement and moves close to one man, one vote without granting Hempstead 100% Voting power. The total deviation is 7.3%, a tolerable figure within the contemplation of Abate and other recent cases (e.g., 16.4% In the ***892 Mahan case, 410 U.S. 315, 93 S.Ct. 979, 35 L.Ed.2d 320, Supra, and that at the State level). The Hempstead Supervisors' voting power is such that, assuming they wish to pass a measure requiring a majority, they need only one other Supervisor's vote. It would seem that together they can defeat any such measure without further aid since the rest of the Supervisors together do not have 71 votes among them. Thus, the citizens of Hempstead certainly have a weighty voice in this legislative process, while at the same time, the citizens of the other units cannot always be overwhelmed by that power. In other words, the citizens of the smaller units **73 have decisive power in a significant share of the possible voting combinations.

In no way are we suggesting that the one man, one vote principle be abandoned at the local level. We will continue to insist that this ideal be the goal and that Iannucci be the guide. We merely conclude that the plan before us meets a sufficient standard when measured against the law it now is with regard to local government. This law has assumed a desirable practicality because it allows for flexibility-something which at least prior to Abate v. Mundt (25 N.Y.2d 309, 305 N.Y.S.2d 465, 253 N.E.2d 189, affd. 403 U.S. 182, 91 S.Ct. 1904, 29 L.Ed.2d 399, Supra) was lacking.

We hold there is no constitutional infirmity in the plan adopted by Local Law No. 13-1972.

The judgment should be reversed, without costs, and appellants' cross motion should be granted.

FULD, C.J., and BURKE, BREITEL, JASEN and JONES, JJ., concur;
 WACHTLER, J., taking no part.
 Judgment reversed, etc.

Parallel Citations

32 N.Y.2d 234, 298 N.E.2d 68

Footnotes

- 1 In two very recent cases it was held that special-purpose units of government such as water and sewage districts could operate outside strict one man, one vote principles because they affected "definable groups of constituents more than other constituents", and that certain groups could thus have disproportionate voting power (Salyer Land Co. v. Tulare Lake Basin Water Stor. Dist., 410 U.S. 719, 93 S.Ct. 1224, 35 L.Ed.2d 659 (1973); Associated Enterprises v. Toltce Watershed Improvement Dist., 410 U.S. 743, 93 S.Ct. 1237, 35 L.Ed.2d 675 (1973)). These decisions do not specifically extend to units of general local government apportionment such as we find in the instant case. There may be, however, further indication in these cases that the Supreme Court does not demand strict one man, one

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vote principles at the local level.

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MEMORANDUM

TO: Members of Commission on Reapportionment

FROM: Beatrice Havranek, Esq. 
County Attorney

DATE: May 16, 2011

RE: Ulster County Redistricting/Inmate Population

I. INTRODUCTION

On May 11, 2011, more than nine days after the Ulster County Commission on Reapportionment presented its final plan to the Ulster County Legislature, the New York Civil Liberties Union faxed a letter, a copy of which is attached, to the Ulster County Attorney urging the Commission on Reapportionment to exclude the prison population in Ulster County from its redistricting plan.

While the New York Civil Liberties Union (NYCLU) based its request on recently amended state law, the Ulster County Commission on Reapportionment was not prepared to address this concern for the reasons set forth below which include issues that are both legal, procedural and time constrained. In fact, the timing issue is of such critical nature that any deviation from the current schedule would result in a plan not being in place for the 2011 November elections.

II. THE CHARTER

The current redistricting plan, which was presented to the Ulster County Legislature on May 2, 2011, is the first time that redistricting will take place since this new executive/legislative form of government was created. The Ulster County Charter was adopted via a local law on

August 23, 2006 as Local Law No. 2 of 2006; and it was subject to a mandatory referendum. It was thereafter approved by the electorate of Ulster County on November 7, 2006.

III. THE 23 SINGLE MEMBER DISTRICTS ADDRESSED IN THE CHARTER

Section C-8(A) of the Charter sets forth in pertinent part that *“Effective at the general election of 2011, the County of Ulster shall be divided into 23 legislative districts, from each of which shall be elected one person to be a member of the County Legislature,”* effective for the November 2011 general election. This represented a reapportionment of the current 33 member Legislature representing multi-member districts. This reapportionment was adopted by the County Legislature initially via the above referenced local law in 2003 which was subject to public referendum. This was again ratified in the Ulster County Charter, which was subject to a mandatory referendum in 2006. The Charter became operative on January 1, 2009.

The last reapportionment/redistricting occurred on May 7, 2003, as Local Law No. 1 of 2003, entitled *“A Local Law to Provide Legislative Districts for Election of Ulster County Legislators Commencing with the Election of 2003 for Two Year Terms Beginning January 1, 2004 and for Succeeding Elections Through the Terms Ending December 31, 2011.”*

IV. THE ROLE OF ULSTER COUNTY COMMISSION ON REAPPORTIONMENT

Section C-10(A) of the Ulster County Charter provides, in pertinent part, that the *“Commission on Reapportionment shall be established as soon as practicable after the availability of data from the 2010 census to create single member districts for the Ulster County Legislature and thereafter to meet and evaluate existing legislative districts no later than the 60 days after the necessary census data becomes available from the decennial federal census and reapportion them as necessary to meet established standards in federal and state law for equal representation by all people in Ulster County, keeping districts compact and contiguous while taking also into account existing town, city, village and elections district boundaries and defining geographic boundaries and defining geographic features but giving no consideration to providing advantage to one or another political party.”*

The Commission on Reapportionment was fully created in December of 2010 and began its work long before it was required to under the Charter. An overriding issue was the almost impossible time table that was required to put the new single member districts in place in time for the general election of November 2011 which begins with the petition process for nominating candidates under New York State Election Law. That process begins on June 6, 2011.

A. The Lawsuit

In February of 2011, while the Commission was meeting and organizing, a lawsuit ensued in Ulster County Supreme Court against the Ulster County Commission on Reapportionment and the Ulster County Legislature.

That lawsuit, entitled John Parete and Thomas P. Kadgen v. Ulster County Legislature and Ulster Commission on Reapportionment (Index No. 2011-737), sought, among other things, to vest in the Ulster County Commission on Reapportionment the sole power regarding the creation of 23 new single member legislative districts. The decision that was eventually rendered by the Hon. Kimberly A. O'Connor, Acting Supreme Court Justice, on April 5, 2011, determined among other things, that while (1) the Commission on Reapportionment has the power and authority to create the plan of redistricting for the 23 single member districts for the Ulster County Legislature for terms of office beginning on January 1, 2012 and thereafter, (2) that such plan shall not be binding until such time as it has been adopted by the Ulster County Legislature Commission as a local law, and (3) as a Charter County, Ulster County's redistricting local law was not subject to a referendum, either permissive or mandatory.

In addition, Justice O'Connor also held that since Ulster County was a Charter County, §10(1)(a)(13) of Municipal Home Rule did not apply. That state law is the law that addresses redistricting. The Court's decision, which has not been appealed (and the time to appeal has run out) was in keeping with other decisions regarding the power of Charter counties when involved in redistricting. See also Mehiel v. County Board of Legislators, 175 A.D.2d 109 (2d Dep't 1991), which held that since the County of Westchester, a charter county, did not adopt a plan of reapportionment pursuant to Section 10(1)(ii)(a)(13)(a) of Municipal Home Rule Law, it was not controlling. See also Spencer v. Cristo, 27 Misc.2d 344 (Sup. Ct. Rensselaer County 2010), where the court, in determining another electoral issue, stated that "Where a county charter operates under a charter form of government, its apportionment plans are adopted pursuant to its charter authority, and not MHRL §10(1)(ii)(a)(13)." Likewise, in Calandra v. City of New York, 90 Misc.2d 487 (Sup. Ct. N.Y. County 1977), Justice Alexander held that the City of New York had the authority and power to redistrict under its Charter. In another case, League of Women Voters v. Westchester County, 218 A.D.2d 730 (2d Dep't 1995), the Appellate Court held that since Westchester County operates under a charter form of government, its reapportionment plans are adopted pursuant to its charter and not §10(1)(a)(13)(a) of Municipal Home Rule Law.

B. The Request of the NYCLU

The May 11, 2011 letter of the NYCLU, requesting that the Charter Commission exclude prison populations in its plan, relies on several sections of law including "§10(13)(c)" of Municipal Home Rule Law. As noted above, the Ulster County charter is controlling and not this section of law. Even, assuming that this section of Municipal Home Rule Law did apply to the County, it would be not only irrational but impossible for the County to fashion its redistricting plan by simply excluding the prison population. Moreover, it would not be following the intent of the law.

The section of Municipal Home Rule Law that the NYCLU references states, in pertinent part, the following: "*.....the term population shall mean residents, citizens or registered voters. For such purposes, no person shall be deemed to have gained or lost a residence or to have*

become a resident of a local government.....by reason of being subject to the jurisdiction of the department of correctional services and present in a state correctional facility pursuant to such jurisdiction.”

In order to facilitate this section of Municipal Home Rule, a section of New York State Corrections Law (§71(8)) was amended as well as Legislative Law (§83-m(13)(b)). Those laws provide that a data base be created by the state to identify each and every inmate and their residence prior to sentencing. That data base was to be completed, according to the law, during July of the year that the federal decennial census is taken, specifically July 1, 2010. The date may have been extended until September 1, 2010. However, to date, no such data has been released.

As such, it is not possible for the County of Ulster to identify any of those individuals who were Ulster County residents prior to their incarceration. More importantly, the County, for its redistricting purposes, needs this information in order to determine which of the 23 single member districts this population would be placed in. Individuals whose respective residential addresses prior to incarceration were in Ulster County may not only be currently inmates in Ulster County state correctional facilities but also inmates in other correctional facilities throughout the state of New York.

By simply excluding the inmate population, as suggested by the NYCLU, the County of Ulster would not be in compliance with the statute, even if it applied to Ulster County, in that it would creating a plan where the person or inmate shall have been deemed to have “*lost a residence.*”

Compounding the situation is a lawsuit that was commenced in Albany County Supreme Court on April 4, 2011, which seeks to have the sections of law referenced above that would exclude inmates from redistricting plans and/or place them in the pre-sentencing residences for such purposes, declared null, void and unconstitutional. That action was brought by eighteen plaintiffs including New York State Senators and private citizens. (See Little, et al v. New York Legislative Task Force on Demographic Research and Reapportionment, et ano, Albany County Supreme Court, Index No.: 2310-2011.) That lawsuit is still pending.

C. The Plan of the Commission Addresses the Inmate Population

The population of Ulster County pursuant to the 2010 census data is 182,493 persons, not all of which are able to vote or registered to vote for various reasons including age, religion, incarceration, etc. There are four state correctional facilities in Ulster Counties and the population totals are as follows:

1. Eastern Correctional Facility at 1,002, and
2. Ulster Correctional Facility at 720, and
3. Shawangunk Correctional Facility, at 539, and
4. Wallkill Correctional Facility at 571.

There have been some counties in New York State that excluded inmates in the past via the adoption of a local law by the county legislature. Such an action by the Ulster County Legislature could not occur while the lawsuit against it was pending in that it was not clear until Justice O'Connor rendered her decision which entity would create the final plan - the Commission on Reapportionment or the County Legislature. Since the Court determined that the Commission on Reapportionment had the power to create the plan, this also hindered any such action by the Legislature. In addition, the issue of timing, which is discussed at length later, regarding the adoption of a local law, would have prevented this from occurring.

Thus, in order to address the inmate population, the Commission on Reapportionment took the following action to minimize the impact on the newly created districts. The Shawangunk Correctional Facility and Wallkill Correctional Facility which are near each other, were separated and placed in two different Legislative districts. The Shawangunk Correctional Facility was placed in District 16 and the Wallkill Correctional Facility was placed in District 13.

As a result of their close proximity, the Eastern Correctional Facility and the Ulster Correctional Facility, could not be easily split into two districts. In addition, the census block (361119545002026) that encompassed the Ulster Correctional Facility included 27 housing units. Some of these, as viewable in the parcel/data aerial photographs, are single family homes. Without the release of group quarter data from the census, it was not possible to separate out the prison population in this particular block. In fact, it is not physically possible to accurately split a census block as there is no way to ascertain where the population is within the block. Thus, to address this, District 15 (which contains both facilities) was maximized to 4.87%, above the mean of 7,934, to 8,321 to minimize the impact of those prisons in that particular district.

D. The Time Schedule

The census data became available on March 23, 2011 when a Total Population by Municipality map was posted on the website. The Commission was then in a position to start the actual work of drafting and creating the 23 single members districts. The initial goal was to be done with the plan by the end of April so that it could be turned over to the Ulster County Legislature by the end of April, 2011. The Commission met at least once a week and once on a weekend to complete the plan. It was delivered to the Ulster County Legislature on May 2, 2011.

Since the final plan must be adopted via a local law, the Ulster County Legislature, as well as the Ulster County Executive, who has the power to approve or veto the plan under the Charter and state law, must act. The procedure and timing for the local law is governed by §20 of Municipal Home Rule Law. This section of local law requires numerous steps from beginning to end, each with a specific amount of time attributed to introducing the law and scheduling a hearing and public notice of the hearings which are required not only of the Legislature but also the Executive.

The Ulster County Legislature met on May 9, 2011 and set the date for the public hearing for May 17, 2011. In the event that the Legislature adopts the plan prepared by the Commission with no substantive changes, the following represents the swiftest legally permissible time table for this purpose:

1. On May 17, 2011, the Ulster County Legislature adopts the local law.
2. Before May 24, 2011, in order to meet the next schedule publishing dates of the two official weekly newspapers, the Ulster County Clerk to the Legislature presents the local law to the County Executive.
3. On May 24, 2011, prior to noon, the Ulster County Executive forwards a notice of public hearing to the two official weekly newspapers to be published in their next editions on May 26, 2011. Five days notice must be given.
4. On May 31, 2011, the Ulster County Executive holds his public hearing at which time he approves or vetoes the local.
5. Assuming the local law is approved, it is then returned to the Clerk of the Legislature who files it with the New York Secretary of State.

The nominating petition process begins officially, per the New York State Board of Elections, on June 6, 2011. Prior to that, the Ulster County political parties are preparing to hold their nominating conventions.

Most, if not all other counties in New York State, will be going through this process in 2012. The County of Ulster was forced to redistrict in 2011 as a result of its Charter.

BH:gr
enclosure

cc.: Hon. Michael P. Hein, County Executive
Karen Binder, Clerk of the Legislature
Kenneth Gilligan, Esq., Legislative Counsel
Christopher Ragucci, Esq., Legislative Counsel
Michael Kavanagh, Jr., Esq., Legislative Counsel



BRENNAN
 CENTER
 FOR JUSTICE

May 11, 2011

BY FACSIMILE & FEDERAL EXPRESS

Beatrice Havranek, Esq.
 Ulster County Attorney
 PO Box 1800
 Kingston, NY 12402-1800

Re: Ulster County Redistricting—Excluding Prisoners in Reapportionment

County Attorney Havranek,

We write today in response to published reports indicating that the Ulster County Redistricting Commission has developed new district boundaries for county legislative offices, which will be submitted for approval by the County Legislature on May 23. See Michael Novinson, "New Ulster Districts Get OK," *Times Herald-Record* (3 May 2011), attached. The report suggests that, in fashioning the new district lines, the Redistricting Commission counted prisoners as residents of their community of incarceration. However, pursuant to last year's enactment of redistricting reform (known as "Section XX"), counties are not allowed to include prison populations when reapportioning local legislative districts.¹ As a result, any redistricting plan that does so, including the proposed Ulster County redistricting plan, would run afoul of New York law.

Corrections Law § 71(8) calls for the Department of Correctional Services to provide the legislative task force on demographic research and reapportionment (LATFOR) with the addresses of all inmates *prior to* their incarceration. Legislative Law § 83-m then directs LATFOR to develop a database in which all incarcerated persons shall be allocated for redistricting purposes based on their addresses prior to incarceration rather than at the addresses of such correctional facilities.² This database is to be made available to local governments for the purposes of redistricting. Leg. Law § 83-m(13)(b).

Redistricting of State Assembly and Senate districts must be based on the modified data set. *Id.* While there is no express requirement that local governments use the amended LATFOR

¹ Section XX amended the following added or amended the following statutes: N.Y. Corrections Law § 71(8), N.Y. Legislative Law § 83-m(13), and N.Y. Municipal Home Rule Law § 10(13).

² Legislative Law § 83-m notes that the database will exclude individuals whose pre-incarceration address is unknown or out of state.

data for redistricting, the statute expressly bars local governments from counting prisoners as residents of prisons for the purpose of redistricting. Municipal Home Rule Law § 10(13)(c), as amended by Section XX, reads:

As used in this subparagraph the term "population" shall mean residents, citizens, or registered voters. For such purposes, no person shall be deemed to have gained or lost a residence, or to have become a resident of a local government, as defined in subdivision eight of section two of this chapter, by reason of being subject to the jurisdiction of the department of correctional services and present in a state correctional facility pursuant to such jurisdiction.^[3]

In other words, while counties need not wait for L.A.T.F.O.R. to transmit the data set that includes prisoners at their pre-incarceration addresses for the purpose of redistricting, if counties choose to move forward without waiting for the L.A.T.F.O.R. data, they will need to develop their own count to satisfy the requirements of Section XX.

Section XX does not formally take effect until the U.S. Department of Justice preclears the changes pursuant to its authority under Section 5 of the Voting Rights Act.⁴ Preclearance is expected imminently. While waiting for DOJ preclearance will delay the finalization of the legislative reapportionment, the Redistricting Commission will not face a significant administrative burden in removing prisoners from the population count. Indeed, the Census Bureau's recent release of "Group Quarters" data is specifically designed to make removing prisoners from the population easier by enabling local and state agencies to overlay the data from "Group Quarters" with general data from the public at large.⁵

We therefore urge that the County Legislato immediately direct the Redistricting Commission to produce an amended map that excludes prison population as a basis for reapportionment. We understand that the County wants to move forward expeditiously so as to ensure an orderly electoral process and we commend the County's interest in this regard. But expeditious redistricting can be accomplished in a manner that complies with State law.


We therefore urge that corrective action be undertaken promptly. We understand that there is to be a public meeting about the proposal on Tuesday, May 17, with a final vote on the plan slated for Monday, May 23. We anticipate receiving a response from you addressing our concerns prior to May 17. If you have questions, please do not hesitate to call us at 212-607-3300 to schedule a conference call.

³ Municipal Home Rule Law § 10(13)(a)(i) reads, "The plan shall provide substantially equal weight for the **population** of that local government in the allocation of representation in the local legislative body." (emphasis added).

⁴ Because Section XX affects elections statewide, including elections in "covered jurisdictions" under Section 5 of the Voting Rights Act, preclearance is required before the changes can go into effect. See 42 U.S.C. § 1973c(a); *Lopez v. Monterey County*, 525 U.S. 266 (1999).

⁵ See U.S. Census Bureau, "2010 Census Advance Group Quarters Summary File," Available: http://www.census.gov/rdo/data/2010_census_advance_group_quarters_summary_file.html.

Sincerely,



Arthur Eisenberg
Alexis Karteron
Andrew L. Kalloch
New York Civil Liberties Union



Wendy R. Weiser
Director, Democracy Program
Brennan Center for Justice
at NYU School of Law

STATE OF NEW YORK
SUPREME COURT

COUNTY OF ULSTER

JOHN PARETE and THOMAS KADGEN,

Plaintiffs,

-against-

DECISION AND ORDER/JUDGMENT

Index No.: 11-0737

RJI No.: 55-11-00225

ULSTER COUNTY LEGISLATURE and
ULSTER COUNTY REAPPORTIONMENT
COMMISSION,

Defendants.

(Supreme Court, Ulster County, All Purpose Term)

(Justice Kimberly A. O'Connor, Presiding)

APPEARANCES:

WAPNER, KOPLOVITZ & FUTERFAS, PLLC
Attorneys for Plaintiffs
(Joshua N. Koplovitz, Esq., of Counsel)
239 Wall Street, P.O. Box 3268
Kingston, New York 12402

BEATRICE HAVRANEK, ESQ.
County Attorney of the County of Ulster
Attorney for Defendants
244 Fair Street, P.O. Box 1800
Kingston, New York 12402

RECEIVED
APR 07 2011
ULSTER COUNTY ATTORNEY

O'CONNOR, J.:

The defendants have brought a motion for summary judgment, and the plaintiffs have made a cross motion for summary judgment, in this declaratory judgment action which seeks to have this Court determine whether the redistricting plan developed by the Ulster County Commission on Reapportionment (hereinafter "Reapportionment Commission") is final and binding, or if such plan is subject to legislative approval. The defendants contend that the Reapportionment Commission

has the authority to develop the plan, but that such plan shall not be binding until such time as it is adopted by the Ulster County Legislature (hereinafter "Legislature"). In addition, the defendants claim that the local law establishing the redistricting is not subject to a referendum. The defendants also claim that the plaintiffs' request that the Court establish a judicial redistricting plan to govern the 2011 election is premature.

The plaintiffs contend that the redistricting plan adopted by the Reapportionment Commission shall be final and binding on the Legislature, and that no local law is required for the plan to take effect. The plaintiffs also argue that if the defendants are correct that a local law is required for the redistricting plan to take effect, then the local law is subject to a referendum. The plaintiffs also seek to have this Court establish a judicial redistricting plan to govern the 2011 election, if a final plan cannot be adopted in time for the 2011 designating petition process and for the 2011 primary and general elections.

Oral argument was held on March 28, 2011. The papers are fully submitted, and all issues have been briefed.

History of Ulster County Government

In 2004, the Legislature created the Ulster County Charter Commission (hereinafter "Charter Commission"), which studied the issue of Ulster County moving to a charter form of county government, and ultimately made recommendations to the Legislature to adopt such a form of government, including a draft county charter. The Ulster County Charter (hereinafter "Charter") was adopted via local law on August 23, 2006 in the form of Local Law No. 2 of 2006. Such local law was subject to a mandatory referendum. The electorate of Ulster County approved the law on November 7, 2006.

Significantly, the Charter altered the makeup of the Legislature by reducing the number of districts from thirty-three (33) to twenty-three (23), and by creating single-member districts instead of multi-member districts (*see* Ulster County Charter § C-8[A]). This change in the Legislature was to be implemented for the 2011 election, thus affecting the terms of office commencing on January 1, 2012. Furthermore, this change was the subject of two separate referenda, one regarding the local law creating the Charter Commission, and one which ratified the Charter.

The Reapportionment Commission was established in January 2011, has met frequently since that time, and has begun carrying out its required duties pursuant to the Charter. The redistricting by the Reapportionment Commission must be based upon the 2010 Census, which was just published on March 25, 2011.

Analysis

Summary judgment is a drastic remedy which should only be granted when it is clear that there are no triable issues of fact (*see Andre v. Pomeroy*, 35 N.Y.2d 361, 364 [1974]). It is well settled that “the proponent of a summary judgment motion must make a *prima facie* showing of entitlement to judgment as a matter of law, tendering sufficient evidence to demonstrate the absence of any material issues of fact” (*Alvarez v. Prospect Hosp.*, 68 N.Y.2d 320, 324 [1986]; *Winegrad v. New York Univ. Med. Ctr.*, 64 N.Y.2d 851, 853 [1985]). “Failure to make such showing requires denial of the motion, regardless of the sufficiency of the opposing papers” (*Alvarez v. Prospect Hosp.*, *supra*; *Winegrad v. New York Univ. Med. Ctr.*, *supra*).

It is only when the moving party has demonstrated a right to judgment as a matter of law that the burden shifts to the party opposing the motion to “establish, by admissible proof, the existence of a genuine issue of material fact requiring trial of the action” (*see Zuckerman v. City of New York*,

49 N.Y.2d 557, 562 [1980]; CPLR 3212[b]). The Court's "function on a summary judgment motion is to view the evidence in the light most favorable to the party opposing the motion, giving that party the benefit of every reasonable inference" (*Barra v. Norfolk Southern Railway Co.*, 75 A.D.3d 821,822-823 [3d Dep't 2010], quoting *Boyce v. Vazquez*, 249 A.D.2d 724, 726 [3d Dep't 1998]), and "decide only whether [any] triable issues have been raised" (*Barlow v. Spaziani*, 63 A.D.3d 1225, 1226 [3d Dep't 2009]; see *Boston v. Dunham*, 274 A.D.2d 708, 709 [3d Dep't 2000]

Here, both parties agree that this Court can decide this case on summary judgment, as there is no dispute regarding the facts and only a question of law remains. The Court agrees that no question of fact exists, and that the only determination to be made in this case is purely a question of law.

The determination that must be made by this Court relates to § C-10 of the Ulster County Charter, which in its five paragraphs outlines the creation of the Reapportionment Commission, appointment of its members, and outlines very succinctly the Reapportionment Commission's function. Missing from the language of this section of the Charter, however, is any specific directive regarding the process of implementation of the Reapportionment Commission's plan, and it is the absence of any such statement that creates the issues that are before the Court. The defendants assert that the failure to include such language results in the necessity for legislative approval of the plan, as the function of reapportionment is a legislative responsibility and was not specifically delegated to the Reapportionment Commission. The plaintiffs argue that the specific language contained in this section of the Charter sufficiently grants the authority to the Reapportionment Commission and, thus, no approval is needed by the Legislature; only adoption is required. The plaintiffs further assert that if the Court determines that legislative approval is required, then a public referendum is also

required. The issue regarding whether a public referendum is required is discussed in a subsequent section of this Decision and Order. For the reasons that follow, this Court agrees with the defendants and finds that the language of the Charter requires the plan developed by the Reapportionment Commission to be approved by the Legislature.

The most critical paragraph of § C-10 of the Charter, for purposes of this analysis, is paragraph E, as that is the sole paragraph in which the Reapportionment Commission's function is outlined. As such, the paragraph bears repeating in full in the body of this Decision and Order:

The Commission will reapportion in accordance with a process that allows timely input from the County Legislature and its members and the maximum of public participation and comment, and in accord with a calendar it adopts for itself after consideration of New York State Election Law that assures that elections in newly apportioned districts will be held in the year ending in "1" in every decade.

It is clear from the language of this paragraph that the specific process for enactment and adoption of the reapportionment plan is not outlined. Therefore, the Court is required to look at the plain meaning of the language that does exist in the Charter, and apply the relevant law.

For purposes of this analysis, it is critical to note that the function of reapportionment of legislative districts, thus developing districts for purposes of representation and voting, is a legislative function that is put into place via local legislation (*see Baldwin v. City of Buffalo*, 6 N.Y.2d 168 [1959]; *see generally*, Municipal Home Rule Law § 1). Since the function of reapportionment is a legislative function, in order to divest itself of such function, the authority to do so must be expressly stated (*see generally, Boreali v. Axelrod*, 71 N.Y.2d 1 [1987]; *Spencer v. Cristo*, 70 A.D.3d 1297 [3d Dep't 2010]). Indeed, performance of a function by a commission, public official, or administrative body, when such function is otherwise performed by a legislative body, without proper delegation of the authority to perform such a function violates the separation

of powers doctrine (*see Consolidated Edison v. Dep't of Env'tl. Conservation*, 71 N.Y.2d 186 [1988]; *Boreali v. Axelrod*, 71 N.Y.2d 1 [1987]). While the Court of Appeals has noted that “it is not always necessary that the Legislature provide precise guidelines to an agency charged with carrying out the policies embodied in a legislative delegation of power,” it is imperative that powers must be expressly delegated by the Legislature in the first instance in order for the entity carrying out the delegated responsibility to appropriately take action (*see Consolidated Edison v. Dep't of Env'tl. Conservation, supra* at 191).

Thus, it is critical to determine exactly what functions of the Legislature were delegated to the Commission in § C-10(E) of the Charter. The plain language of that provision delegates the authority to develop a reapportionment plan to the Reapportionment Commission, and directs the Commission regarding the input it is required to obtain in developing the plan, and the time line upon which it must operate. As such, it is clear from § C-10(E) of the Charter that the Legislature delegated its authority to perform the work required to develop a reapportionment plan to the Reapportionment Commission. However, there is no specific grant of authority that would allow the Reapportionment Commission to enact or adopt the plan in order for the plan to become effective. The absence of such a specific grant of authority necessitates a determination that the Legislature did not delegate such authority to the Reapportionment Commission, and instead retained that function in the Legislature.

It is instructive to review § C-5(B) of the Charter, which sets forth amendment or revision of the Charter by the Charter Commission, to further understand the intention of the Legislature regarding the Reapportionment Commission's grant of authority. Specifically, subparagraphs (3) and (4) of that section/paragraph are particularly instructive in that they demonstrate a specific

delineation of the authority of the Charter Commission to act without Legislative approval. Comparison of § C-5(B) and § C-10 demonstrates that the Legislature knowingly created a specific grant of authority to act without legislative approval, when that action was desired and intended to be delegated. This specific grant of authority to the Charter Commission, but not to the Reapportionment Commission, is further evidence that the Legislature effectuated such delegation of authority when such delegation was intended, and did not effectuate such a delegation of authority when it was not intended. As the Third Department noted in *Spencer v. Cristo*, when a charter could have included specific language, but did not, such language or provision should not be read into the document “by implication or otherwise” (70 A.D3d 1297, 1299 [3d Dep’t 2010]). Based upon the foregoing, this Court finds that the plan developed by the Reapportionment Commission must be submitted to the Legislature for approval.

The inquiry does not end there, however. The plaintiffs contend that should the Court find that the Reapportionment Commission’s plan is subject to legislative approval, a public referendum is also required. The defendants disagree, and state that a public referendum is not required. For the following reasons, the Court determines that a public referendum on the local law that deals with the Reapportionment Commission’s plan is not required.

At the outset, it should be noted that two separate public referenda were held which resulted in the electorate approving the alteration of the makeup of the Legislature and approving the entire Charter, respectively. The parties agree that since Ulster County has adopted a Charter form of government, Municipal Home Rule Law § 10(1)(a)(13) does not apply. This Court agrees, and finds that the provisions of Municipal Home Rule Law § 34(4) and the Charter itself are controlling.

The provisions of Municipal Home Rule Law §34(4) require a permissive referendum

regarding issues of reapportionment upon the filing of a petition, only when the action being taken “changes the form or composition” of the Legislature. The Court notes that the local laws containing the change in the makeup of the Legislature and the adoption of the Charter were appropriately subject to a referendum vote under the provisions of the Municipal Home Rule Law, as those local laws effected a change in the “form or composition” of the Legislature. As such, the electorate has already approved the change to twenty-three (23) single-member districts. Therefore, the actual change has already been approved in a referendum vote. The plan developed by the Commission, and subject to approval by local law, is a change in the boundary lines of the legislative districts, which is not a change in the “form or composition” of the Legislature (*see Mehiel v. County Bd. of Legislators*, 175 A.D.2d 109 [2d Dep’t 1991]; *see generally, Baldwin v. City of Buffalo*, 6 N.Y.2d 168 [1959]; Municipal Home Rule Law §34[4]). Since this local law, which will approve the redistricting plan, is not subject to a public referendum, the plan adopted by the Legislature will become effective in accordance with that local law and require no further steps, according to the Charter and the relevant provisions of the Municipal Home Rule Law.

Finally, the plaintiffs have requested that this Court create a judicial redistricting plan to govern the 2011 elections in Ulster County, should the final plan for reapportionment fail to be adopted in time for the 2011 designating petition process and for the 2011 primary and general elections. The defendants oppose this relief as premature. This Court agrees with the defendants and finds that this request is not ripe for review, and cannot be determined by the Court at the present time.

Any remaining arguments not addressed herein have been reviewed and found to be without merit, or have been rendered moot or academic in light of the foregoing determination.

Accordingly, it is hereby

ORDERED, that the defendants' motion for summary judgment is granted in its entirety; and it is further

ORDERED, ADJUDGED, AND DECLARED, that the Ulster County Commission on Reapportionment has the power and authority to develop the redistricting plan for the twenty-three (23) single-member districts for the Ulster County Legislature for terms of office beginning on January 1, 2012 and thereafter; and it is further

ORDERED, ADJUDGED, AND DECLARED, that the redistricting plan developed by the Ulster County Commission on Reapportionment shall not be binding until such time as it has been adopted by the Ulster County Legislature as a local law; and it is further

ORDERED, ADJUDGED, AND DECLARED, that Ulster County's redistricting local law shall not be subject to a public referendum; permissive or mandatory; and it is further

ORDERED, that the plaintiffs' cross motion for summary judgment is denied in its entirety; and it is further

ORDERED, that the plaintiffs' request to have this Court create a judicial redistricting plan to govern the 2011 elections in Ulster County is not ripe for review and is hereby denied.

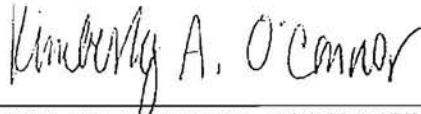
This memorandum constitutes the Decision and Order/Judgment of the Court. The original Decision and Order/Judgment is being forwarded to the attorney for the defendants. A copy of the Decision and Order/Judgment together with all papers on the motions are being forwarded to the Office of the Ulster County Clerk for filing. The signing of this Decision and Order/Judgment and delivery of a copy of the same to the County Clerk shall not constitute entry or filing under CPLR

2220. Counsel is not relieved from the applicable provisions of that rule with respect to filing, entry, and notice of entry of the original Decision and Order/Judgment.

SO ORDERED, ADJUDGED AND DECLARED.

ENTER.

Dated: April 5, 2011
Kingston, New York



HON. KIMBERLY A. O'CONNOR
Acting Supreme Court Justice

Papers Considered:

1. Notice of Motion, dated March 4, 2011, Affidavit of Beatrice Havranek, Esq., sworn to March 3, 2011, with Exhibits A-L annexed; Affidavit of David B. Donaldson, sworn to March 3, 2011;
2. Notice of Motion, dated March 11, 2011, Affirmation of Joshua N. Koplovitz, Esq., dated March 10, 2011, with Complaint, dated February 16, 2010, Answer, dated March 2, 2011, Amended Complaint, dated March 7, 2011, and Exhibits A-C annexed; Affidavit of Gerald Benjamin, sworn to March 10, 2011;
3. Affidavit in Opposition of Beatrice Havranek, Esq., sworn to March 17, 2011, with Exhibits 1-5 annexed;
4. Reply Affirmation of Joshua N. Koplovitz, Esq., dated March 23, 2011; *and*
5. Reply Affirmation of Beatrice Havranek, Esq., dated March 28, 2011, with Exhibits A-C annexed.

ULSTER COUNTY LEGISLATURE

FREDERICK J. WADNOLA
Chairman 845-340-3699

PAUL J. HANSUT
Majority Leader 845-340-3900

JEANETTE M. PROVENZANO
Minority Leader 845-340-3900



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CHRISTOPHER RAGUCCI
Minority Counsel 845-340-3900

MINUTES

APRIL 12, 2011

SPECIAL INFORMATIONAL MEETING: 7:00 PM

MEETING CALLED TO ORDER BY CHAIRMAN: 7:03 PM

PLEDGE OF ALLEGIANCE TO THE FLAG: Led by Chairman Wadnola

MOMENT OF SILENT MEDITATION:

ANNOUNCEMENTS

FIRE EVACUATION PLAN

PLEASE NOTE THAT IN THE EVENT OF AN EMERGENCY THE FIRE DEPARTMENT HAS REQUESTED THAT LEGISLATORS AND ALL OTHERS MOVE AT LEAST ONE BLOCK AWAY FROM THE COUNTY OFFICE BUILDING IN ORDER NOT TO IMPEDE THE FIREFIGHTERS IN THEIR DUTIES

CELL PHONES

Please silence cell phones and refrain from texting for the duration of the Informational Meeting.

ROLL CALL: Present: 23 Absent: 10
(Legislators Briggs, Fabiano, Frey, Hansut,
Petit, Provenzano, Ronk, Shapiro, and Stoeckeler)
(Legislator Loughran arrived at 7:08 PM)
(Legislator Sweeney left at 7:23 PM)
(Legislator Aiello left at 8:04 PM)

SPECIAL INFORMATIONAL MEETING:

The Commission on Reapportionment presented three plans creating 23 single-member districts to the Ulster County Legislature. (See Plan Versions 1, 2 and 3) The Commission requested input from the Legislature and encouraged questions and discussion.

Legislator Sheeley questioned whether the Commission looked at Election Districts when drawing their boundaries. Commissioner Benjamin explained that the Commission has not done that to any significant extent as of yet. The thought process is to overlay the Election Districts towards the end of the process in order to fine tune the boundaries. Mr. Benjamin explained that it is the Commission's intent, and in its charge, to keep the Election Districts intact to the extent possible. Commissioner Catalinotto reiterated that the maps being presented are in no way representative of a final product, and he assured the Legislative body that Election Districts would be taken into account when creating the final map. Commissioner Lowe said that the Commission is in the beginning stages of its work and requested that the Legislators look at each map individually and comment on concerns and compromises so that the Commission may take the information into consideration to go back and best continue its work.

Legislator Richard Parete thanked the Commission for its work and recommended that the Commission keep communities intact.

Legislator Aiello commented that 3 incumbents should not be placed in one district after they have all spent years representing the over 20,000 Saugerties residents at their request. Legislator Aiello believes an outside party should be brought in to aid in the redistricting process.

Legislator Felicello commented that the Commission is volunteerism at its best. He said that incumbents should not be considered, and all that matters is that the district lines be set up correctly for the next 10 years. Legislator Felicello questioned if the Commission has ample time to complete its task. County Attorney Bea Havranek said there is a court order stating the process must be complete for this year's election.

Legislator Donaldson commended the Commission for its work thus far. Having been involved in past redistricting efforts, he understands the difficulties the Commission will face. He also mentioned that Election Districts are changed every 10 years.

Legislator Harris said like every group picture, you look for yourself first. He commented in conjunction with Legislator Richard Parete's comment that communities should be kept together. He said that school district boundaries should be considered, as you will find that the social activity of people very often follows those lines.

Legislator Maloney thanked the Commission. He commented on the way the Town of Ulster is split in each version of the map. He asked the Commission to keep the bottom portion of the Town intact.

Legislator Gerentine also thanked the Commission and asked what the next steps are for the Commission, i.e. their timeframe for completion, whether or not they would be coming back to the Legislature for input, will they be presenting 1 or 2 final plans. Commissioner Thompson said the Commission is very limited on time. The three very tentative plans before the Legislative Body demonstrate how if you move a line here it affects a line there. The Commission meets tomorrow and is anxious to hear the input from this evening. School Districts and Election Districts were talked about here tonight and the Commission will be looking at those. As far as a timeframe, the Commission would like to be finished by the end of the month. The Commissioners will bring only one final plan. Legislator Gerentine asked if Legislators can provide input at the Commission's regular meetings. Commissioner Thompson said absolutely and encouraged them to do so. Legislator Gerentine clarified that a plan would be presented at the Legislative Meeting on April 26, 2011. The Commission confirmed that is their goal.

Legislator Zimet thanked the Commission and commented that keeping villages whole could present a problem, as one of the biggest issues facing the State is consolidation. The community of New Paltz has a grant from the State of New York and is looking at how to possibly consolidate and share services. By keeping villages whole the Commission is actually going contrary to what is trying to be done. When villages are kept whole and districts are built around them, the Commission is creating a doughnut, a hole, and it's not fair to the towns. Legislator Zimet proposed cutting New Paltz as a whole evenly down the middle to more fairly represent the New Paltz community. She went on to comment on how New Paltz was split in each version of the map. Commissioner Thompson said keeping villages whole is in the Charter, but she feels Legislator Zimet's comment is very interesting.

Legislator Lomita commented that general input is good, but what is best for the towns is most important. He hopes the Commission presents one plan and the Legislators vote the plan up or down, making no amendments.

Legislator Bernardo commented that she is shocked that Rochester is split several ways in every iteration of the map. She advocated keeping Rochester whole, as she believes its population easily allows the Commission to keep all of Rochester intact.

Legislator Rodriguez commented that he is happy to see villages being respected and kept whole. He thinks version 3 best reflects the wishes of the people of New Paltz, keeping the entire community contained in two districts.

Legislator Roberts thanked the Commission and reiterated the importance of keeping towns whole. He is very displeased and thinks it's unacceptable to see Plattekill split into 4 districts.

Legislator Hochberg asked for clarification on what he understood to be a rule that the towns that are less than 110% of the average be kept whole. Bea Havranek said she has rendered a written opinion on this issue to the Commission which is available via the Deputy Clerk. Ulster County, being a Charter County, does not have to follow that rule.

Legislator Belfiglio said that all seven Commissioners have software on their personal computers. He asked which Commissioner's computer was used to generate the draft plans. Commissioner Thompson said that these drafts were done in the Planning Department in order for the Commission to get together with the Legislature and discuss the problems the Commission is facing. She reiterated that these are very tentative drafts. Legislator Belfiglio said the Commission is charged with splitting up the districts and he wants to make sure it is the Commission doing the actual work.

Legislator Gregorius also thanked the Commission and asked that any case law and opinions be sent to the Legislators.

Legislator Felicello asked that future maps include streets. He commented that the focus shouldn't be on incumbents.

Legislator Richard Parete said that 2/3's of the public voted to have single member districts. Legislators are free to make suggestions during the process. He suggests that the Commission bring its map to the Legislature the day before or day of the vote. The Commission has the support of the public and community and shouldn't let anyone here intimidate them. After the vote, the Legislators will be on record showing who cares about themselves and who cares about the public.

Legislator Donaldson reminded everyone that the population numbers are available on-line for anyone who wants to attempt to create a plan. He echoed Legislator Richard Parete's comments.

Commissioner Messina commented on how difficult it is to use the software. He encouraged everyone to take a look at the program which is set up in the Planning Department. Commissioner Thompson said that all draft maps will be posted on the Commission's website. She asked the Legislative Body to help with rumor control, as people will assume that draft maps are final versions. She too encouraged everyone to utilize the computer set up for use by the public in the Planning Department.

Legislator Terrizzi thanked the Commission and said she understood how difficult it could be to learn a new computer program at the same time as trying to accomplish a task. Legislator Terrizzi asked for clarification on the Planning Department creating the maps. Commissioner Thompson said that the Commission gave very strict guidelines to follow and it is just a start. Commissioner Benjamin said one person in the Planning Department, working as staff for the Commission, made the maps at the direction of the Commission. Commissioner Lowe said the Commission is well aware of its charge and is currently using the staff of the County. The Commission is not giving away its responsibility and saying

create whatever plan you want. The Commission has not, nor will it, present to the Legislature any plan that it does not understand. The Commission completely understands these maps, how they were formulated, and gave Rob Leibowitz from the Planning Department a list of the issues and concerns the Commission has compiled from the Towns. The Commission agreed from the very beginning that the Election Districts would be overlaid as part of the final process. These maps show that no matter what version you look at, some will be happy and some won't, continued Commissioner Lowe. It is an impossible task to make everyone completely happy. The Commission is trying to be honest, nonpartisan and to create its own product.

Commissioner Catalinotto said that the maps presented were created by a staff member of the Planning Department. During the Commission's meeting this afternoon the Commission voted to possibly hire a consultant in demographics and reapportionment to assist the Commission in meeting its deadline. Legislator Terrizzi thanked Commissioner Catalinotto, as she said her next question was going to be why, when the Commission found itself having such trouble with the software, would it rely on the Planning Department who recommended the software and isn't as necessarily independent as it should be, as opposed to getting someone from the field who is independent, the way the Committee was intended to be independent.

Legislator Felicello said that although he doesn't agree with it, people are saying that a Planning Board member, who is paid by and works for the Executive, is making the maps. There shouldn't be a single question out there like this. To clear up any false perception, Legislator Felicello agrees with Commissioner Catalinotto that an independent consultant should be retained.

Legislator Rodriguez commented that many counties have utilized their planning department in the redistricting process, and that the Ulster County Planning Department was utilized in the last redistricting effort. He also commented that the Planning Department staff makes itself available to anyone interested in utilizing the public computer set up in the department. He urged everyone to try it out.

PUBLIC COMMENT: There were five speakers at tonight's meeting.

1. Mario Catalano, Republican Chairman, Town of Ulster

Mr. Catalano spoke about the importance of keeping Election Districts in tact. He also said that he believes many of the Commission's problems can be successfully addressed by using the full allowable 5% deviation in each direction. He encouraged the Commission to keep historic relationships in mind, i.e. Town of Kingston and Ulster, and West Hurley and Woodstock. Mario also expressed his support of the idea to hire an independent consultant to maintain the integrity of the Commission.

2. Carl Chipman, Supervisor, Town of Rochester

Supervisor Chipman thanked the Commission for its work and for coming to the recent Town of Rochester Board Meeting. He said that the maps however do not reflect any of the wishes expressed at that Board Meeting. Carl said he is not concerned with incumbents, but with the people of his town. For the first time in many years, Rochester has a representative who lives there. Previously, its Legislative representation has come from the urban area of Ellenville which doesn't at all relate to the rural life of Rochester. He asked the Commission to keep towns whole where possible. When adding or chopping, he advised to look at school districts. Thirdly, he recommended following election districts. Again, he reiterated the desire for Rochester to be kept whole.

3. Brian Cahill, former Legislator

Mr. Cahill said that the Town of Ulster completely surrounds the City of Kingston and therefore, if merged with anything it should be the City of Kingston and not the Town of Kingston. He continued by saying the Town of Ulster touches seven towns, and the Commission choose to merge Ulster in every plan with the Town of Kingston which happens to be about 75% Republican. He believes this is disingenuous. He doesn't feel the two towns relate well to each other. Mr. Cahill also questioned whether the Commissioners would actually be creating maps themselves using the software, as he understands the version of the software the Commissioners have is different from the version the Planning Department has.

Commissioner Lowe commented that the question regarding the creation of the maps has already been answered. She also pointed out that the Commission has spoke with many residents in both the Town of Kingston and Town of Ulster who have expressed that they did not want to be paired with the City of Kingston. Here we have diametrically opposed concerns.

4. Fawn Tantillo, former Legislator

Fawn commended the Commission and Rob Leibowitz on their work to date. Fawn said she understands that the Commission instructed Rob to not go beyond a 5% deviation, 2.5% in either direction. She believes that this deviation is way too limiting. Fawn commented that the New York State standard in non-Charter counties is 10% in either direction, almost a 20% variation. She asked the Commission to consider increasing its limiting variation to examine whether it would help attain more goals, such as keeping towns whole. She believes it would.

Mrs. Tantillo also suggested forming a sub-committee to look at the City of Kingston. The Commission already established its criteria to keep the City intact and split it into 3 districts. In the essence of time, Fawn suggested the sub-committee focus on meeting the Commission's goals for ethnicity and minorities.

Fawn said that she has attended many of the Commission's meetings and feels strongly that Rob Leibowitz has in no way compromised the Commission's work. She intends to work with the software on the public computer in the Planning Department.

5. Rokki Carr, Ulster County Resident

Ms. Carr said she attends all the Commission's meetings. She likes the notion of transparency and believes the Commission is doing a good job in that regard. She commented that she has never heard the term incumbency discussed at any meeting. She also said she has worked with the software on the public computer and has a good understanding of how difficult this job is. Rokki also spoke against hiring a consultant. Finally, she commented that the average person does not know his/her election district; they know where they go to vote.

MEETING ADJOURNED: 8:37 PM

NEXT MEETING:

A Community Development Block Grant (CDBG) Public Hearing and the next Regular Monthly Meeting of the Ulster County Legislature will be held on **Tuesday, April 26, 2011, 7:00 PM** in the Legislative Chambers, Sixth Floor, Ulster County Office Building, 244 Fair Street, Kingston, New York.

OFFICE OF THE ULSTER COUNTY LEGISLATURE
PUBLIC COMMENT MEETING MINUTES

NAME OF GROUP: Commission On Reapportionment

DATE: April 13, 2011

TIME: 7:00 P.M.

PLACE: Community Center, New Paltz, NY

MEMBERS PRESENT: Cynthia Lowe, Richard Messina, Dare Thompson

MEMBERS EXCUSED: Vernon Benjamin, Paul Benkert, Michael Catalinotto, Bill West

OTHERS ATTENDING: Legislator Rodriguez, Steve Auerbach, Josh Honig, Fawn Tantillo, Roger Roscoe, Jane Ann Williams, Kitty Brown, Jason West, Victoria Fabella, Deputy Clerk, Legislature

- The meeting was called to order by Cynthia Lowe at 7:08 PM. Cynthia introduced the Commissioners in attendance and explained the purpose of the Commission. Cynthia, Dare and Rich spoke about the Commissions' process to date. Cynthia told the audience that the three draft plans being handed out this evening (Draft Maps 1, 2 and 3) are a very preliminary first pass at what the Commission thinks can be done with the various Legislative districts. Rich mentioned the all-day 4/20/11 workshop the Commission has scheduled to work on new maps. Cynthia opened the floor to public comment.
- There were 8 speakers at tonight's meeting.

1.) Steve Auerbach (Written comment on file with Deputy Clerk of the Legislature)

Thank you for your efforts. Prior to the court ordered redistricting several years ago, the large majority of New Paltz residents never had representation in the legislature because of gerrymandering. We have urged through letters and via our town board and political committees that this not occur again.

Thankfully, version 3 accomplishes some of this. In it, New Paltz gets 2 whole representatives. But I do have a major problem with the structure of the town outside the village and the village being 2 distinct districts.

The village of New Paltz is part of the town, not the other way around. We are 1 community of 14,000 residents, not 2 communities. At a time when the governor and NY state government is encouraging consolidation of towns and villages, you have done just the opposite, fostering the separation of the two. In fact, New Paltz was awarded a grant to study consolidation and in next month's village elections, at least one slate is running on consolidation. This treatment of villages at the expense of towns is unprecedented in county history. Prior to the legislature forming, county affairs were run by a board of town supervisors, not village mayors.

Redistricting versions 1 and 2 are unacceptable. Each version marginalizes the town and disenfranchises its' voters. I would like to point out that the town of Shawangunk, with the same population as New Paltz has, in all three options, been split down the middle with an add on to make up the difference. All we are asking for in the same treatment. Divide the town in half and instead of adding Highland, add the districts in Gardiner Rosendale and Esopus that are part of the New Paltz School district.

By accommodating smaller entities over larger, which you seem to be doing, you may be treading on shaky constitutional grounds.

Finally, by scheduling public comment less than 24 hours after presenting to the legislature and not publicizing it, you make it seem like you are not really interested in public comment. Since I know this is not the case, may I suggest you schedule another session and publicize it via radio and newspaper PSA's.

Thank you.

2.) Josh Honig

Josh read a letter that he and the New Paltz Democratic Committee Chair, Corinne Nyquist, have previously submitted to the Commission:

To the Redistricting Committee:

Thank you for giving us the opportunity to express our feelings regarding the imminent county redistricting. We, the New Paltz Democratic Committee, after much discussion, would like to urge the following:

- Based on the publicized population parameters for a legislator of about 7500 per district, the town of New Paltz is 14/15 or 93% of the required 15,000 for two legislators (almost a perfect fit). Therefore we are of the opinion that New Paltz is entitled 2 two legislators.
- That the district these two legislators represent be entirely composed of New Paltz with the additional voters (if necessary) coming from the 12561(New Paltz) zip code part of Gardiner. This makes sense because that part of Gardiner is in the New Paltz school district and has more in common with New Paltz than parts of any other town.
- That New Paltz not be split into a situation where the town has 1 legislator and parts of several other legislators. This would not be acceptable in that it would disenfranchise a good part of the town voters and lead to constitutionality questions.

We are reiterating the position taken by the New Paltz Town Board and residents when you met with them last month. Only since the court ordered redistricting several years ago has New Paltz had the kind of representation (2 legislators) that reflects the values of the town. Even then, several New Paltz districts were placed in other town's districts. It was much better than the previous 30 years, when New Paltz was gerrymandered into a legislative district that made it almost impossible for any resident of New Paltz to win.

New Paltz went almost 30 years underrepresented in the legislature. We do not want this to happen again. We respectfully urge you to give us the representation we deserve based on the parameters you set.

Thank you.

Josh added that he is most pleased with draft map version 3 because it best keeps all of New Paltz intact.

3.) Fawn Tantillo

Fawn said there are a couple of things she heard that she takes exception to. New Paltz has had three Legislative Chairman in the last 30 years and has had at least two Legislators who reside in New Paltz for at least the last 20 years.

Fawn said that counties in New York State that do not have a Charter are mandated by the State Law to keep any towns 110% over the average whole. So that means that they set a standard that you can be 10% higher or 10% lower, and in some places, mandate that they do so. We don't have to do that because we have a Charter. Fawn said she is not advocating expanding to that full deviation range. However, she believes that the current deviation on the draft maps is too tight and should be expanded. Fawn said that at a meeting this afternoon, the Commission discussed looking at map with a greater deviation and she was pleased to hear that.

Fawn said another concern is the jail population. The corrections population from the two prisons in Shawangunk make up 12.6% of the population, and in Wawarsing it's 21% of the population. Fawn therefore thinks it makes sense to have a greater variation in the districts encompassing these two towns.

Fawn also said when you overlay the current election districts on the census blocks, the census blocks cross the election district lines. Fawn said she understands that it would be a huge problem to get the political process off the ground if all new election districts have to be drawn up. That would be an enormous undertaking.

Finally, Fawn shared a comment made by Legislator Harris at last night's Legislative meeting. He said, "Looking at these districts is like looking at a group photo. You first find yourself and see how you look." Fawn said this is true and is happening here tonight with New Paltz. She commented how accommodating the needs of one town may have an adverse effect on other towns.

4.) Roger Roscoe (Written comment on file with Deputy Clerk of the Legislature)

My first comments will be directed to the procedural process that the Commission has taken to get to this point.

It is clear that the intent stated in the Charter and in the recent court case that the Reapportionment Commission complete their work in a non-partisan manner.

With that clearly understood, it is public information that the current versions presented by the Commission were prepared by staff from the Ulster County Planning Department.

The Ulster County Planning Department is under the direction of Dennis Doyle who answers directly to the County Executive.

Any involvement by County Staff in the preparation of these plans lends itself to the appearance of impropriety and partisanship.

The silence of the County Executive on this subject indicates he approves of this unethical and partisan approach to Redistricting.

It has been reported via emails and public comment that the software the County purchased to assist the Commission is not very user friendly and has been difficult to learn. It has also been reported that just yesterday the Commission in view of the concerns I have outlined above voted 4-2 in favor of hiring an independent outside

consultant to assist the commission in their work "and" that this afternoon the Commission changed their minds and decided to proceed without a consultant.

I also urge the members of the Commission to reconsider this decision in the interest of overcoming any hint of impropriety and I also urge the members of the commission to discard and scrap any plans that had the involvement of the County Executive's staff and start anew in your work.

If the Commission decides to continue with Ulster County staff, you will be leaving yourself open to unnecessary questioning and most certainly litigation against whatever plan you come up with.

My further comments will be directed to the plans that have been submitted:

It appears that the Commission made an attempt to hold each district to being as close to the ideal legislative district size as possible with the great variance being 1.74%. It is my understanding that the law allows for a 5% variance either above or below the ideal size. In minimizing the variance in size, you have hindered yourself from making districts that make sense.

It also appears that certain townships have been divided more than others with Rochester and Plattekill being the most prominent.

It also appears that the lines drawn on the proposed plans do not take current election districts into consideration. If the plans go forward as presented, you will disrupt thousands of voters throughout the County from voting in their traditional polling location.

While I respect you and thank you for your volunteer service for this thankless task, I urge you all to reconsider the approach you have taken to this point.

Roger also commented that Shawangunk has been disenfranchised for the last 10 years. The maps here split Shawangunk down the middle into two districts which is great for Shawangunk, and of course he is pleased with that. However, Roger said he sees the way other towns like Plattekill and Rochester are being disenfranchised in these maps, and he believes it is unfair and should be reevaluated. Roger also commented that if it helps to keep the election districts intact and the Commission increases its deviation, the Town of Shawangunk would be fine if the western part of the town had a greater population than the eastern part.

5.) Jane Ann Williams

Jane thanked the Commissioners for their work. She said she wanted to second the comments of Steve and Josh, as they accurately depicted the wishes of New Paltz residents.

6.) Kitty Brown

Kitty said New Paltz is about 75% of the way through a consolidation study funded by the State to consider merging the Town and Village. Kitty said the Commission could advance the spirit of unity by not separating the Village from the Town.

In the past, New Paltz has been attached to many other towns and currently New Paltz has seven Legislators representing different parts of it. Kitty said only two Legislators ever came to any of the Town events that were important to the town. She said that is it therefore known that taking a piece of one town and attaching it to another doesn't create that feeling of inclusiveness that is needed from our Legislators. Kitty said there are big,

important issues coming before the County soon, i.e. farmland protection, an open space plan, transportation plans, affordable housing plans, and New Paltz needs Legislators who are really listening to those shared interests.

Kitty said not to let perfection be the enemy of pretty good. She believes plan 3 is pretty good. She does think some other towns are getting short changed from it, but they are so small she is not sure how to solve that problem.

Kitty concluded by thanking the Commissioners for taking on a thankless job.

7.) Legislator Rodriguez

Legislator Rodriguez opened his comments by thanking the Commission. He said that per State Law, election districts are set by the Board of Elections. He said that will happen outside of the Commission's purview no matter what lines the Commission ends up drawing. Legislator Rodriguez said they will likely push for larger election districts because the machines that they were forced to buy can handle larger volumes. He said it's more important to consider the community than it is to consider an election district line.

Legislator Rodriguez also commented that plan 3 is the direction the New Paltz community would like to see the Commission go in.

8.) Jason West

Jason said the consolidation is something that is entirely separate from the Commission's work. No matter if New Paltz is a town or city or whatever, the population is 14,000 and that should get New Paltz two seats on the County Legislature. Jason said he is happy the Village of New Paltz is its own district in each draft map version. The Village of New Paltz is the only "urban-ish" center in Southern Ulster. Jason thinks there should be one Legislature for the Village and one for the Town, each with expertise in the issues that affect the different areas, working hand and glove. Jason too believes draft map version 3 is the best option for New Paltz.

- Discussion:

Josh Honig said the elected officials seem more concerned with village vs. town. Most people who live in New Paltz consider it to be one community.

Steve Auerbach commented that some of the Commissioners have highly political backgrounds. Secondly, he said that everyone here tonight is connected politically in one way or another.

There was some discussion about the meeting being more widely publicized to draw a larger audience. The Commissioners explained that the details regarding the meeting were sent to all local media including print, radio and television. It is the choice of each individual media organization as to whether the information will be published.

Kitty said that New Paltz may have issues as a town and village, but when it comes to county issues, New Paltz really needs Legislators to advocate for one community. Two Legislators are necessary because of the large population and numerous issues.

Jane said another huge issue is a county water authority and coordination of water resources. New Paltz is slowly moving toward developing the water resources that we have. Jane said this project can only be moved forward with cooperation from the County.

Fawn said that she believes if there was a plan that cut the Village of New Paltz in half there would be a lot more people here to comment about it. Fawn commented that she agreed with Legislator Rodriguez's comment about the election districts and she reiterated that the census blocks do not abide by election district boundaries. Fawn also commented that during the last redistricting effort, New Paltz said that it was okay to be split up. Now that they have had 10 years of division, they are asking to be kept whole.

Jason said that everyone in the room is here for either personal self-interest or political interest. We want certain outcomes from our Legislature he said. Jason doesn't see a problem with this. The people that are going to show up to these meetings are the people who are running for office or working on campaigns. Everyone here got into politics for the right reasons. They want to see so-and-so get elected and take the community in the right direction. We are the kinds of people who the Commission will be hearing from.

Roger asked for clarification on something he heard. Is it accurate if a municipality doesn't have sufficient population to have its own district, then it could not be split? Legislator Rodriguez said if you are a non-charter county then that rule holds. If you are a charter county then it doesn't apply. Fawn pointed out that by abiding by that rule, the larger towns are forced to take the hit and become divided into several pieces.

- Adjournment

Cynthia Lowe thanked everyone for their comments. The meeting ended at 8:30 PM.

Respectfully Submitted,

Victoria Fabella, Deputy Clerk, Ulster County Legislature

OFFICE OF THE ULSTER COUNTY LEGISLATURE
PUBLIC COMMENT MEETING MINUTES

NAME OF GROUP: Commission On Reapportionment

DATE: April 20, 2011

TIME: 7:00 P.M.

PLACE: Olive Free Library, West Shokan, NY

MEMBERS PRESENT: Vernon Benjamin, Cynthia Lowe, Richard Messina, Dare Thompson

MEMBERS EXCUSED: Paul Benkert, Michael Catalinotto, Bill West

OTHERS ATTENDING: Carl Chipman, Manuela Michailescu, Jon Dogar-Marinesco,
Victoria Fabella, Deputy Clerk, Legislature

- The meeting began at 7:10 PM. The Commissioners in attendance introduced themselves. Cynthia emphasized that all versions of the map available via handout at this evening's meeting (See draft map versions 1-5) are simply drafts. Cynthia said draft map version 5 is the Commission's best attempt as of today at 4:30PM. Dare requested comments from the audience on draft map version 5.
- There were 2 speakers at tonight's meeting.

1.) Carl Chipman, Town of Rochester Supervisor

Supervisor Chipman congratulated the Commission on its most recent effort. He thinks it is excellent and shows that the Commissioners listened to the input it has received. Carl said that listening is part of the transparency and nonpartisanship that is needed to accomplish this process. Carl said that Rochester is almost equally split among Republicans, Democrats and Non-enrolled. Since he has been elected, Carl said he has worked hard to get the town to come together and work in unison, leaving out politics and doing what is right. Carl praised the efforts of his Town Board. Mr. Chipman said that he was so passionate when he spoke out against the previous draft map versions that divided Rochester into several different districts because he felt it was undoing all of the work that has been done in the Town. He said it was not about Republicans and Democrats, but about a Town in unity.

Carl said in looking at other districts in draft map version 5, they seem to make sense to him. When it comes to Wawarsing, he agrees with keeping the village intact. He said it makes sense to join the western part of Wawarsing with part of Rochester and Denning. He believes that area closely relates with Sullivan County. When looking at the Northern section, Mr. Chipman also agrees with joining Shandaken and Hardenburg. He went on to say that he sees communities and school districts intact. He commented that it was an intelligent decision to split Marbletown by High Falls. High Falls is a different community then Stone Ridge.

Dare Thompson commented that Shawangunk is an area the Commission wanted to do a better job with. Dare asked Carl his thoughts on joining the western part of Shawangunk with Wawarsing. Carl said that Walker Valley and Cragmoor share commonality with the mountain ridge.

Carl said he knows the County, and this is a plan he would support. Carl offered to help the Commission in any way he could.

2.) Manuela Michalescu, Town of Rochester Councilperson

Manuela said that she was shocked when the Commission presented its first three versions of the map because the Commission had attended the Rochester Town Board Meeting just 5 days prior. The Board told the Commission that it wanted Rochester to stay whole. Manuela said versions 1 - 3 were an outrageous attempt to destroy Rochester's identity. Manuela is a travel marketing specialist. She totally disagrees with what's going on in the County from this aspect, and Tourism is under the Planning Department. Manuela said she believes Ulster County is not what is seen in the posters in the County Building elevators. Ulster County is heritage and stone houses. Each Town has a unique identity that adds to the culture of the County. Manuela believes the previous maps destroyed those identities. Manuela is pleased with draft map version 5.

- Discussion:

Both Carl and Manuela expressed concern about the Planning Department having influence over the map.

Rich Messina stated that all the maps generated thus far have been produced under the direction of the Commission.

Vernon Benjamin clarified that the Planning Department has not produced any of the Commission's maps. There is a technician from the Planning Department who is assigned to work for the Commission to aid with technical aspects of the process.

Dare stated that minus some slight tinkering, she believes the Commission has done a good job in the North and West portions of the County. However, she is concerned about the eastern and southern portions.

There was some discussion about population deviation, and how dense populations created difficulties for the Commission while trying to create the new districts, i.e. prison populations, watchtower population.

Vernon discussed how the Commission took the opportunity to look at the City of Kingston from the point of view of minorities. The Commission created a minority district; a mid-town district represented by a 46% minority population. Dare commented that the Commission was also attempting to follow the culture of the city: there's a midtown, an uptown and the rondout.

Carl again reiterated his content with draft map version 5. He said that for many years Rochester has been represented by Legislators who live in the Village of Ellenville. When discussing issues, they are basically from an urban area and Rochester is a rural area. He said draft map version 5 guarantees Rochester a representative who truly understands the area.

- Adjournment

The Commissioners thanked those in attendance. The meeting ended at 7:40 PM.

Respectfully Submitted,

Victoria Fabella, Deputy Clerk, Ulster County Legislature



Commission on Reapportionment

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About The Commission

The Commission on Reapportionment was established by the Ulster County Charter to create 23 single member districts for the Ulster County Legislature using [2010 census data](#). Below is the section of the Ulster County Charter that discusses the Commission.

Ulster County Charter

To see the final, approved version of the Commission's Redistricting Plan, [Click Here](#)

C-10. Commission on Reapportionment.

- A. A Commission on Reapportionment shall be established as soon as practicable after the availability of data from the census of 2010 to create 23 single-member districts for the Ulster County Legislature and thereafter to meet and evaluate existing legislative districts no later than 60 days after the necessary census data becomes available from the decennial federal census and reapportion them as necessary to meet established standards in state and federal law for equal and fair representation of all people in Ulster County, keeping districts compact and contiguous while taking also into account existing town, city, village and election district boundaries and defining geographic features but giving no consideration to providing advantage to one or another political party. This Commission shall consist of seven members who are County residents, are eligible to register to vote and are not public officers or employees.
- B. To establish a pool from which members will be appointed, no later than three months prior to the anticipated first meeting of the Commission on Reapportionment, the County Executive shall widely solicit interest in serving on the Commission through such means as direct mail and e-mail contact with civic groups, public service announcements on radio and television and in daily and weekly newspapers, paid advertisement and announcement on the County website.
- C. Initial appointments to the Commission on Reapportionment from the pool of interested parties gathered in this manner shall represent various geographic areas of the County and shall be made no later than 60 days after the census data becomes available, with two members appointed by the Legislature's majority leader and two members by the Legislature's minority leader.
- D. These four appointed Commissioners shall select the additional three Commission members from the pool previously established no later than 70 days after the census data becomes available. In the event that the additional three Commission members are not appointed by the prescribed deadline, the appointment of the initial four members will no longer have force and effect and these members will no longer be eligible to serve on the Commission on Reapportionment. The majority and minority leaders will make alternative appointments in the manner prescribed in this section, and the four newly appointed members will appoint three additional members so as to allow the Commission to convene no later than six months after the census data becomes available.
- E. The Commission will reapportion in accordance with a process that allows timely input from the County Legislature and its members and the maximum of public participation and comment, and in accord with a calendar it adopts for itself after consideration of New York State Election Law that assures that elections in newly apportioned districts will be held in the year ending in "1" in every decade.

The Ulster County Administrative Code states that the Commission is "to meet and evaluate existing legislative districts no later than 60 days after the necessary census data becomes available from the decennial federal census and reapportion (the districts) as necessary to meet established standards in state and federal law for equal and fair representation of all people in Ulster County, keeping districts compact and contiguous while taking also into account existing town, city, village and election district boundaries and defining geographic features but giving no consideration to providing advantage to one or another political party."

The Ulster County Commission on Reapportionment has adopted these principals to successfully complete their task:

- An accurate and complete count in Census 2010 is an essential building block for all redistricting efforts.
- The process used for redistricting must be transparent to the public.
- The redistricting process, at all levels of government, must provide data, tools and opportunities for the public to have direct input into the specific plans under consideration by the redistricting body.
- In order to achieve representative democracy, redistricting plans must be drawn in a manner that allows elected bodies to reflect the diversity of the populace, with consideration of racial and ethnic diversity.

This website was developed to keep the public apprised of our activities and includes meeting agendas, minutes and video.

Our goal is to work within a transparent process, to provide opportunities for the public to have direct input into the process and to develop districts that reflect the diversity of the population of Ulster County with consideration of race and ethnicity.

[Ulster County Home Page](#)

Email us at ucrc@co.ulster.ny.us



Commission on Reapportionment

August 18, 2011

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Comments

Please send your comments to ucrc@co.ulster.ny.us

Your feedback will be posted here:

A few points on the current process/planning:

There are multiple values at to consider when drawing the lines. From how I see it, there are three effective competing constraints/goals, applied in the following order:

- Staying within the +/- 5% population threshold
- Respecting existing political (e.g. Town) boundaries
- Associating Communities of Interest

To these specific issues, I would urge the Commissioners to observe the following, given that while towns would like their own legislators, not every Town will have a large enough population to claim their own:

- The three villages should be kept intact and wholly contained within one (larger) district
- School district boundaries should be considered when town boundaries do not suffice
- No two legislative districts should cross the same boundary between the same two towns.
- The home addresses of current legislators should have no bearing on the process. I respect the fact that good legislators may be severed from those who they best represent, but this is a watershed year in the process. It is likely that the lines drawn this year will more or less stay intact during future decennial processes and getting it right this time is paramount.
- Understanding and associating communities of interest seems to me to be the most contentious of the competing values, and can sometimes lead to the sort of districts that are the least fairly drawn. For this reason I would urge that the use of school districts boundaries be examined before associating communities of interest. I would also ask that the concept of communities of interest be broadened from the data provided by the census bureau. For example, communities within the NYC watershed / Catskill Park have a common interest Adjacent commercial/industrial districts may have more in common than the census data may show.
- When breaking up towns, be conscious of the "minority rights" of the broken up town. For example, a few residents from one town tacked onto another town will not likely have good representation. Creating a few oddball districts with similar number size overflows from a number of towns might be better than trying to keep the number of towns per district down.

Respectfully Submitted
Ian Brody

It has always been a problem in getting West Hurley and Old Hurley to get together on most things and it would be vastly worse if they were divided legislatively.

Virginia Starke

To the Redistricting Committee:

April 11, 2011

Thank you for giving us the opportunity to express our feelings regarding the imminent county redistricting. We, the New Paltz Democratic Committee, after much discussion, would like to urge the following:

- Based on the publicized population parameters for a legislator of about 7500 per district, the town of New Paltz is 14/15 or 93% of the required 15,000 for two legislators (almost a perfect fit). Therefore we are of the opinion that New Paltz is entitled 2 two legislators.
- That the district these two legislators represent be entirely composed of New Paltz with the additional voters (if necessary) coming from the 12561(New Paltz) zip code part of Gardiner. This makes sense because that part of Gardiner is in the New Paltz school district and has more in common with New Paltz than parts of any other town.

- That New Paltz not be split into a situation where the town has 1 legislator and parts of several other legislators. This would not be acceptable in that it would disenfranchise a good part of the town voters and lead to constitutionality questions.

We are reiterating the position taken by the New Paltz Town Board and residents when you met with them last month. Only since the court ordered redistricting several years ago has New Paltz had the kind of representation (2 legislators) that reflects the values of the town. Even then, several New Paltz districts were placed in other town's districts. It was much better than the previous 30 years, when New Paltz was gerrymandered into a legislative district that made it almost impossible for any resident of New Paltz to win.

New Paltz went almost 30 years underrepresented in the legislature. We do not want this to happen again. We respectfully urge you to give us the representation we deserve based on the parameters you set.

Thank you,

Corinne Nyquist, Chair
Josh Honig, Vice Chair
New Paltz Democratic Committee

April 12, 2011

Ulster County Legislative Office
244 Fair Street, P.O. Box 1800
Kingston, NY 12402
Attn: Commission on Reapportionment

Dear Reapportionment Commission Member,

Thank you for your visit to the Town of Rochester on 4/7/2011. Your presentation was very informative. The Town Board had a very lengthy discussion after your presentation as to what they believe would be fair and in the best interests of the citizens of the Town of Rochester as far as how are legislative district be apportioned and requested that I write you with our thoughts and concerns.

First and foremost we believe that our Town should be kept whole as we have a population which is very close to the desired size of a legislative district. Our preference would be that we be joined with any or all of the three Wawarsing districts that are part of Kerhonkson which bound us from the southwest. We share many things such as the Rondout Valley School District including the Kerhonkson Elementary School, religious institutions, retail establishments, and even highway services with our neighbors in Wawarsing in that area. Less desirable but still acceptable would be adding Denning and/or Hardenburgh to Rochester.

I have seen one draft proposal which I understand was completed by the Ulster County Planning Department which is under the auspices of the County Executive's Office and feel that it does a horrendous disservice to the citizens of Rochester. That draft splits Rochester and joins it with half of Marbletown. The other part of Rochester would be joined with Wawarsing and the other part of Marbletown would be joined with Hurley. Every effort should be made to keep Towns whole especially when they are close to the population parameters for district creation. We ask that this be your first priority. We appreciate the tremendous work that you are doing as an unpaid volunteer.

Sincerely,

Carl Chipman
Supervisor

Dear Commission Members:

In reviewing the information presented and the discussions concerning the Reapportionment Plan I have several thoughts I would like you to consider. First I appreciate your work as it is difficult at best (if not impossible) to present a plan that will satisfy everyone. My specific concerns stem from 2 areas. The procedure, as I understand it, that has been used was to provide the Planning department with population numbers to create Districts. Included in the calculations is a maximum deviation factor of 2 1/2 % plus or minus from the desired district number of 7934. I have spoken with Bea and she indicated the number could be double that or 5% deviation either way from the 7934 number. This provides considerable room for adjusting the plans that have been created. I also am unable to determine Town lines from the charts created to identify Districts. It has been my concern from the beginning that as much as possible Towns be kept intact. I recognize that this is not always possible, but with a legal deviation tolerance of + to - 5% instead of the + to - 2 1/2 percent, it will be easier. Concerning my Town of Woodstock It appears 2 of the 3 plans (2 and 3) eliminate sections of Woodstock while adding sections of the Towns of Saugerties and Hurley. This makes no sense, particularly with the option to increase deviation factors. You have the opportunity to make significant changes to the plans and repair the problems generated, by increasing the unnecessary tight tolerances currently applied. I hope you can make this happen. I would also request that you not hire a consultant to do the job for you. This further distances the understanding of the importance of keeping the Towns whole.

Thank you,
Don Gregorius District 2

Thank you for the opportunity to voice my objections to the 3 tentative redistricting plans recently reported to the Legislature. It was my understanding that one of the guidelines to be used in finalizing a plan was that, to the extent possible, towns were to be kept whole. Due to the fact that there are more than 23 towns and villages in Ulster County, a certain amount of superseding of

political boundaries was to be expected, however, to take a town of over 10,000 residents and completely wipe out its political voice by dividing it into 3 or even 4 minority segments of other districts, is wholly inappropriate. In the current economic climate towns are struggling to maintain their identities, and the reported plans fabricate population groupings where none currently exist, nor do these groupings even make sense. (e.g. they don't follow boundaries for existing school districts, postal delivery, etc). In addition, by partitioning Plattekill in such a way, its representation on issues before the county with regard to taxation and other regulations would be minimized.

I feel a much more sensible approach, one that would allow Plattekill to maintain its political voice, would be to allow a majority of Plattekill to remain in its own district. Plattekill and Modena share the same school districts, which give their residents a commonality of interests. These areas should be allowed to act in tandem to represent their joint interests, not be split apart into unrelated districts wherein their specific concerns would not necessarily be addressed. Similarly, as Clintondale is located in both the Highland and Marlboro school districts, it would make sense to attach this region to the appropriate neighboring town so that all district residents will be responding to the same shared responsibilities.

I would ask that you present my e-mail to the Ulster County Redistricting Commission for their review.

Sincerely,
Michael Baum

Dear Reapportionment Commission Members:

I attended last week's (4/12) Special Session of the Legislature to review and discuss your three preliminary draft plans for redistricting as required under the Ulster County Charter. First, I would like to thank all of you for your volunteer service. The task you have undertaken is no small one and your efforts are appreciated. While I am aware that a number of you have indicated that "this is not political," the process of selecting candidates who will run in the very Legislative Districts you are charged with creating is most definitely political. I was a bit concerned by several of things I heard that night and a few others since then and I would like to make the following comments:

1. Under the Charter, the point of creating an independent commission was to insure that the redistricting process was done outside of County Government. If the people of Ulster County wanted the Legislature, County Staff or the County Executive's office to create the districts, we would have worded it that way in the Charter. While I understand that the software may be complicated, in an effort to protect the integrity of the process – an independent one – it would seem that use of an outside, independent consultant to help you draft the final redistricting plan is warranted and in keeping with the purpose of the Charter.
2. While I am sure that at least half of the commission members have no idea of the process involved with selecting candidates, nominating them and getting their names on the ballot through the petition process, it is, in fact, the reason we need the districts you are creating. It is incorrect for any member of this commission to say that "election districts don't matter" because by the time you are finished with this job, if the election districts have been divided you will have created an even greater task for the Board of Elections thus for the candidates trying to get their names on the ballot. Further complications only mean delays for candidates who want to introduce themselves to the voters and delays only make it harder for challengers (non-incumbents). To demonstrate the time constraints for candidates seeking elective office, the first date to sign/carry designating petitions is June 7th (only five weeks away by the time you present a plan that hopefully will be adopted on 4/26) and these need to be filed with the Board of Elections between July 11th and July 14th. Since we don't even have districts yet to select candidates, the breaking of existing election districts at this late date will make fair, open elections more difficult, if not impossible.
3. At last week's meeting there were many people who spoke up about keeping Towns as whole as possible and in order to accomplish this I suggest that you take the advice of a number of those present and increase the per district residency requirement to plus or minus 5% rather than the less than 2% guideline you are trying to meet.

In closing, please consider using an outside consultant, do not break up election districts and try to keep towns as whole as possible by increasing your guideline residency requirement from 2% to 5%.

Thank you for your consideration.

Robin Vaccai Yess, CFP
Chairwoman, Ulster County Republican Committee
914-466-9185 cell
www.ulstergop.org

Dear Mr. Messina,

Thank you for your informative talk last night, 4/5/11, in Gardiner. I appreciate the volunteer work you and the other members are doing for all Ulster County residents. I hope you are able to communicate to the other commissioners the very strong feeling of Gardinerites that we want to be in one legislative district. I have talked to fellow residents of both parties and have found near unanimous support for not splitting Gardiner up into two or more districts. I know you are faced with a difficult deadline and a lot of hard work. Thank you again for your help.

yours truly,
Mike Kruglinski

Dear Commission Members;

I attended the meeting in the Legislature a couple of weeks ago and have since had a chance to try and figure out where these plans will actually be. I believe that increasing the variation to a full 5% +/- instead of 2 1/2% +/- will give the commission a much easier time of it.

I noticed that the several southern towns are divided into many districts. New Paltz is very close to 2 districts yet that is divided into 3 districts. Plattekill is another town that is divided into multiple districts. Rochester is almost a perfect fit for a Legislator, yet it too is divided up in every plan.

In the Northern part of the County, The Town of Ulster's population is less than 2 Districts yet, all of these plans have 3 districts for Ulster. The same number of districts as Saugerties and the city of Kingston. Kingston and Saugerties both have populations of approx. 8,000 people more than the Town of Ulster. This is confusing to me.

Is there a way to minimize the impact so towns are not split up so much or at least make the splits meet a similar criteria? If Ulster gets 3 Legislators, how can Saugerties and Kingston get the same number and be considered equally represented?

Please consider expanding the deviation percentages to make it easier to keep towns whole and end up with more fair and balanced representation.

Thank you for your service to our County,
Mr. Robert Cane
Kingston, N.Y.

As a member of the Plattekill Town Board I strongly urge the Commission to follow the five percent resident rule recommended by the county charter and leave one full district in our town.

April 19, 2011

Ulster County Commission on Reapportionment
C/o Ulster County Legislative Office
244 Fair Street, P.O. Box 1800
Kingston, NY 12402

To the Honorable members of the commission:

Firstly let me offer deep gratitude for the long hours and many miles you have all traveled to be involved in this process. It is a thankless job to be sure. The only comparable situation might be as member of a school board--- no matter what you decide, someone will be angry with you.

I write to the commission to express my opinions on the draft plans presented to the legislature on Tuesday April 12th. I will attempt to be brief. I offer my apologies in advance for potentially repeating comments you may have already heard from the public, other legislators or other elected officials during your public input sessions.

I want to thank the commission for respecting the charter and protecting the integrity of the three villages in Ulster County. As a 10 year resident of the Village of New Paltz, I can attest to the different needs villages have over towns and I think that all the draft plans continue to respect village boundaries. In the case of my own community, we also happen to have a sizable minority population that must have its voice heard in county government. I hope this respect for the villages will continue moving forward.

With regards to the City of Kingston, it is my understanding that revised plans will utilize existing Ward boundaries that are currently in place. I believe there is wisdom in this as it will reduce any potential confusion and uses existing political boundaries.

With regards to the Towns, I will repeat the pleas of my community to have two legislative districts for the Town of New Paltz—reflected in "Version 3" of your maps presented on April 12th. In addition, I believe you must attempt to keep communities that are linked together. To use my old hometown of Plattekill as an example, lower Plattekill and the areas north and west of the hamlet of Plattekill have more in common with Modena than they do with the hamlet of Wallkill. While they are all in the same school district (Wallkill), the hamlet of Wallkill is not exactly linked with either the hamlet of Plattekill or Modena.

Another example could be Clintondale, NY—which is located in the Towns of Plattekill, Lloyd and Marlboro. It's an area where one could pay municipal tax to Marlboro, go to Highland Schools and be closer to Plattekill Town Hall than any other municipal building. The former hamlet of "Tucker's Corners" or the former hamlet of Ardonia, in certain cases has more in common with the Town of Marlboro (and they go to Marlboro schools). There numerous examples in all of our towns of these nuanced relationships. I hope the commission will attempt to preserve them. I also understand that in all practicality you will have to make hard decisions to make the most equitable decision.

Looking to the west of the county, I could not help but notice that the hamlet of Cragmoor is attached to Ellenville in two versions but not in "Version 1". It is my sincere hope that Cragmoor will be included into Ellenville moving forward.

I would like to thank the commission for your attention to these comments. I would also offer my condolences for the pain and suffering you've endured (and I'm sure you will continue to endure) through this process.

With appreciation,

Hector S. Rodriguez
Ulster County Legislator, District 10

I don't understand why the tiny area of Zena is not kept in the Woodstock district. We pay taxes here, not in Hurley. How could this be? When borders are set up without considering who the people are living inside and outside the lines, problems arise. Keep Woodstock whole.

Laura Schwartz
Zena/Woodstock

Residents in Woodstock Districts 3 and 6 are part of the Town of Woodstock and share Woodstock issues. It is a disservice to Districts 3 and 6 to merge them with another town. In this scenario, the Woodstock District 3 and 6 residents will not have a proper voice. Woodstock Districts 3 and 6 should remain in the same legislative district as the remaining Woodstock districts, so that a legislator from Woodstock can represent all of the Woodstock taxpayers, including the Woodstock taxpayers in Districts 3 and 6.

Regards,
Laura

I suggest that zena and west hurley be combined as a district.
Thank you

Doris Licht

Dear Reapportionment Commission Members,

As a former member of the Woodstock Planning Board, and as a current Woodstock Democratic Committee elected representative of District 6, I can confidently attest to the fact that the issues of concern to the residents of Zena are vastly different from those of Hurley. The demographics, socio-economics and character of the two districts are incontrovertibly disparate. The interests and sensibilities of Zena are congruent with those of the Woodstock community at large, while those of Hurley comparable to Olivebridge or Marletown. I believe it would be a mistake to sever Zena from the other Woodstock districts. I am deeply skeptical about the prospect of adequate, competent and effective representation of Zena if the proposed new district is created. While I applaud the sincere efforts of the redistricting committee to form districts with more uniform population densities, I strongly urge them to reconsider this ill-advised option.

I am writing as a Zena resident to say that I do not support Zena being made a part of Hurley. Zena is an integral part of Woodstock in terms of its history, population and interests. Most of my neighbors truly identify themselves as Woodstockers, a community in which we fully participate. Being part of Hurley makes no sense to me! And I would like to be represented by the same elected official who represents Woodstock. Please don't implement this plan! Thank you for the chance to give my opinion.

Karen Walker

Dear Planners,

Please do not change the districts in a way that breaks up Woodstock. We work together well in our various parties, and that makes this an important community issue.

Thanks time effort you are putting into this,
Susan Auchincloss

Hi Commissioners,

I live in Woodstock and I am writing to request that the entire town of Woodstock be included in the same district. According to the 2010 census, the population of Woodstock is 5,884, well under the ideal size for each district. There are many community activities in our town that link the people from Willow (the west) with people from Zena (the east) and it would be disruptive to split the town into different districts. Kept together we are likely to have a representative in the County Legislature who represents our shared values and concerns.

Thank you for your work on this process and for your consideration of my opinion.

Stuart Auchincloss

Reapportionment Commission Members

As a 40 year resident of Zena, I believe the issues and concerns of residents of this area are quite different from those of Hurley. The interests of this area are compatible with those of the Woodstock Community. I think it would be an injustice to Zena residents to sever the area from other Woodstock Districts. I am very concerned about having adequate and effective representation of Zena if the proposed new district is created. While the Commission has made sincere efforts to form uniform population densities, I urge them to reconsider this option of separating the Zena area from the rest of Woodstock.

Respectfully

Robert M. Houst

Commissioners,

I want to thank all of the members of the Reapportionment Commission for their time, their travel, and their patience over the past months. It's an understatement to say learning more about the people, the laws, the County, the city, towns, and villages, and more, has been and continues to be a challenge.

In my view, the Commission has done well with that challenge and achieved the difficult task of balancing a number of different considerations in a reasonable and thoughtful way in Draft Redistricting Plan Version 5.

I have reviewed a number of other plans, including previous versions by the Commission and some from various publications. Each plan has its advantages and disadvantages, but Plan Version 5 appears to be a reasonable and fairly balanced plan in my view.

Thank you again for all of your efforts,
Roy Hochberg
Ulster County Legislator

I have recently learned that the hamlet of Zena will not be included with the remainder of the Town of Woodstock under the pending redistricting changes. I am opposed to this plan as I feel that it will impact the representation of the town if 2 legislators have responsibility. To splinter Zena defeats the purpose of full knowledge of the town and all of its aspects. I appreciate the work done by the task force but do ask that this piece be reconsidered.

Sincerely,

Maureen Huben-Helbok

I'd like to compliment the commission on there hard work on Wednesday creating your plan. I know how hard the work is as I've spent many hours myself on the public computer creating my ideas of a plan. Watching the commission run into the same brick walls created by the geography and areas of population that I ran into was proof to me just how hard this task is. It is easy for critics to take shots and make comments, but until they have tried to complete the task personally their criticism carries a bit of a quieter voice in my mind. There are thousands if not millions of different ways to split up the Census blocks making up Ulster County. You arrived at some different solutions than I did, but they are just that...different. There really is no wrong or right way.

But I'd like to make the following observations and comments based on my experience with the process and my knowledge of the County which I think will help create a stronger plan. I hope you will consider them when you "tweak" the plan on Saturday.

1. The commission should attempt to keep population centers (hamlets and villages) whole as much as possible. These areas have common problems and concerns and should be represented by one voice. For example, the commission split Stone Ridge in half by Route 209. I believe the numbers and percentages would allow all of that area to be put either with District 13 or 14. But to split it the way you did makes little sense. I think other population centers should be checked to see if this occurred anywhere else.
2. The very tiny area of the Town of Lloyd that was added to District 2 is not logical. I know it solved population count issues, but those few small blocks in Lloyd would now become their own election District. This should be reconsidered and a better solution should be arrived at.
3. The area of Gardiner that is included in District 4 includes part of the actual town center of Gardiner including Town Hall. (see my comment #1 about splitting Town centers). Perhaps more of that area should be included in District 3 and areas of District 3 to the immediate west of District 4 should be added to 4.
4. Including the parts of Shawangunk (Walker Valley area) in District 7 with Denning makes little sense. There is little commonality. I would suggest a swap of area and changing more of the Napanoch/Route 209 area of District 6 to District 7 and then making the Walker Valley area be a part of District 6. My version of the map I presented to the commission shows the example of what I am suggesting.
5. I disagree on the keep Hurley whole idea. The reservoir is a natural cutoff point. Again, my proposed plan addresses this area creating a Route 28 corridor and a Route 209 corridor. Transportation corridors sometimes make more sense than municipal boundaries that were laid out hundreds of years ago.
6. I compliment you on your work in the City of Kingston and the Saugerties/ Town of Ulster/ Town of Kingston areas. I think

you made some very logical conclusions on these areas.

Thanks for all your under appreciated efforts. I hope you will consider my suggestions in creating your final product.

Mike Baden

Committee Members,

I am very concerned about the redistricting of Marlboro. Part of Marlboro is proposed to go with the town of Lloyd and not Plattekill. Plattekill is part of the Marlboro School District and has been for many years. There are many concerns that a part of Plattekill be adjoining with Marlboro. My constituents and I feel very strongly that Plattekill be a part of Marlboro in this plan. Again, I must emphasize because of the school district many of these individuals associate in part of the Marlboro atmosphere.

Frank Felicello

4-21-11

Dear Commission Members,

Thank you for your hard work and dedication. You have an impossible task and I appreciate how hard it must be to try to create these new districts.

I represent the towns of Shawangunk, Gardiner, and New Paltz in the Ulster County Legislature in District 8. A piece of my district is the Hamlet of Walker Valley in the western portion of Shawangunk. In version number 5 of the reapportionment plan Walker Valley has been placed in the same district as the Town of Denning. Driving from Walker Valley to Denning is over 50 miles. This would place an undue burden on both the representative and the represented. People have a vested interest in knowing their representative at any level of government, and access to the representative is paramount at the local levels of government. Placing a possible 50 mile drive between representative and constituents should be avoided at all costs.

I hope you take these thoughts into consideration. I ask you on behalf of my constituents to reconsider this district and to attempt to shape the Town of Shawangunk into two districts instead of three if at all possible.

Respectfully Submitted,

Kenneth J Ronk Jr.
Ulster County Legislator
District 8

I have had an opportunity to review the latest plan and in questioning others regarding the City of Kingston reapportionment, I have some very serious concerns. I was advised that some of the decisions were based on ethnic/socio-economic considerations. It is insulting to all who reside in the City and even more to the elected officials that represent them, that in essence, we are being told by the Committee that certain parts of our population have not and are not properly represented. Further, that the Committee will somehow rectify that alleged problem through reapportionment. I was not aware that that was a part of their charge let alone their determination. Reapportioning the City with that as a backdrop is an insult to the City and its representatives and well beyond the authority of the Committee. If allowed to stand, It is sure to have repercussions well beyond the political dilemma it creates. The Committee clearly needs to go back a give serious consideration to both the delineation of City Districts and most certainly any mention of ethnic/socio-economics as a basis for its decisions. Stick to the numbers, that is your charge.

Frank Cardinale

Sirs:

I am a tax paying resident of Woodstock for over 30 years and live on Van Dale Road and vote in Woodstock elections. It has come to my attention that in the reapportionment planning, there is a chance I and many of my neighbors, will lose my Woodstock representation and be shunted to another district.

I strongly protest that this is unfair, and inappropriate...depriving me and my family from the representation we are entitled to, for the town we live in, which is Woodstock. Please consider our thinking and leave Woodstock residents to be represented by a Woodstock Representative. Anything less is denying us our rights.

One of your mandates is or should be: Respecting existing political (e.g. Town) boundaries
Thank you for your consideration.

Ethlynn Berman

Please be advised that I am 1000 % against redistricting. I see no benefit that this idea provides except to confuse voters. I want my district to remain in Woodstock, New York whee I reside, shop, pay

taxes. I hope that sound thinking is employed to keep this in our town.

With all due respect this is not an idea I endorse. Now or for the future. I want to vote for my County Legislators and other officials from the my own back yard.

LL Barra
Woodstock, New York

This is my version of a plan created on the public computer.
It has a 4.86% deviation from lowest to highest amount of population per district
The yellow lines are current voting districts.
Thank You for your work and consideration.

x



April 21, 2011

Dear Commissioners:

It has come to my neighborhood's attention that the membership is considering version 5 of the reapportionment map.
<http://www.co.ulster.ny.us/reapportionment/draft.html>

Although you may be close to finalization, I respectfully request your review of the details below and urge you to restore the Zena neighborhood to the town of Woodstock.

Here are some points to discuss and consider:

According to the 2010 Census the Town of Woodstock has seen the largest decrease in population of any town in Ulster County. To divide the town for legislative redistricting would further divide the citizenship. The 2010 census Woodstock population is 5,884 down from the year 2000 by -5.5%, the highest percentage in the county along with Wawarsing. (Information from 2010 Census Population Change Map). The towns with the highest declines in population need your support so we can recover from these tough economic times.

Of the 24 geographic local areas being reapportioned, 50% are larger in population than Woodstock. In fact, some local areas have a town and a village designation. (Information from 2010 Census Population Change Map). The larger the citizen groups can weather the division better and based on your mean of 7,934, nine geographic areas are too large to meet your requirement. Have you also reviewed the voting districts within these boundary considerations? Addressing that may help unify a reapportioned geographic area.

The economy has had its effects on our county and Woodstock has approximately 30% of its housing units vacant. Both the

Kingston and the Ontario School districts have shared the "pain" of this fact as student enrollments have decreased as well. Were school district boundaries considered in this version of the map?

Zena accounts for 1,031 Woodstockers, approximately one fifth of the total town.

If the law as written does not allow for enough time to do justice to this process and its' citizenry, can it legally be delayed so we can proud of the outcome?

Thanks to each of you for your consideration.

Sincerely,
Kathleen Colletti
Zena

Dear Reapportionment Commission Members,

Two years ago my wife and I built a new home on Zena Road in Woodstock. We selected a lot in Woodstock because, after renting a home for six years in the town, we felt extremely strongly that it was the Woodstock community with which we identified most. For this reason we paid a substantial premium for our parcel and pay generous taxes in exchange for being part of a community which identifies with our beliefs, and has governance that generally reflects our values. I personally know other neighbors who feel the same and who reside in Zena for the same reasons we chose to. I truly believe it would be a mistake to sever Zena from the other Woodstock districts. I am skeptical about the prospect of adequate, competent and effective representation of Zena if the proposed new district is created. While I applaud the sincere efforts of the redistricting committee to form districts with more uniform population densities, I strongly urge them to reconsider this ill-advised option.

Sincerely, William C. Kerr

Dear Commissioners:

Zena should not be divided from Woodstock as proposed in Map 5. Having been a resident of Woodstock, living in Zena for 5 years, I know that Zena is part of Woodstock and not just because the town line says so. We chose a home in Zena to be part of the Woodstock community -- that includes representation. Residents of Woodstock, whether in Zena or Bearsville Flats, vote for the same town supervisor, town board members, clerk, highway super, etc. Zena residents are subject to Woodstock laws including building codes, assessments, taxes, zoning, environmental bylaws, and road maintenance. Zena residents expect their town as a whole to be represented at the county level as well, making each and every one of their votes count. Zena accounts for 1,031 Woodstockers, approximately one fifth of the total town.

My situation in voicing this concern is unique because in February I sold my Zena home and moved 3 miles "down the road" into West Hurley where I find my physical mailing address is still a Woodstock one. My spouse and I both work in Woodstock and continue to feel strongly that Zena should not be separated from Woodstock. I urge you to restore the Zena neighborhood to the town of Woodstock.

While the commission may have met for months and traveled around the towns to speak (at which time no reapportionment maps were available), the comparative public review of actual maps and the public comment period is short indeed, and does not seem to meet "the maximum of public participation and comment" as stated in the commission's directive. To finalize a map tomorrow on a Saturday, giving Woodstock residents only 24 hours for input is unreasonable. The public must be given a chance for real input based on talking points the proposed maps bring up. I urge you to extend the public commentary period before finalizing your decision.

"The Commission will reapportion in accordance with a process that allows timely input from the County Legislature and its members and the maximum of public participation and comment, and in accord with a calendar it adopts for itself after consideration of New York State Election Law that assures that elections in newly apportioned districts will be held in the year ending in "1" in every decade.

JoAnn Chamberlain

To the members of the Reapportionment Commission,

Several years ago the controversy that arose regarding the effect of taxes relating to "large parcel" legislation showed me how detrimental conflicting interests are to the taxpayer. It is imperative that I have representation that is undivided in it's focus on my concerns as a resident of Woodstock. Therefore I am wholly opposed to my district (Zena) being severed from the town in which I live.

Mary Ann Ahroon

To the members of the Commission on Reapportionment,

As the Chair of the Woodstock Democratic Committee I am addressing what we see as an amputation of one of our hamlets from the Town of Woodstock districts.
In the spirit of brevity I am limiting the comments I have received from my committee to only two of our long-standing Committee members who have served the Zena district for many years and have sent the following to me:

"As a former member of the Woodstock Planning Board, and a current Woodstock Democratic Committee elected representative of District 6, I can confidently attest to the fact that the issues of concern to the residents of Zena are vastly different from those of West Hurley. The demographics, socio-economics and character of the two districts are incontrovertibly disparate. The interests and sensibilities of Zena are congruent with those of the Woodstock community at large, while those of West Hurley comparable to Olivebridge or Marletown. I believe it would be a mistake to sever Zena's district from the other Woodstock districts. I am deeply skeptical about the prospect of adequate, competent or effective representation of either Zena or West Hurley if the proposed new district is created. While I applaud the sincere efforts of the redistricting committee to form districts with more uniform population densities, I strongly urge them to reconsider this ill-advised option." David Corbett, District 6 Zena, Town of Woodstock.

"I am a member of the Woodstock Democratic Committee, one of the elected representatives of District 6, Zena and a resident of Woodstock for over 40 years.
Zena is a vital and cohesive hamlet of the Woodstock community. Woodstock is a unique community and draws its character from the several hamlets that make up our town. The residents of Zena are Woodstockers, with the same interests, zeal and expectations of other Woodstockers. The effect of relegating them to a different legislator to hear their issues separate from the rest of their home town, I believe, would result in very negative outpouring of sentiment. On a town and community level it would not serve any positive purpose."
Fran Breitkopf, Zena, District 6.

In your quest to create some sort of headcount balance, don't forget that there are other more important issues such as keeping our involved town family together with all our districts sharing the same meetings, events, and all the attending common issues. Woodstock's districts are a vibrant and cohesive family that expects to be able to speak with the same county legislator so that we can continue to work together for the good of our town and our party with one familiar and continuing voice.

The Woodstock Democratic Committee works hard for the best candidates for the town of Woodstock, often endorsing candidates that are not Democrats but are the best ones for the job. Yes, we are a political body, but we are first and always Woodstockers and when you put the Zena district outside of Woodstock, you are fracturing our town, our ability to work together and our sense of being a complete and coherent entity.

The small Zena district will not make much of a difference to the rest of the large area that is currently planned to include them, but its loss will make an enormous difference to our small town.
I respectfully ask you to re-examine what you have done in the light of our anxiety and growing hostility to the break-up of our district family.

I am available to further discuss this with any or all members of the Commission. Thank you for the work you do and for considering our request to keep the town of Woodstock districts whole.

Terrie Rosenblum
Chair, Woodstock Democratic Committee

Comments from New Paltz Town Supervisor

To whom it may concern,

We are residents of Woodstock and want to remain a part of Woodstock representation in the Ulster County legislature.

Thank you,

James and Sandra Rosa

From the Desk of Peter M. Loughran
Legislator, District 12
City of Kingston

The reapportionment as proposed is not acceptable as is. I have reviewed the proposal and have found what appear to be flaws. Please review the information below and I have confidence you will agree that a minority district is unnecessary and the Ward lines should be used for the purpose establishing the 3 legislative districts in the city of Kingston. This method using wards to determine lines would best serve the residents of Kingston.

Let me begin and be perfectly clear on this issue. I believe it is illegal to put together a minority district when the minority of voters is comprised of less than 50% plus one of voters in the district.

It will disenfranchise those residents that comprise only 46% of the minorities in the district.

I would also like to point out that using your proposal gives the appearance of creating a containment area in the mid-town area of Kingston. Once again this will help to disenfranchise those residents living in that district.

I would like to point out not using the wards as lines to distinguish the boundaries would in effect dilute the representation that currently exists. In other words, I currently live in Ward 4 and Legislator Donaldson currently lives in Ward 5. This means that two out of three legislators represent that area of Kingston.

Your proposal will ultimately remove representation from that area and move it to another section of town.

Like I said earlier, your implying that fair representation is not being provided because of my ethnicity is like me saying you are not looking out for the best interest of minorities because you have none sitting on the commission. That statement would be untrue and unfair.

You creating a minority district is giving the impression that something is wrong. It is not fair nor is it true. Below you will find a list of minorities that have been elected to both the Kingston City Council and the Ulster County Legislature over the past years.

Minority People elected to office.

Women- Elected to Office in Kingston

Kathy Mihm-U.C. Legislator,
Susan McConeky-U.C. Legislator
Kay Quick- U.C. Legislator

Ann Mari Debella-Alderwoman

Kate Fiori- Alderwoman
Shirley Whitlock - Alderman
Mary Ann Parker-Alderwoman
Rose Hogan-Alderwoman Legislator

Afro-American Elected to Office in Kingston

Larry Kithcart - U.C. Legislator
Clint Brown - Alderman
Lenny Walker - Alderman

I have given my reasons for not supporting your proposal and would like to reiterate my belief that ward's boundaries should be used in determining legislative districts. These lines will remove any ambiguity that may exist. The election would be kept intact. All wards need to be reapportioned so each ward would be of equal size. The minority section of town would then have more representation. Finally, it would take 3 wards to make 1 legislative district. Nine wards just need to be divided by 3. Using the wards as a way to create Legislative districts is fair and impartial.

Thank you,

Pete Loughran

Dear Commissioners,

I write to urge you to adjust the district lines you drew around your proposed District 18 in Saugerties. Although almost accurate, you failed to include the Bishop's Gate Community with the rest of the district. Bishop's Gate is a developed area sharing the same values as the Barclay Heights and Village Communities. Bishop's Gate also shares water and sewer with those in your District 18. Bishop's Gate, along with Barclay Heights and the Village, make up the heart of Saugerties. Please remain true to your pledge of keeping communities together and understand that it is essential to keep this area in tact. Thank you.

Walter Frey, Jr.
Legislator, District No. 4

Dear Commissioners,

As an elected county legislator representing the Town of Marbletown, I would like to know if the Commission considered the relationship and proximity of SUNY Ulster with the Town of Marbletown? The residents of Marbletown have a vested interest in the infrastructure and development of SUNY Ulster, and under the plans that I have reviewed, Marbletown is left severely fractured, while including entire portions of neighboring towns. The neighboring towns do not have the same level of interest in SUNY Ulster, as residents of Marbletown. Moreover, since the county legislature appoints and finances a large portion of SUNY Ulster, it is logical and in the spirit of the Ulster County Charter to keep the Town of Marbletown whole in the final plan. It is entirely possible that Marbletown will not have a representative in the county legislature.

I would also like to point out that Marbletown is only 76 percent of the size of the Town of Rochester and 92 percent of Rosendale. Is the Commission aware that Marbletown is divided yet keeps the Towns of Rosendale and Rochester whole or nearly whole? As you know these towns are contiguous with Marbletown. No plan that I have received has sought to divide Rosendale.

Further, this recommendation does not seek to favor any political party or candidate, nor does it seek to seek to harm any political party or candidate. Thank you in advance for your time and consideration. Please pass my comments along to the other Commissioners (I don't have any email addresses for them), and feel free to contact me if you have any questions or concerns.

Regards,

Robert Parete
Ulster County Legislator

Dear Commissioners,

My name is Diana Cline. I have lived in Old Hurley for over 50 years. This town has spent that long or longer trying to unite Old Hurley with West Hurley as one town. If you split our town up in reapportionment, you will have set these efforts back 50 years. I also do not find it to be a coincidence that the four republicans including our supervisor did not speak publicly opposing such a move (our lone democrat however did) since such a split would put Roy Hotchberg in Woodstock and allow the republicans not to have to run against Roy. I was under the impression that this reapportionment would not be politically motivated. I urge you to keep Hurley as one town!!!!

Thank you for your time

Diana Cline

Dear Commissioners,

Versions 1 & 2 recognized Shawangunk as what it is; the fastest growing Town in Ulster County with a population of over fourteen thousand and deserving of two representatives from the Town. Every plan since has given the Town one whole district and has placed the remainder of the Town in districts where Shawangunk numbers are fewer than the adjoining Towns. For the past ten years, two of our election districts in current Legislative District 9 have been disenfranchised to Plattekill and Marlboro. It is just not fair to the people of Shawangunk to be placed in that status for the next 10 years again at the expense of the Commission's efforts to keep or protect other Towns from that status. Please take another look at this.

Roger Rascoe

Dear Commissioners;

I have been following closely the activities of your committee's work since its inception. I did not speak out publicly until you had an opportunity to create some districts and get input from the public. Once the initial 3 plans were presented, I spoke at the Ulster County Legislature asking that some consideration be given to presenting a plan that included a Town of Ulster district that did not link the Town of Ulster with another town. I have subsequently spoken to individual members of the commission both in person and on the telephone and reiterated my request to present at least one plan that did not link the Town of Ulster to another town in one district. So far it seems there has been no consideration to my request. There have since been 4 or 5 plans presented, none of which detaches the Town of Ulster from other towns. This is an injustice to the residents of Ulster who deserve a single Legislator to represent their views in County Government.

The current configuration leaves the possibility that the Town of Ulster, with a population of 12,327 could end up without a resident representative, but instead with a representative from another town that does not have the commitment, interests or the necessary knowledge of the town to represent it fairly.

My reasoning for this request goes to the basic components of the County Charter (C-10 Par. A) where it states to keeping towns whole is the top priority. The Town of Ulster has over 12,000 residents, yet there has never been a single plan that gave Ulster its own district. Not one. That can not be said for any other town that has a population that can have a self contained district in the plans that have been presented. It seems that it was decided early on that Ulster would be included with other towns and there was no looking back.

With enough residents for more than 1 1/2 districts, Ulster deserves its own voice. It should have a stand alone district that has gives a Legislator the ability to represent the unique features of the town. Ulster is the retail center of the County, it produces over 50% of the sales tax revenue and should have a representative to advocate for those unique qualities.

The only people who have advocated to keep Ulster with other towns have had ulterior motives that may or may not be apparent. The Town of Kingston and the Town of Ulster town boards have requested keeping the towns together which is no surprise to people who know the political make up of the two towns. The Town of Kingston and the Town of Ulster each have town boards that are dominated by a political party 5-0 on each board. It is no coincidence that this district as presented, gives that party a distinct advantage in party enrollment and thus the ability to keep that seat in that parties hands. The Charter deals with this as well when

it states "..... fair representation of all people in Ulster County, keeping districts compact and contiguous while taking also into account existing town, city, village and election district boundaries and defining geographic features but giving no consideration to providing advantage to one or another political party." This district, in every single plan, clearly gives advantage to one political party.

I have tried everything I know to get this commission to listen to me and reconsider this district. All I have ever asked for is the ability of the public, the Legislature and the commission to review a plan that gives the Town of Ulster the voice it deserves with a stand alone district.

Please take this into consideration before you present your final plan to the Legislature.

Thank you for your time and efforts,
Brian Cahill

To the Ulster County Commission on Reapportionment:

I am writing on behalf of the Town of Marbletown with regards to the latest version of the redistricting map now under consideration for recommendation to the County Legislature. First let me say that I recognize the challenging task with which you have been charged, and I appreciate the tremendous effort that has gone into the process thus far.

I am, however, disappointed to see the way the Town of Marbletown has been split in this latest proposal. As we (members of our Town Board and residents) explained to the two commissioners at our March Town Board meeting, it has been our strong preference that Marbletown be left whole as a district. Since we are a relatively small town population-wise, this seemed like a reasonable goal. In reviewing the current proposal, it appears that Marbletown is the only small municipality that is being split (with the exception of Hurley which has an obvious natural geographic separation).

Because the Commission's web page does not include a breakdown of population from each town in each proposed district, it is difficult to tell exactly how the residents of Marbletown are divided. But our population appears to be split roughly into two-thirds (district 18) and one-third (District 19). Under this scenario, we are at risk of being carved into two good-sized districts, with the added worry that Marbletown could end up without a representative who actually lives in the town. Furthermore, the current map configuration would result in Marbletown residents constituting a minority in each of the two proposed districts.

I would like to point out two issues that are of particular concern to us, and which I believe make Marbletown distinct: The presence of SUNY Ulster, and the relationship of our two commercial hamlets (Stone Ridge and High Falls) to the rest of the town.

SUNY Ulster is more than just a major county-owned facility in town. It is an institution with changing needs, imminent plans to connect to the High Falls Water District, and potential for growth. All of these factors are of great interest to, and may significantly affect, all of the residents of Marbletown. Surely the optimum condition for everyone under these circumstances would be one individual representing Marbletown at the county level.

Of additional concern is the proposed splitting in two of the hamlet of Stone Ridge across Route 209. Also, the map separates the bulk of residents in our two vital commercial centers (High Falls and Stone Ridge) from the rest of Marbletown. We are currently at work on an important strategic planning project for these two hamlets. As key initiatives progress over time, it would be unfortunate to see our line of communication to the County Legislature fractured by way of having different individuals representing each hamlet. Even more awkward still is the idea that the hamlet of Stone Ridge (which also may in the future be connected to the Water District) would be divided and represented by two different legislators.

I respectfully urge the Commission to reconsider the map as it is currently proposed, and to either re-examine one of the earlier versions, or create a new map in which Marbletown remains whole with the absorption of a part of one of our neighboring towns.

Again, many thanks for your efforts to create a positive solution for everyone. Please don't hesitate to contact me with any questions.

Sincerely,

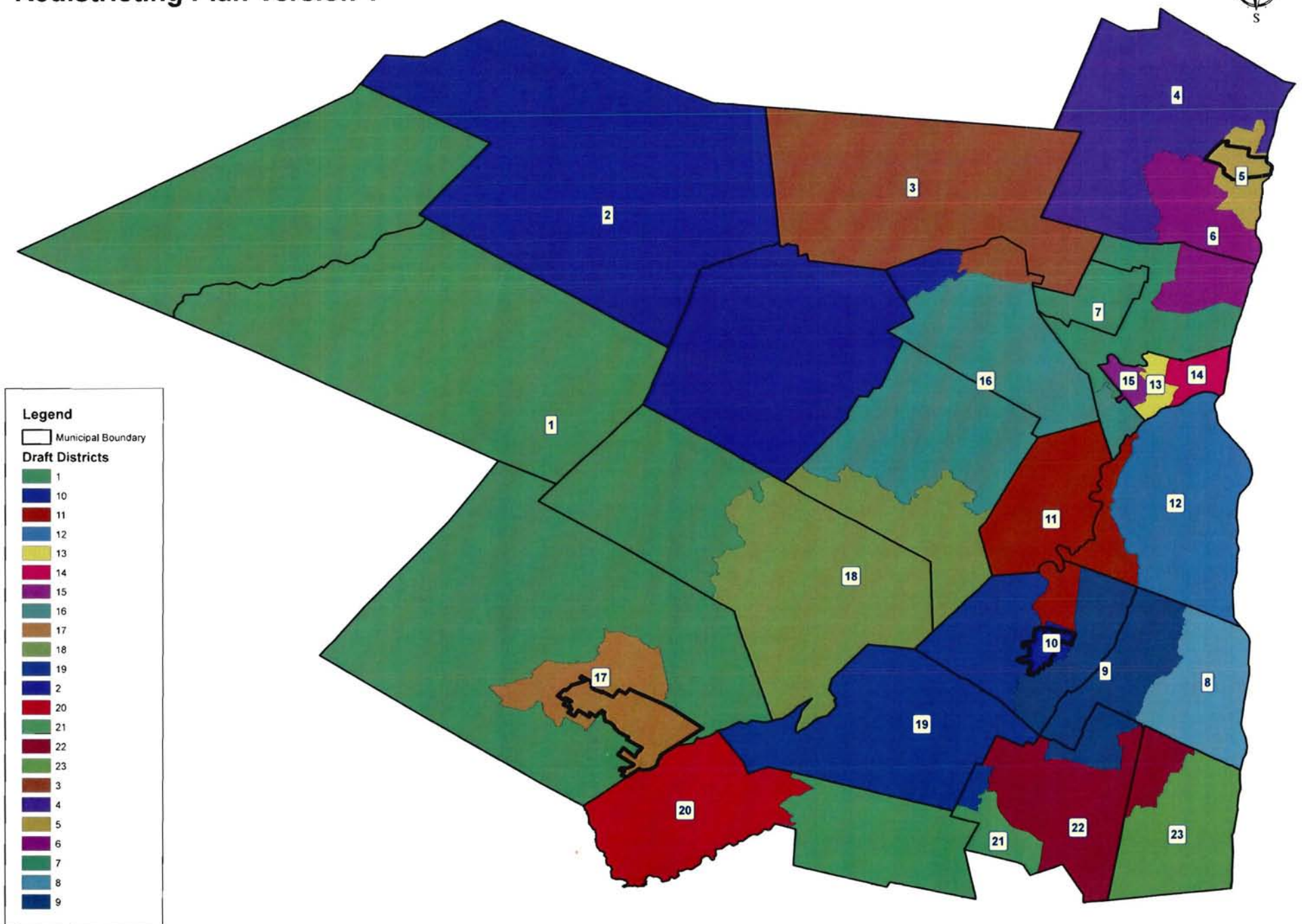
Brooke Pickering-Cole
Town Supervisor, Marbletown, NY

[Comments from Town of Kingston and Town of Ulster Supervisors](#)

[Comments from Kingston Town Supervisor](#)

[Ulster County Home Page](#)

Redistricting Plan Version 1



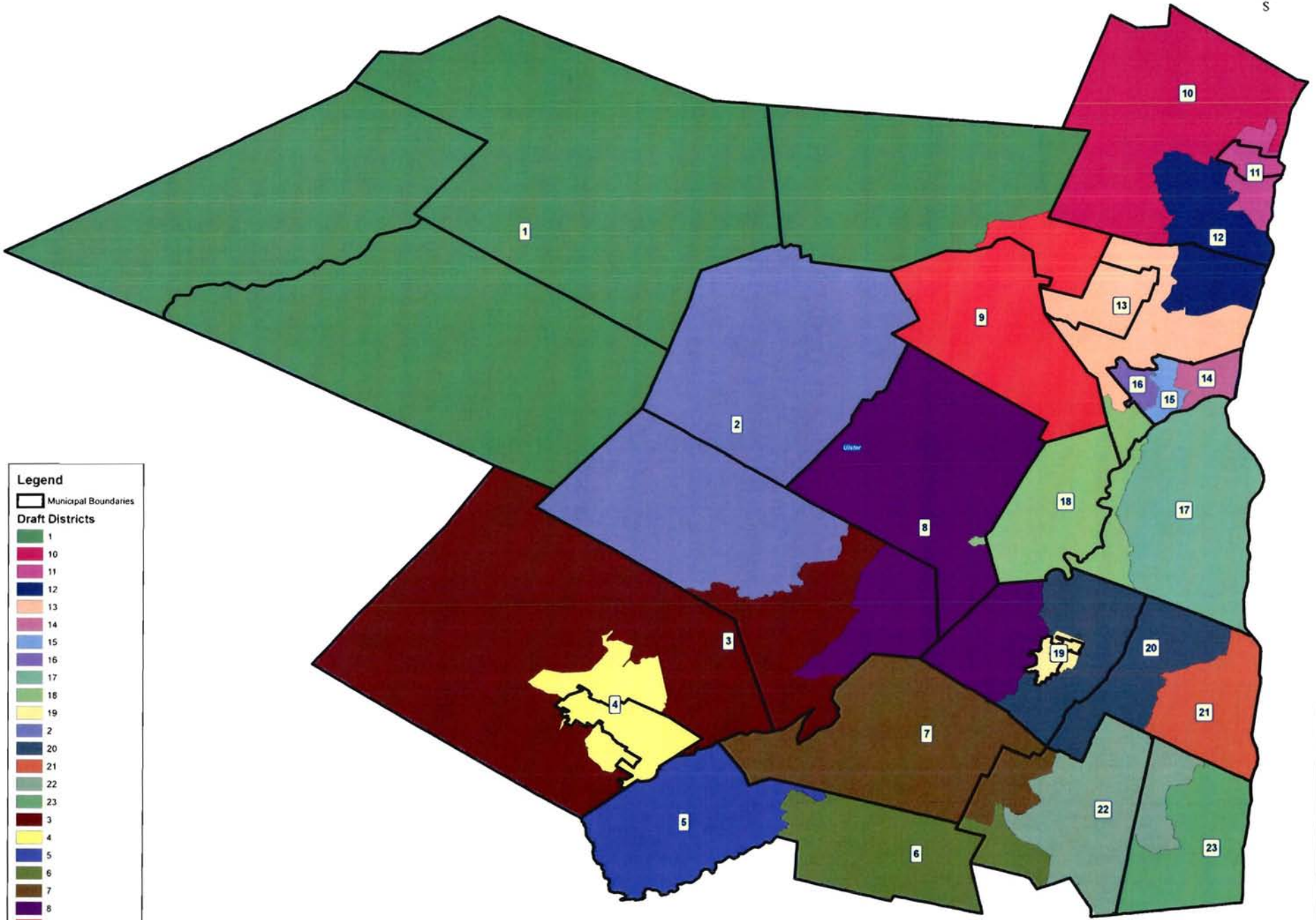
Legend

□ Municipal Boundary

Draft Districts

- 1
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 2
- 20
- 21
- 22
- 23
- 3
- 4
- 5
- 6
- 7
- 8
- 9

Draft Redistricting Plan for Ulster County Version 2



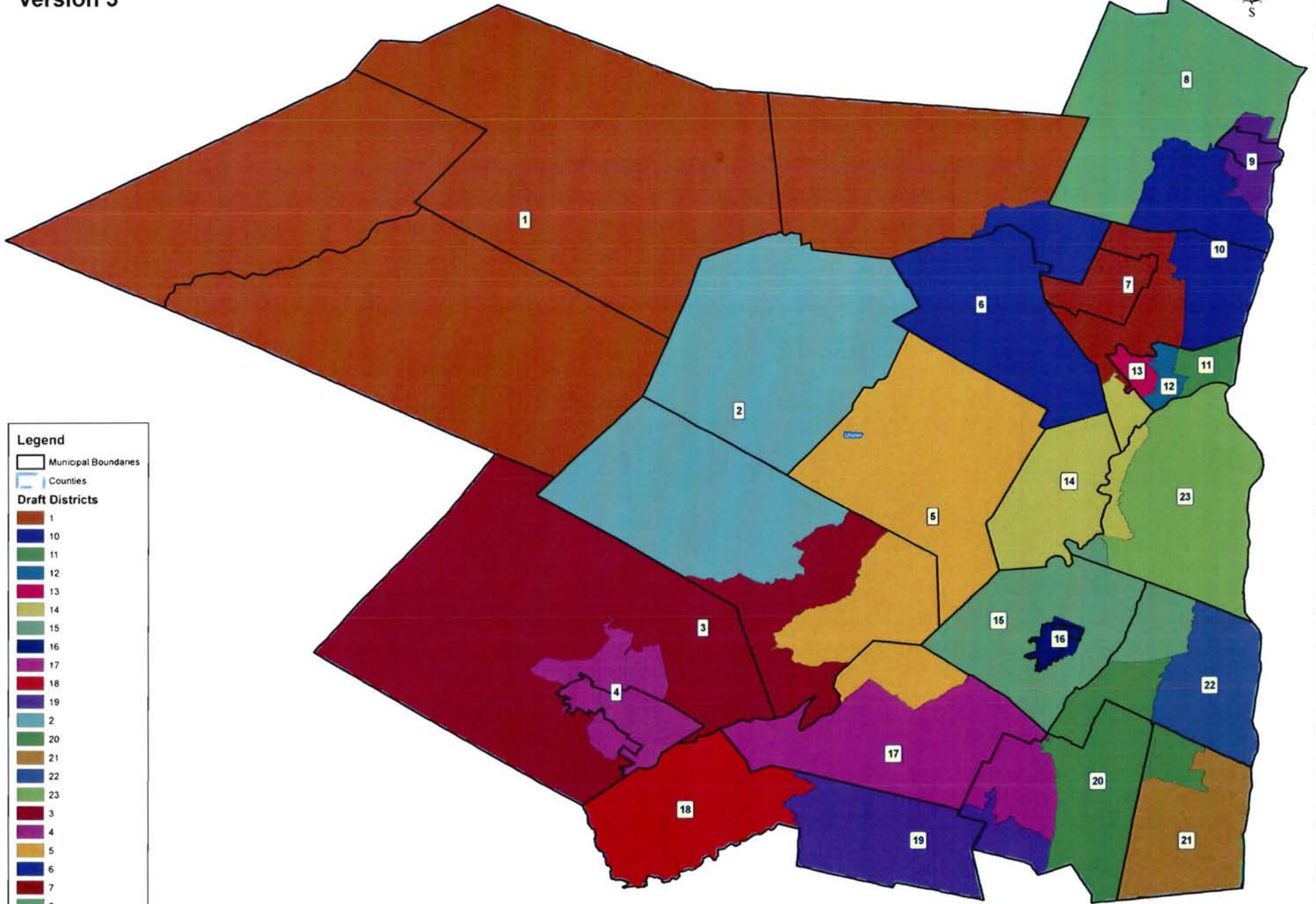
Legend

▭ Municipal Boundaries

Draft Districts

- 1
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 2
- 20
- 21
- 22
- 23
- 3
- 4
- 5
- 6
- 7
- 8
- 9

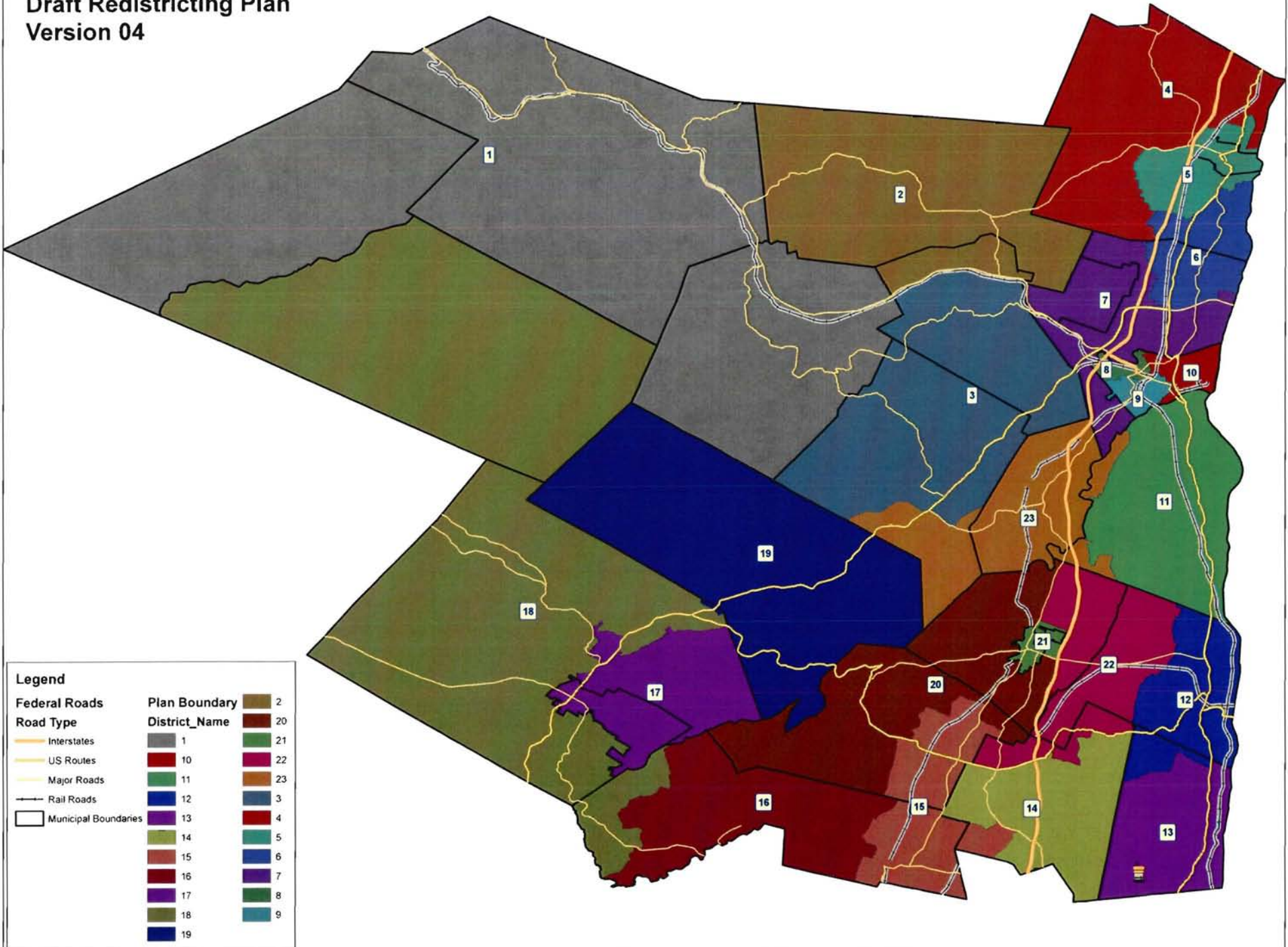
Draft Redistricting Plan for Ulster County Version 3



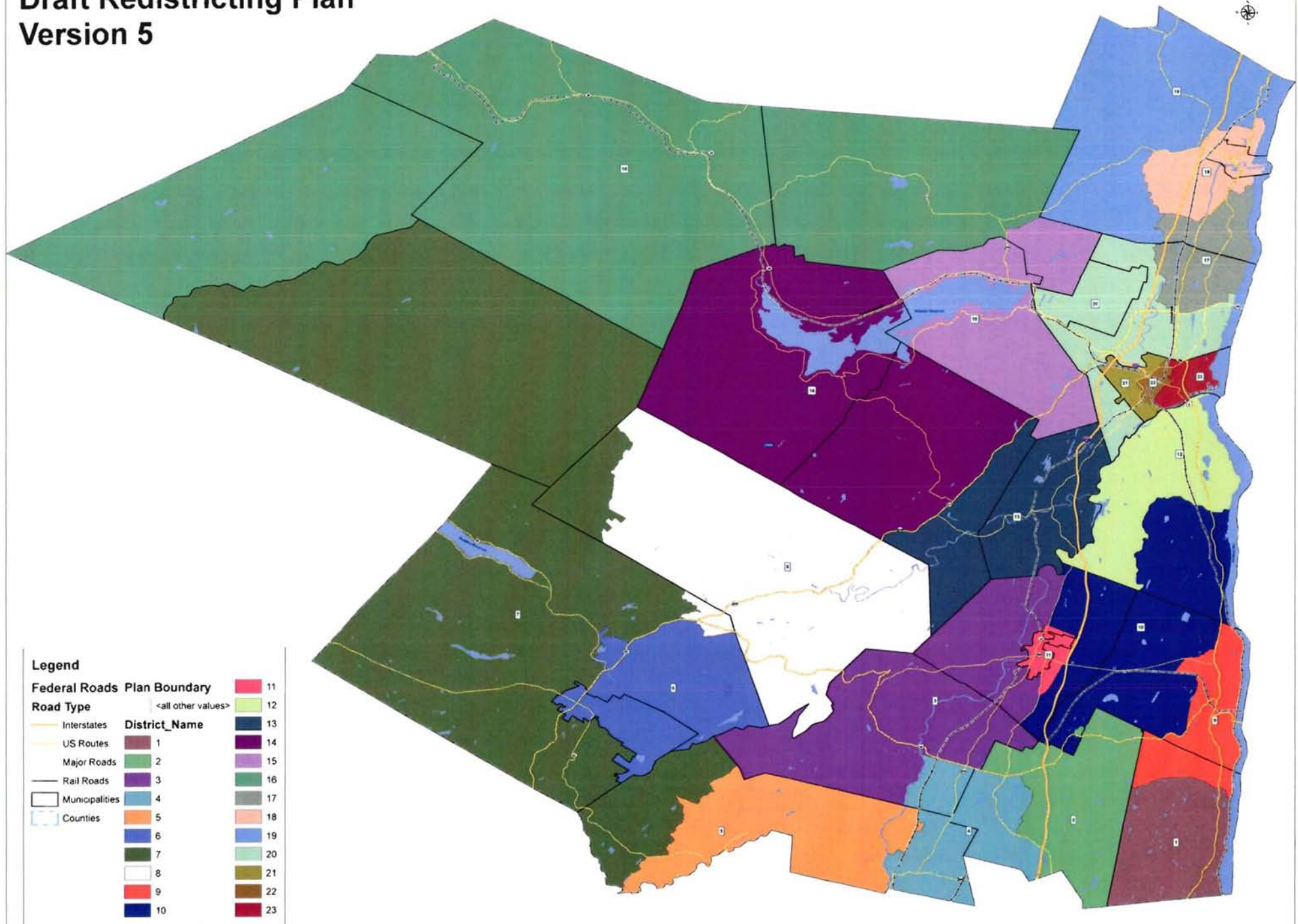
Legend

- Municipal Boundaries
- Counties
- Draft Districts**
- 1
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 2
- 20
- 21
- 22
- 23
- 3
- 4
- 5
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- 7
- 8
- 9

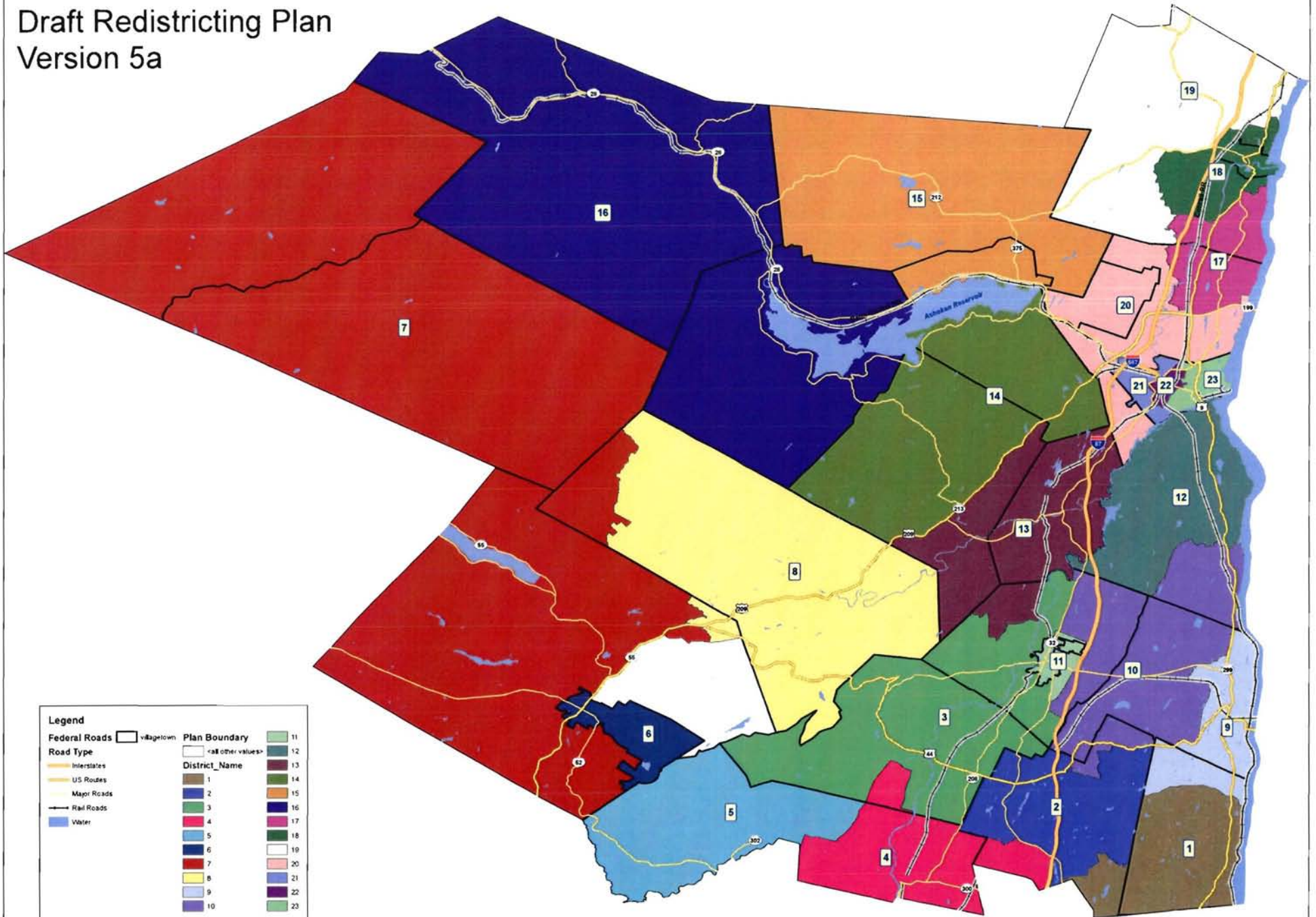
Draft Redistricting Plan Version 04



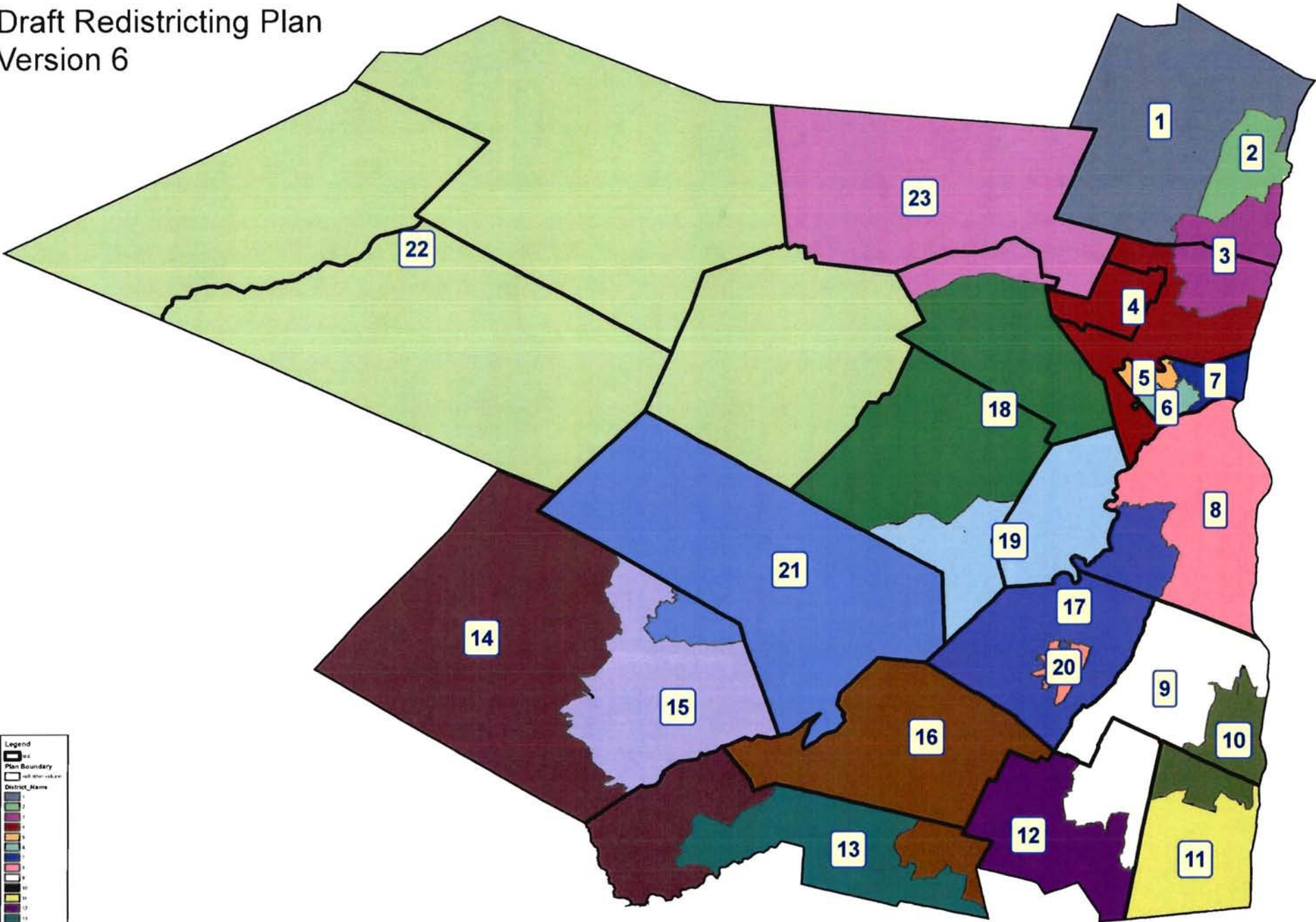
Draft Redistricting Plan Version 5



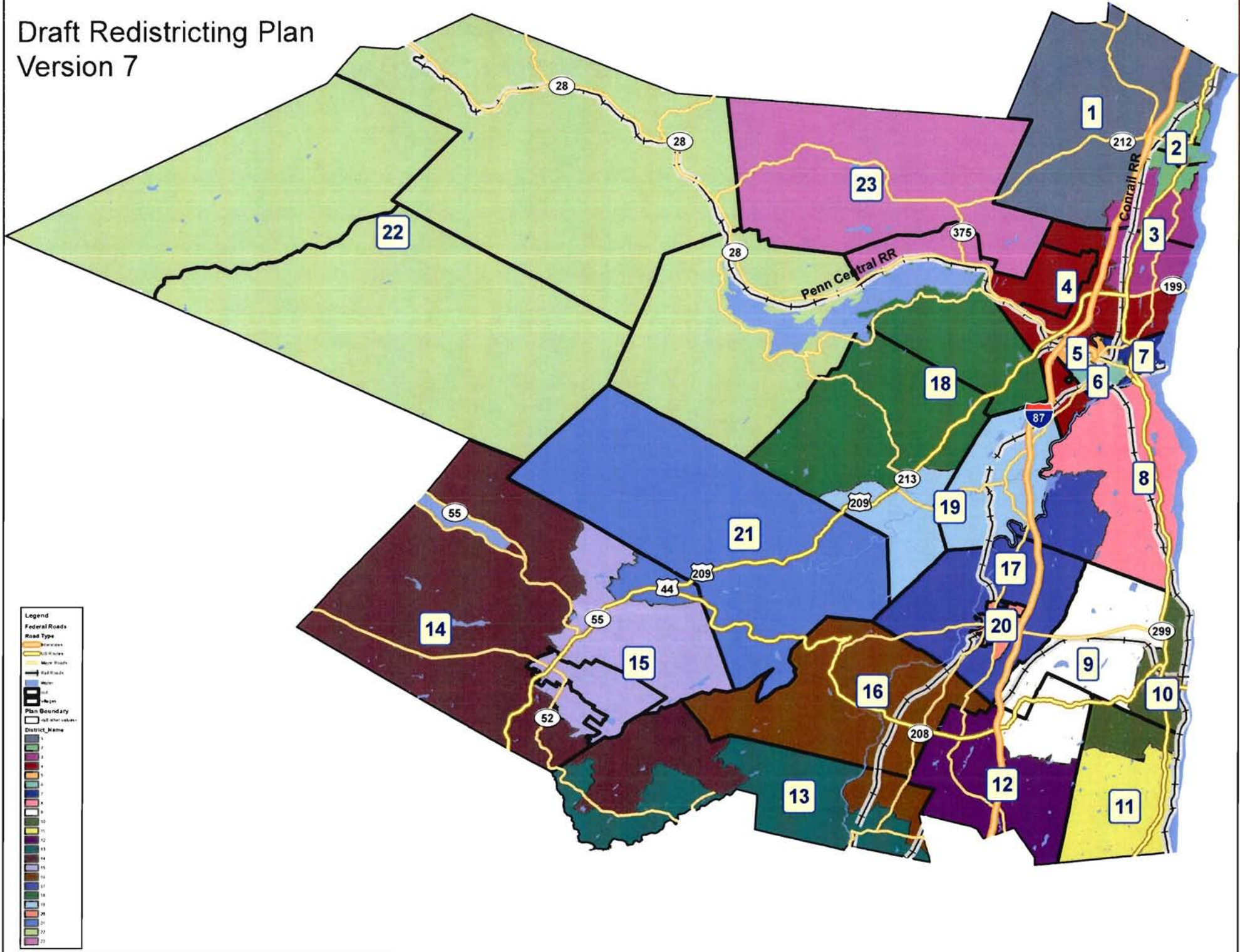
Draft Redistricting Plan Version 5a



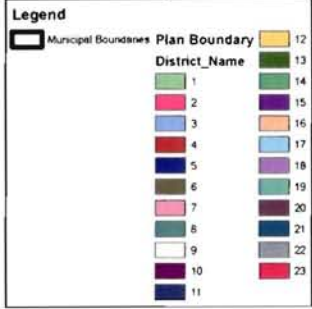
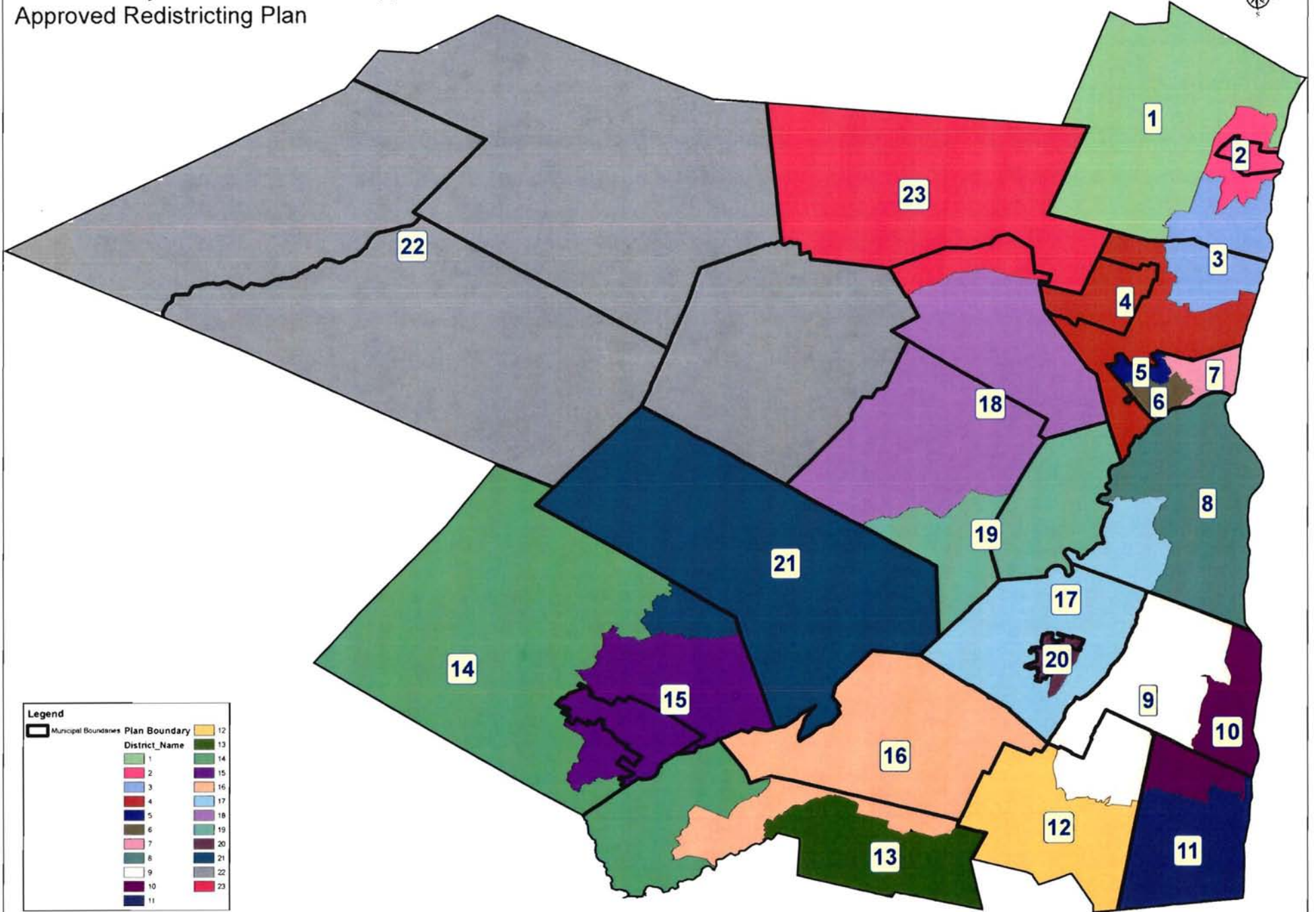
Draft Redistricting Plan
Version 6



Draft Redistricting Plan Version 7



Ulster County Commission on Reapportionment Approved Redistricting Plan



Local Law Number 1 Of 2011

County Of Ulster

A Local Law To Provide For 23 Single-Member Legislative Districts For Election Of Ulster County Legislators Commencing With The Election Of 2011 For Two-Year Terms Beginning January 1, 2012 And Thereafter

BE IT ENACTED, by the County Legislature of the County of Ulster, New York, as follows:

SECTION 1. The purpose of this local law is to provide a plan of districting based on data from the census of 2010 to create 23 single-member districts for the elections of County Legislators commencing with the election of 2011 for two years terms beginning January 1, 2012 and thereafter, pursuant to the Ulster County Charter Section C-10. Commission on Reapportionment and the Administrative Code Section A2-4. Commission on Reapportionment.

SECTION 2. Each of the following described Legislative Districts shall elect one (1) representative to the Ulster County Legislature from within its boundaries, as hereinafter set forth:

District 1 1 Representative

Saugerties (Census Blocks) Census Tracts

36111950100	1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010
	1011	1012	1013	1014	1015	1016	1017	1018	1019	1020	1021
	1022	1023	1024	1025	1026	1027	1028	1029	1030	1031	1032
	1033	1034	1042	1043	1044	1045	1047	1071	1081	1082	1083
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043
	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054
	2055	3000	3001	3002	3003	3004	3005	3006	3007	3008	3009
	3010	3011	3012	3013	3014	3015	3016	3017	3018	3019	3020
	3021	3022	3023	3024	3025	3026	3027	3028	3029	3030	4000
	4001	4002	4003	4004	4005	4006	4007	4008	4009	4010	4011
	4012	4013	4014	4015	4016	4017	4018	4019	4020	4021	4022
	4023	5000	5001	5002	5004	5005	5006	5007	5008	5009	5010
	5011	5012	5013	5015	5016	5017	5018	5019	5020	5021	5022
	5023	5024	5025	5026	5027	5028	5029	5030	5031	5032	5033
	5034	5035	5036	5037	5038	5039					

Local Law Number 1 Of 2011

County Of Ulster

A Local Law To Provide For 23 Single-Member Legislative Districts For Election Of Ulster County Legislators Commencing With The Election Of 2011 For Two-Year Terms Beginning January 1, 2012 And Thereafter

36111950400	1001	1002	1003	1006	1007	1008	1009	1011	1012	1013	1014
	1015	1016	2009	2010	2011	2012	2013	3000	3001	3002	3003
	3004	3005	3006	3007	3008	3009	3010	3011	3016	3017	3018
	3019	4000	4001	4002	4003	4004	4005	4006	4007	4008	4009
	4010	4011	4012	4013	5000	5001	5002	5003	5004	5005	5006
	5007	5008	5009	5010	5011	5012	5013	5014	5015	5016	5017
	6000	6001	6002	6003	6004	6005	6006	6007	6008	6009	6010

36111950600	1002	1006
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**District 2
1 Representative**

**Saugerties (Census Blocks)
Census Tracts**

36111950100	1035	1036	1037	1038	1039	1040	1041	1046	1048	1049	1050
	1051	1052	1053	1054	1055	1056	1057	1058	1059	1060	1061
	1062	1063	1064	1065	1066	1067	1068	1069	1070	1072	1073
	1074	1075	1076	1077	1078	1079	1080	1084	5003	5014	

36111950200	1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010
	1011	1012	1013	1014	1015	1016	1017	1018	1019	1020	1021
	1022	1023	1024	1025	1026	1027	1028	1029	1030	1031	1032
	1033	1034	2000	2001	2002	2003	2004	2005	2006	2007	2008
	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
	2020	2021	2022	2023	2024	2025	2026	2027	2028	3000	3001
	3002	3003	3004	3005	3006	3007	3008	3009	3010	3011	3012
	3013	3014	3015	3016	3017	3018	3019	3020	3021	3022	3023
	3024										

36111950300	1000	1001	1002	1003	1004	1005	1006	1010	1011	1012	1013
	1014	1015	1018	1019	1027	2000	2001	2002	2003	2004	2005
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
	2017	2018	2019	2020	3000	3001	3002	3003	3004	3005	3007
	3008	3009	3010	3011	3013						

36111950400	1000	1004	1005	1010	1017
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Local Law Number 1 Of 2011

County Of Ulster

**A Local Law To Provide For 23 Single-Member Legislative Districts
For Election Of Ulster County Legislators Commencing With The
Election Of 2011 For Two-Year Terms Beginning January 1, 2012
And Thereafter**

36111954900	1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010
	1011	1012	1014	1016	1017	1019	1020	1021	1022	1023	1024
	1025	1028	1029	1045	1046	1047					

**District 3
1 Representative**

**Saugerties (Census Blocks)
Census Tracts**

36111950300	1007	1008	1009	1016	1017	1020	1021	1022	1023	1024	1025
	1026	1028	1029	1030	3006	3012	3014	3015			
36111950400	2000	2001	2002	2003	2004	2005	2006	2007	2008	3012	3013
	3014	3015									
36111954900	1013	1015	1018	1026	1027	1030	1031	1032	1033	1034	1035
	1036	1037	1038	1039	1040	1041	1042	1043	1044	1048	1049
	1050	1051	1052	1053	1054	1055	1056	1057	1058	1059	1060
	1061	1062	1063								

**Ulster (Census Blocks)
Census Tracts**

36111951300	1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010
	1011	1012	1013	1014	1015	1016	1017	1018	1019	1020	1021
	1022	1023	1024	1025	1026	1027	1028	1029	1030	1031	1032
	1033	1034	1035	1036	1037	1038	1040	1041	1042	1043	1044
	1045	1046	1047	1048	1049	1050	1051	1057	1060	2004	2005
	2006	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
	2022	3000	3001	3002	3003	3004	3005	3006	3007	3008	3009
	3010	3011	3012	3013	3014	3015	3016	3017	3018	3019	3020
	3021	3022	3023	3024	3025	3026	3027	3028	3029	3030	
36111951500	1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010
	1011	1012	1013	1014	1015	1016	1019	2000	2001	2002	2003
	2004	2005	2015	2018	2019	2020	2021	2022	2023	2024	2025
	2026	2027	2028	2031							

Local Law Number 1 Of 2011

County Of Ulster

**A Local Law To Provide For 23 Single-Member Legislative Districts
For Election Of Ulster County Legislators Commencing With The
Election Of 2011 For Two-Year Terms Beginning January 1, 2012
And Thereafter**

**District 4
1 Representative**

**Kingston Town (Census Blocks)
Census Tracts**

36111951500	3000	3001	3002	3003	3004	3005	3006	3007	3008	3009	3010
	3011	3012	3013	3014	3015	3016	3017	3018	3019	3020	3021
	3022	3023	3024	3025	3026	3027	3028	3029	3030	3031	3032
	3033	3034	3035	3036							

**Ulster (Census Blocks)
Census Tracts**

36111951300	1039	1052	1053	1054	1055	1056	1058	1059	2000	2001	2002
	2003	2007	2008	2009	2010	2011	2023	2024	2025		

36111951400	1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010
	1011	1012	1013	1014	1015	1016	1017	1018	1019	1020	1021
	1022	1023	1024	1025	1026	1027	1028	1029	1030	1031	1032
	1033	1034	1035	1036	1037	1038	1039	1040	1041	1042	1043
	1044	1045	1046	1047	1048	1049	1050	1051	1052	1053	1054
	1055	1056	1057	1058	1059	1060	1061	1062	1063	1064	1065
	1066	1067	1068	2000	2001	2002	2003	2004	2005	2006	2007
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029
	3000	3001	3002	3003	3004	3005	3006	3007	3008	3009	3010
	3011	3012	3013	3014	3015	3016	3017	3018	3019	3020	3021
	3022	3023	3024	3025	3026	3027					

36111951500	1017	1018	1020	1021	1022	1023	1024	1025	1026	1027	1028
	1029	1030	1031	1032	1033	1034	1035	1036	1037	1038	1039
	1040	1041	1042	1043	1044	1045	1046	1047	1048	1049	1050
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2016	2017
	2029	2030	2032	2033	2034	2035	2036	2037	2038	2039	4000
	4001	4002	4003	4004	4005	4006	4007	4008	4009	4010	4011
	4012	4013	4014	4015	4016	4017	4018	4019	4020	4021	4022
	4023	4024	4025	4026	4027	4028	4029	4030	4031	4032	4033
	4034	4035	4036	4037	4038	4039	4040	4041	4042	4043	4044
	4045	4046	4047	4048	4049	4050	4051	4052	4053	4054	4055
	4056	4057	4058	4059	4060	4061	4062	4063	4064	4065	4066

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**District 6
1 Representative**

**Kingston City(Census Blocks)
Census Tracts**

36111951700	3011	3017	3018	3019	3020	4000	4001	4002	4003	4004	4005
	4006	4007	4008	4009	4010	4011	4012	4013	4018	4019	4020
	4021	4022	4023	4024	4035	4036	4039	4040	4041	4042	4043
36111951900	1010	1011	1012	2006	2007	2008	2009	2010	3000	3001	3002
	3003	3004	3005	3006	3007	3008	3009	3010	3011	3012	3013
	3014	3015	3016	3017	4000	4001	4002	4003	4004	4005	
36111952000	1019	2018	2019	2020	2021	2022	2026				
36111952100	1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010
	1011	1012	1013	1014	1015	1016	1017	1018	1019	1020	1021
	3009	3012	3013	3014	3015	4001	4002	4003	4004	4005	4006
	4007	4008	4009	4010							
36111952200	1007	1008	1016	1017	2004	2005	2006	2007	2008	3000	3001
	3002	3003	3004	3005	3006	3007	3008	3009	3010	4000	4001
	4002	4003	4004	4005	4006	4007	4008	4009	4010	4011	4012
	4013	4014	4015	4016	4017	4018	4019	4020	4021	4022	4023
	4024	4025	4026	4027	4028	4029	4030	4031	4032	4033	4034
	4035	4036									

**District 7
1 Representative**

**Kingston City(Census Blocks)
Census Tracts**

36111951700	1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010
	1011	1012	1013	1014	1015	1016	2000	2001	2002	2003	2004
	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	3000
	3001	3002	3003	3004	3005	3006	3007	3008	3009	3010	3012
	3013	3014	3015	3016	3021	3022	3023	3024	3025	3026	4014

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	4015	4016	4017	4025	4026	4027	4028	4029	4030	4031	4032
	4033	4034	4037	4038							
36111951800	1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010
	1011	1012	1013	1014	1015	1016	1017	1018	1019	1020	1021
	1022	1023	1024	1025	1026	1027	1028	1029	1030	1031	
36111951900	1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1013
	1014	1015	1016	1017	1018	1019	1020	2000	2001	2002	2003
	2004	2005									
36111952000	1000	1001	1002	1003	1004	1005	1006	1007	1009	1010	1011
	1020	2000	2001	2002	2008						
36111952400	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
	2011	2013	2014	2015	2017	2018	2019	2020	2021	2022	2023
	2024	2025									

**District 8
1 Representative**

**Esopus (Census Blocks)
Census Tracts**

36111952500	1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010
	1011	1012	1013	1014	1015	1016	1017	1018	1019	1020	1021
	1022	1023	1024	1025	1026	1027	2000	2001	2002	2003	2004
	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	3000
	3001	3002	3003	3004	3005	3006	3007	3008	3009	3010	3011
	3012	3013	3014	3015	3016	3017	3018	3019			
36111952600	1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010
	1011	1012	1013	2000	2001	2002	2003	2004	2005	2006	2007
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
	2019	2020	2021	2045	2046	2047	2048	2049	2050	2051	2052
	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063
	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074
	2081	3000	3001	3002	3005	3006	3007	3008	3009	3010	3011
	3012	3019	3020	3021	3025	4000	4001	4002	4003	4004	4005
	4006	4007	4008	4009	4010	4011	4012	4013	4014	4015	4016
	4017	4018	4019	4020	4021	5000	5001	5002	5003	5004	5005

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5006 5007 5008 5009 5010 5011 5012 5013 5014 5015 5016
5017 5018 5019 5020 5021 5022 5023

**District 9
1 Representative**

**Lloyd (Census Blocks)
Census Tracts**

36111953600 2000 2001 2002 2003 2004 2005 2006 2007 2018 2019 2041
3037

36111953700 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015
1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026
1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037
1041 1042 2000 2001 2002 2003 2004 2005 2006 2007 2008
2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019
2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030
2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041
2042 2043 2044 2045 2046 2047 2048 2049 2050 2051 2052
2053 2054 2055 2056 2057 2058 2059 2060 2061 2062 2063
2064 2065 2066 2067 2068 2069 2070 2071 2072 2073 2074
2075 2076 2077 2078 2079 2080 2081 2082 2083 2084 2085
2086 3000 3001 3002 3003 3004 3005 3006 3007 3008 3009
3010 3012 3013 3014 3015 3016 3018 3019 3021 3022 3023
4018 4019 4020

**Plattekill (Census Blocks)
Census Tracts**

36111954000 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010
1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021
1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032
1033 1034 1035 1036 1037 1038 1039 1040 2000 2001 2002
2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2038
2039 2040 2041 2059 2066

36111954100 1000 1001 1002 1003 1004 1005 1006 1008 1012 1016 3000
3001 3004 3005 3006

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**District 10
1 Representative**

**Lloyd (Census Blocks)
Census Tracts**

36111953600	1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	
	1011	1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	
	1022	1023	1024	1025	1026	1027	2008	2009	2010	2011	2012	
	2013	2014	2015	2016	2017	2020	2021	2022	2023	2024	2025	
	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	
	2037	2038	2039	2040	3000	3001	3002	3003	3004	3005	3006	
	3007	3008	3009	3010	3011	3012	3013	3014	3015	3016	3017	
	3018	3019	3020	3021	3022	3023	3024	3025	3026	3027	3028	
	3029	3030	3031	3032	3033	3034	3035	3036	3038	3039	3040	
	3041											
	36111953700	1000	1001	1002	1003	1004	1038	1039	1040	3011	3017	3020
		4000	4001	4002	4003	4004	4005	4006	4007	4008	4009	4010
		4011	4012	4013	4014	4015	4016	4017				

**Marlborough (Census Blocks)
Census Tracts**

36111953800	1000	1003	1004	1005	1006	1007	1008	1009	1012	1014	1019
36111953900	1000	1001	1002	1003	1004	1005	1006	1007	1008	1021	2000
	2001	2002	2003	2004	2005						

**District 11
1 Representative**

**Marlborough (Census Blocks)
Census Tracts**

36111953800	1001	1002	1010	1011	1013	1015	1016	1017	1018	1020	1021
	1022	1023	1024	1025	1026	1027	1028	1029	1030	1031	1032
	1033	1034	1035	1036	1037	1038	1039	1040	1041	1042	1043
	1044	1045	2000	2001	2002	2003	2004	2005	2006	2007	2008
	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030

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	2031	3000	3001	3002	3003	3004	3005	3006	3007	3008	3009
	3010	3011	3012	3013	3014	3015	3016	3017	3018	3019	3020
	3021	3022									
36111953900	1009	1010	1011	1012	1013	1014	1015	1016	1017	1018	1019
	1020	1022	1023	1024	1025	1026	1027	1028	1029	1030	1031
	1032	1033	1034	1035	1036	1037	1038	2006	2007	2008	2009
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
	3000	3001	3002	3003	3004	3005	3006	3007	3008	3009	3010
	3011	3012	3013	3014	3015						

**District 12
1 Representative**

**Plattekill (Census Blocks)
Census Tracts**

36111954000	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
	2035	2036	2037	2042	2043	2044	2045	2046	2047	2048	2049
	2050	2051	2052	2053	2054	2055	2056	2057	2058	2060	2061
	2062	2063	2064	2065	2067	2068	2069	3000	3001	3002	3003
	3004	3005	3006	3007	3008	3009	3010	3011	3012	3013	3014
	3015	3016	3017	3018	3019	3020	3021	3022	3023	3024	3025
	3026	3027	3028	3029	3030	3031	3032	3033	3034	3035	3036
	3037	3038	3039	3040	3041	3042	3043	3044	3045	3046	3047
	3048	3049	3050	3051	3052	3053	3054	3055	3056	3057	3058
	3059	3060	3061	3062	3063	3064	3065	3066	3067	3068	3069
36111954100	1007	1009	1010	1011	1013	1014	1015	1017	2000	2001	2002
	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	3002
	3003	3007	3008	3009	3010	3011	3012	3013	3014	3015	3016
	3017	3018	3019	3020	3021	3022	3023	3024	3025	3026	3027
	3028	3029	3030	3031	3032	4000	4001	4002	4003	4004	4005
	4006	4007	4008	4009	4010	4011	4012	4013	4014	4015	4016
	4017	4018	4019	4020	4021	4022	4023	4024	4025	4026	4027
	4028	4029	4030	4031	4032	4033					

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District 13

1 Representative

Shawangunk (Census Blocks)

Census Tracts

36111954400	1001	1003	1004	1005	1006	1007	1009	1010	1011	1012	1013
	1014	1015	1018	1019	1020	1021	1022	1033	2007	5003	5004
	5005	5006	5007	5008	5009	5010	5011	5012	5013	5014	5015
	5016	5017	5018	5019	5020	5021	5022	5023	5024	5025	5026
	5027	5028	5029	5030	5031	5032	5033	5034	5035	5036	5037
	5038	5039									

36111955400	1003	1004	1005	1006	1007	1008	1009	1010	1012	1013	1014
	1015	1016	1017	1018	1019	1020	1021	1022	1023	1024	1025
	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035	1036
	1037	1038	1039	1040	1041	1042	1043	1044	1045	1046	1047
	1048	1049	1050	1051	1052	1053	1054	1055	1056	1058	1059
	1060	2006	2007	2008	2014	2015	2016	2017	2018	2020	2021
	2023	2024	2025	2026	2027	2028	2030	2034	2035	2036	2037
	2039	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050
	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061
	2062	2063	2064	2065	2066	2067	2068	2069	3000	3001	3002
	3003	3004	3005	3006	3007	3008	3009	3010	3011	3012	3013
	3014	3015	3016	3017	3018	3019	3020	3021	3022	3023	3024
	3025	3026	3027	3028	3029	3030	3031	3032	3033	3034	3035
	3036	3037	3038	3039							

District 14

1 Representative

Shawangunk (Census Blocks)

Census Tracts

36111954400	1031	1032	1034	1035	1036	1037	1038	1039	1040	1041	2000
	2001	2002	2003	2004	2005	2006	2021	2022	2023	2024	2025
	2026	3000	3001	3002	3003	3004	3005	3006	3007	3008	3009
	3010	3011	3012	3013	3014	3017	3018	3019	3020	3021	3022
	3023	3024	4000	4001	4002	4003	4004	4005	4006	4007	4008
	4009	4010	4011	4012	4013	4014	4015	4016	4017	4018	4019
	4020	4021	4022	4023							

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Wawarsing (Census Blocks)

Census Tracts

36111954500 4024 4025 4026 4028 4029 4030 4031 4032 4033 4034 4035
4036 4038 4039 4040 4041 4042 4043 4044 4045 4046 4047
4048 4049 4050 4052 4053

36111954600 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010
1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021
1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032
1033 1034 1035 1036 1037 1038 1039 1040 1041 1042 1043
1044 1045 1046 1047 1048 1049 1050 1051 1052 1053 1054
1055 1061 1062 1063 1064 1065 1066 1070 1072 1073 1074
1075 1080 1081 1082 1083 1084 1085 1086 1087 1088 1089
1090 1091 1092 1093 1094 1095

36111954700 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010
1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021
1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032
1033 1034 1035 1036 1037 1038 1039 1040 1041 1042 1043
1044 1045 1046 1047 1048 1049 1050 1051 1052 1053 1054
1055 1056 1057 1058 1059 1060 1061 1062 1063 1064 1065
1066 1067 1068 1069 1070 1071 1072 1075 1076 1078 1079
1080 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009
2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020
2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031
2032 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042
2043 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053
2054 2055 2056 2057 2058 2059 2060 2061 2062 2063 2064
2065 2066 2067 2068 2069 2070 2071

36111954800 1044 3003 3029 3030

**District 15
1 Representative**

Wawarsing (Census Blocks)

Census Tracts

36111954500 2000 2001 2002 2003 2004 2005 2006 2016 2017 2018 2019
2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030
2031 2032 2033 2036 2037 2038 2039 2040 2041 2042 2043

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	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054
	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065
	2066	2067	2068	2069	3000	3001	3002	3003	3004	3005	3006
	3007	3008	3009	3010	3011	3012	3013	3014	3015	3016	3017
	3018	3019	3020	3021	3022	3023	3024	3025	3026	3027	3028
	3029	3030	3031	3032	3033	3034	3035	3036	3037	3038	3039
	3040	3041	3042	3043	3044	3045	3046	3047	4000	4001	4002
	4003	4004	4005	4006	4007	4008	4009	4010	4011	4012	4013
	4014	4015	4016	4017	4018	4019	4020	4021	4022	4023	4027
	4037	4051									
36111954600	1056	1057	1058	1059	1060	1069	1076	1077	1078	1079	
36111954700	1073	1074	1077								
36111954800	1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010
	1011	1012	1013	1014	1015	1016	1017	1018	1019	1020	1021
	1022	1023	1024	1025	1026	1027	1028	1029	1030	1031	1032
	1033	1034	1035	1036	1037	1038	1039	1040	1041	1042	1043
	1045	1046	1047	1048	1049	1050	1051	1052	1053	2000	2001
	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045
	2046	3000	3001	3002	3004	3005	3006	3007	3008	3009	3010
	3011	3012	3013	3014	3015	3016	3017	3018	3019	3020	3021
	3022	3023	3024	3025	3026	3027	3028	3031			

District 16

1 Representative

Gardiner ALL

Shawangunk (Census Blocks)

Census Tracts

36111954400	1000	1002	1008	1016	1017	1023	1024	1025	1026	1027	1028
	1029	1030	2008	2009	2010	2011	2012	2013	2014	2015	2016
	2017	2018	2019	2020	2027	2028	2029	2030	2031	2032	3015
	3016	5000	5001	5002							

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36111953400	1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010
	1011	1012	1013	1014	1015	1016	1017	3000	3001	3003	3019
	3020	3021	3027								

36111953500	3012	3013	3015	3016	3017	3018	3019	3020	3021	3022	3023
	3024	3025									

**District 18
1 Representative**

**Hurley (Census Blocks)
Census Tracts**

36111951100	2013	2014	2019	3036							
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36111951200	1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010
	1011	1012	1013	1014	1015	1016	1017	1018	1019	1020	1021
	1022	1023	1024	1025	1026	1027	1028	2000	2001	2002	2003
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036
	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047
	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058
	2059	2060	3000	3001	3002	3003	3004	3005	3006	3007	3008
	3009	3010	3011	3012	3013	3014	3015	3016	3017	3018	3019
	3020	3021	3022	3023	3024	3025	3026	3027	3028	3029	3030
	3031	3032	3033	3034	3035	3036	4000	4001	4002	4003	4004
	4005	4006	4007	4008	4009	4010	4011	4012	4013	4014	4015
	4016	4017	4018	4019	4020	4021	4022	4023	4024	4025	4026
	4027										

**Marbletown (Census Blocks)
Census Tracts**

36111952900	1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010
	1011	1012	1013	1014	1015	1016	1017	1018	1019	1020	1021
	1022	1023	1024	1025	1026	1027	1028	1029	1030	1031	1032
	1033	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042
	2043	2044	2045	2046	2047	2048	3000	3001	3002	3003	3004

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3005	3006	3007	3008	3009	3010	3011	3012	3013	3014	3015
3016	3017	3018	3019	3020	3021	3022	3023	3024	3025	3026
3027	3028	3029	3030	4000	4001	4002	4003	4004	4005	4006
4007	4008	4009	4010	4011	4012	4013	4014	4015	4016	4017
4018	4019	4020	4025	4026	4027	4028	4029	4030	4031	4032
4033	4034	4035	4036	4037	4042	4043	4044	4045		

**District 19
1 Representative**

**Marbletown (Census Blocks)
Census Tracts**

36111952900	4021	4022	4023	4024	4038	4039	4040	4041	4046	4047	4048
	4049	4050	4051	4052	4053	4054	4055	4056	4057	5000	5001
	5002	5003	5004	5005	5006	5007	5008	5009	5010	5011	5012
	5013	5014	5015	5016	5017	5018	5019	5020	5021	5022	5023
	5024	5025	5026	5027	5028	5029	5030	5031	5032	5033	5034
	5035	5036	5037	5038	5039	5040	5041	5042	5043	5044	5045
	5046	5047	5048	5049	5050	5051	5052	5053	5054	5055	5056
	5057	5058	5059	5060	5061	5062	5063	5064	5065	5066	5067
	5068	5069	5070	5071	5072	5073	5074	5075	5076	5077	5078
	5079	5080	5081	5082	5083	5084	5085	5086	5087	5088	5089
	5090	5091	5092	5093	5094	5095	5096	5097	5098	5099	5100
	5101	5102	5103	5104	5105	5106	5107				

**Rosendale (Census Blocks)
Census Tracts**

36111952700	1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010
	1011	1012	1013	1014	1015	1016	1017	1018	1019	1020	1021
	1022	1023	1024	1025	1026	1027	1028	1029	1030	1031	2000
	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044
	2045	2046	2047	2048	2049	3000	3001	3002	3003	3004	3005
	3006	3007	3008	3009	3010	3011	3012	3013	3014	3015	3016
	3017	3018	3019	3020	3021	3022	3023	3024	3025	3026	3027
	3028	3029	3030	3031	3032	3033	3034	3035	3036	3037	3038
	3039	3040	3041	3042	3043	3044	3045	3046	3047	3048	3049

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	3050	3051	3052	3053	3054						
36111952800	1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010
	1011	1012	1013	1014	1015	1016	1017	1018	1019	1020	1021
	1022	1023	1024	1025	1026	1027	1028	1029	1030	1031	1032
	1033	1034	1035	1036	1037	1038	1039	1040	1041	1042	1043
	1044	1045	1046	1047	1048	1049	1050	1051	1052	1053	1054
	1055	1056	1057	2000	2001	2002	2003	2004	2005	2006	2007
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029
	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040
	2041	2042	2043	3000	3001	3002	3003	3004	3005	3006	3007
	3008	3009	3010	3011	3012	3013	3014	3015	3016	3017	3018
	3019	3020	3021	3022	3023	3024	3025	3026	3027	3028	

**District 20
1 Representative**

**New Paltz (Census Blocks)
Census Tracts**

36111953300	1048	2053	2058	2059							
36111953400	1018	1019	2000	2001	2002	2003	2004	2005	2006	2007	2008
	2009	2010	2011	2012	2013	2014	2015	2016	3002	3004	3005
	3006	3007	3008	3009	3010	3011	3012	3013	3014	3015	3016
	3017	3018	3022	3023	3024	3025	3026	3028	3029	3030	3031
	4000	4001	4002	4003	4004	4005	4006	4007	4008	4009	4010
	4011	4012	4013	4014	4015	4016	4017				
36111953500	1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010
	1011	1012	1013	2000	2001	2002	2003	2004	2005	2006	2007
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029
	2030	2031	2032	2033	2034	3000	3001	3002	3003	3004	3005
	3006	3007	3008	3009	3010	3011	3014				

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District 21

1 Representative

Rochester ALL

Wawarsing (Census Blocks)

Census Tracts

36111954500	1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010
	1011	1012	1013	1014	1015	1016	1017	1018	1019	1020	1021
	1022	1023	1024	1025	1026	1027	1028	1029	1030	1031	1032
	1033	1034	1035	1036	1037	1038	1039	1040	1041	1042	1043
	1044	1045	1046	1047	1048	1049	1050	1051	1052	1053	1054
	2007	2008	2009	2010	2011	2012	2013	2014	2015	2034	2035
36111954600	1067	1068	1071								

District 22

1 Representative

Denning ALL

Hardenburgh ALL

Olive ALL

Shandaken ALL

District 23

1 Representative

Woodstock ALL

Hurley (Census Blocks)

Census Tracts

36111951100	1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010
	1011	1012	1013	1014	1015	1016	1017	1018	1019	1020	1021
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010

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2011	2012	2015	2016	2017	2018	2020	3000	3001	3002	3003
3004	3005	3006	3007	3008	3009	3010	3011	3012	3013	3014
3015	3016	3017	3018	3019	3020	3021	3022	3023	3024	3025
3026	3027	3028	3029	3030	3031	3032	3033	3034	3035	

SECTION 3. This Local Law shall take effect immediately upon filing with the Secretary of State.

SECTION 4. This Local Law is adopted under authority of the Municipal Home Rule Law but not pursuant to subparagraph thirteen of paragraph a of subdivision one of section 10 and subparagraph four of section 34 of that law and is not subject to permissive or mandatory referendum.

Adopted by the County Legislature: May 17, 2011

Approved by the County Executive: May 31, 2011