

**ULSTER COUNTY LEGISLATURE  
LAWS & RULES COMMITTEE  
MEETING MINUTES – August 10, 2009  
LOCATION – Chambers, 6<sup>th</sup> Floor, COB**

COMMITTEE MEMBERS

**PRESENT:**

Legislator Gary Bischoff, Chair  
Legislator Sue Cummings, Deputy Chair  
Legislator Brian Cahill  
Legislator Jon Decker  
Legislator Robert Parete  
Legislator Hector Rodriguez  
Legislator Brian Shapiro - excused  
Legislator James Maloney - excused  
Legislator Kevin Roberts  
Legislator Dave Donaldson, Ex-Officio

OTHERS ATTENDING:

Marianne Collins, SUNY Ulster  
Bill Ryan, Attorney, SUNY Ulster  
Meg Dellay, Deputy Clerk, Legislature  
Tom Kadgen, LWV

Legislator Gary Bischoff (Chair) called the meeting to order at 6:02 PM.

**1. Late Resolution # 251 – *Setting a Public Hearing On Introductory Local Law No. 9 Of 2009 [A Local Law Amending Local Law Number 14 of 2007 (A Local Law Requiring Criminal Background Checks Of Prospective Applicants For Employment With The County Of Ulster)] To Be Held On Wednesday, September 9, 2009 At 7:00 PM***

Marianne Collins and Bill Ryan reviewed the recommendations in ILL 9 of 2009 that were worked out with Dan Heppner, with following points noted:

- Changes were carefully considered to minimize exemptions and to protect student body.
- Exemptions:
  - Faculty that teaches off site i.e. distance learning where instructor may be in a different state or country
  - One day, one time class, symposium or workshop, which are usually taught by well-known local business people.
  - Changed expiration time to three years so that faculty teaching only spring semester and not teaching fall semester would not need to be tested again.
  - Students teaching as part of work-study, student aids and student interns.
- New York State Department of Labor classifies many people being paid by the college to be classified as employees.
- Exemptions were written as narrowly as possible to cover specific objections /suggestions from committee members at prior meetings.
- Dean of Continuing Education will certify exemptions each semester.

**Legislator Cummings moved to accept Introductory Local Law 9 of 2009, seconded by Jon Decker. Passed unanimously.**

**Motion by Legislator Donaldson, seconded by Brian Cahill to change the date of public hearing to September 2, 2009. Passed Unanimously.**

**2. Resolution #233 – *Amending The Rules Of Order Regarding Legislative Chairman And Committee Quorums***

**Moved by Legislator Cahill, seconded by Legislator Cummings for purposes of discussion.** Legislator Donaldson explained this does not change the quorum unless everyone is present. When asked the reason for this change, Legislator Donaldson said it would enable meetings to convene which otherwise could not due to a lack of quorum – which has happened in the past, even though Chairman was in the building. **Legislator Bischoff called for the vote. Passed Unanimously.**

**3. Whistle Blower Law – for discussion purposes**

After much discussion, it became evident that two other committees had been visited by Comptroller Elliott Auerbach - namely Administrative Services and Human Development & Personnel - which is why L&R subcommittee did not meet as arranged at last month's meeting.

Other points noted:

- Dan Heppner said draft in packet is not the most current one since he took out any references to Medicaid and Medicare.
- Several committee members said they do not support designating a specific person for reporting purposes, e.g., Personnel Officer.
- Draft does not reflect cost of dedicated phone line, as Comptroller reported last month.
- Dan Heppner stated there are existing state statues that cover some of these issues.

Brian Cahill raised an objection to recommendation from County Attorney that Director of Personnel be designated as the reporting officer. Legislator Bischoff pointed out that the law should protect any county employee regardless of where incident or abuse is reported, and that sometimes it may be necessary to report things to state or federal agencies. There was agreement in the committee that the recommendations from County Attorney's Office to have a specific person designated as reporting officer are not satisfactory to the members of Laws & Rules who disagree with a specific person designated as reporting officer.

**4. Hudson River Valley Greenway**

Chairman Donaldson received an email from Peter Kiernan, Counsel to Governor Paterson, re input on Hudson River Valley Greenway legislation (A5939/S3799). Legislator Bischoff drafted a short letter stating the members of Laws & Rules favor removing the expiration date so that municipalities within the Catskill Park can join the Hudson Valley Greenway.

**Motion by Legislator Donaldson, seconded by Legislator Cummings to accept letter and send to Governor. Passed unanimously.**

**5. Early Retirement Incentive**

County Executive Michael Hein included a letter in all paychecks of county employees last week regarding a voluntary targeted early retirement incentive program. Thirty-one (31) CSEA individuals who have retirement eligibility and whose positions can be left vacant will be presented with opportunity to retire early with an 80% paid health benefit incentive (as opposed to 50%).

Discussion included the following points:

- Legislator Donaldson wondered if Legislature needed to enact a law since this is dealing with a change in labor contracts.
- Dan Heppner advised doing so only if the Legislature can determine that this plan would cost the county money; services of an actuary would be needed.

- Legislator Parete suggested Labor Committee weigh in on this matter.
- Legislator Cummings reported on unsuccessful efforts in the 90's to reduce work force.
- This incentive sets a precedent.
- At least ask for the numbers; this information should be obtainable at budget time.

**6. Resolution 249** – *Amending Capital Project No. 242 – Elimination And Replacement Of Two Bridges, Carrying Old New Paltz Road (CR159) Over The Abandoned Conrail Right-Of-Way, In The Town Of Lloyd (Highway Bridge Replacement And Rehabilitation) PIN 8755.14, BIN 3224270 And BIN 3224280 And Providing For The SPDES Permit – Department Of Public Works (Highways And Bridges)*

**Moved by Legislator Decker, seconded by Legislator Donaldson. Passed unanimously.**

**7. Resolution 250** – *Authorizing The Chairman Of The Ulster County Legislature To Enter Into A Renewal Agreement Of County Contract C08-00740 And Any Future Renewals To Said Contract With The New York State Unified Court System – Department Of Public Works (Buildings And Grounds)*

**Moved by Legislator Parete, seconded by Legislator Rodriguez. Passed unanimously.**

### **8. Other Business**

**A. Legislator Susan Zimet** submitted a statement on Resolution #228 (*Creating A Legislative Policy For The Communication / Interaction With The Department Heads Of Ulster County And The Members Of The Ulster County Legislature*). Extensive discussion of letter and resolution with no decision made.

**B. Legislator Donaldson** suggested a subcommittee - consisting of himself, Legislators Cahill, Parete and Roberts - look at what department reports are done already and what else needs to be addressed.

### **C. B.G.A. / West Mohegans vs. County of Ulster**

Dan Heppner asked to go into Executive Session to discuss litigation.

**Moved by Legislator Rodriguez, seconded by Legislator Donaldson. All in favor.**

Legislator Bischoff reported for the record: Committee members decided to take no action per litigation. Legislator Cahill said all legislators need to be apprised of situation, which will be done at caucus by Dan Heppner.

Meeting adjourned at 7:55 PM.

Respectfully submitted,  
Meg E. Dellay  
Deputy Clerk, UC Legislature