

**ULSTER COUNTY LEGISLATURE
LAWS & RULES COMMITTEE
MEETING MINUTES - February 9, 2009
LOCATION – Chambers, 6th Floor, COB**

COMMITTEE MEMBERS

PRESENT:

Legislator Gary Bischoff, Chair
Legislator Sue Cummings, Deputy Chair
Legislator Brian Cahill
Legislator Jon Decker (excused early)
Legislator Robert Parete
Legislator Hector Rodriguez
Legislator Brian Shapiro
Legislator James Maloney
Legislator Kevin Roberts

OTHERS ATTENDING:

Dan Heppner, Counsel to Legislature
Arthur Smith, UC Deputy Executive
Tom Turco, Commissioner, Board of Elections
Kathy Mihm, Commissioner, Board of Elections
Jay Mahler, Deputy Commissioner, BOE
Meg Dellay, Deputy Clerk, Legislature
Tom Kadgen, LWV
Andrea Novick, Attorney
Lillian Jones, American Cancer Society
Neil Eisenberg, American Cancer Society
Mary Huehnergath, NYS Healthy Eating & Physical
Activity Alliance

Legislator Gary Bischoff (Chair) called the meeting to order at 6:05 PM.

1. Voting Machines – Resolution #47 - *Urging The New York State Legislature And The New York State Board Of Elections To Enact Laws, Rules and Regulations That Specifically Authorize The Continued Use Of Lever-Style Voting Machines.*

Andy Novak, an attorney specializing in voting machines, clean elections, etc. reviewed issues around HAVA:

- HAVA states any kind of lever; accessibility most important.
- If levers are maintained, they could last for another century.
- Department of Justice lawsuit – may use more than one system.
- Lever is more secure than minimum HAVA requirements.
- ERMA in 2005, NYS said yes, replacing levers; NYS does not know how to back out; could repeal own law.

BOE Commissioners Kathy Mihm and Tom Turco reported:

- Ulster County in compliance in past election; had two systems – levers and ballot marking devices for handicap compliance.
- Levers will possibly be used in November.
- Assured at recent State Conference, state will not proceed unless completely satisfied with testing.
- If NYS succeeds and keeps lever machines, \$50 million will be unavailable.
- Election machine technology specialists needed for handicap compliance and to oversee polling sites throughout county.

There was extensive discussion and questions for Commissioners and Ms. Novick.

Amendment suggested by Legislator Bischoff: “*WHEREAS, New York State now has a transparent, secure, accurate and reliable electoral system using lever-style voting machines, and “*

ON THE AMENDMENT: Motion made by Legislator Maloney, seconded by Legislator Cummings. Passed unanimously.

ON THE RESOLUTION: Motion made by Legislator Cummings, seconded by Legislator Maloney. Passed unanimously.

There was extensive discussion about:

- HAVA impact on other states; reports vary.
- Known costs with lever machines vs. unknown HAVA costs.

2. Resolution for Board of Elections – Funding 2 Positions – Requesting Transfer Of Funds From Contingent Account For Two New Election Machine Technology Specialists – Amending The 2009 Ulster County Budget – Board Of Elections. Motion made by Legislator Rob Parete, seconded by Legislator Cahill. Passed, with two noes (Legislators Decker and Roberts).

3. Introductory Local Law No. 2 of 2009 – A Local Law Requiring Chain Food Service Operators To Post Calorie Information On Menus. Motion for a Hearing made by Legislator Cahill, seconded by Legislator Maloney. Passed, with two noes (Legislators Roberts and Shapiro).

LL No.2 of 2009 taken out of sequence to accommodate following guests with comments:

- Lillian Jones, Regional Advocacy Director, American Cancer Society, supports posting of caloric information for obvious health reasons; Westchester’s legal challenge went forth; passed in Suffolk; Albany in process.
- Neil Eisenberg, ambassador for American Cancer Society, supports law.
- Nancy Huehnergath, from statewide alliance NYSHEPA, strongly advocates practice; reported Subway already doing it.

Other comments:

- Passed Health Committee, per Legislator Parete (Chair).
- Will be posted in any chain restaurant with 15 or more locations nationwide; 31 different chains in Ulster County.
- Timing not best; an extra burden on restaurants.
- Is statistic for heart disease lower in NYC where policy already instituted?
- Not sure of role of Laws & Rules.
- Laws & Rules asks questions and reviews before Caucus.

Request to check resolution of standing committees to review definition of Laws & Rules for the next meeting.

4. Introductory Local Law No. 1 of 2009 – A Local Law Establishing Sex Offender Free Zones In The County Of Ulster.

Motion for a Hearing made by Legislator Mahoney, seconded by Legislator Roberts.

VOTE: Ayes 3 – Legislators Cummings, Maloney, Roberts; Noes 5 – Legislators Bischoff, Cahill, Parete, Rodriguez, Shapiro. Motion denied.

Comments included:

- Criminal Justice Committee did not pass it.
- Dan Heppner reported Judge Kelly’s decision re: Rockland County Sex Offender Local Law declared unconstitutional.
- What is appropriate for Laws & Rules to review?
- Two issues - Is it enforceable? Can technical part of law be verified?
- Suggestion for Joint Committee Meetings between Laws & Rules and other standing committees.

5. Board of Ethics Appointments - Resolution #21 – Confirming Appointment Of Members To The Board Of Ethics. Motion made by Legislator Parete, seconded by Legislator Cummings. Passed, with one abstention by Legislator Shapiro.

6. Late Resolutions

A. Apportionment Of Dog License Money For The Year 2008 – Motion made by Legislator Maloney, seconded by Legislator Cahill. Passed, with two noes (Legislators Shapiro and Roberts).

B. Calling For Continued New York State Property Tax Payments On State Owned Lands – Motion made by Legislator Cahill, seconded by Legislator Maloney. Passed unanimously.

C. Authorizing The County Of Ulster To Accept A Gift Of Artwork From The Jewish Federation Of Ulster County (Fall For Art) – Motion made by Legislator Rob Parete, seconded by Legislator Maloney. Passed unanimously.

Meeting adjourned at 7:40 PM.

Respectfully submitted,
Meg Dellay
Deputy Clerk
UC Legislature