

Laws and Rules, Governmental Services Committee

Meeting Minutes

DATE & TIME: March 16, 2015 – 6:00PM
LOCATION: Karen L. Binder Library, 6th Floor, COB, Kingston, NY
PRESIDING OFFICER: Chairman Richard Parete
LEGISLATIVE STAFF: Fawn A. Tantillo, Sr. Legislative Employee and Jay Mahler, Deputy Clerk
PRESENT: Legislators David Donaldson, Manna Jo Greene, Kevin Roberts (arrived 6:12), Kenneth Ronk, Jr. and Legislative Chairman John Parete (departed 7:05)
ABSENT: None
QUORUM PRESENT: Yes
OTHER ATTENDEES: Legislators Tracey Bartels and Peter Loughran

Legislator R. Parete called the meeting to order at 6:09 PM.

Motion No. 1: The minutes of February 10, 2015 were approved as distributed.

Motion Made By: Legislator Ronk
Motion Seconded By: Legislator R. Parete
Roll Call Vote:
Voting In Favor: Legislators R. Parete, Donaldson, Greene, Ronk, J. Parete
Voting Against: None
No. of Votes in Favor: 5
No. of Votes Against: 0
Disposition: Minutes Approved

Resolution No. 453 of 2014 - Establishing A Policy For The Attendance Of Conferences And Educational Training By Officers And Employees Of Ulster County until the April Meeting

Discussion: There was a brief discussion that the sponsor of the resolution wanted to hold this resolution until the April meeting. No action was taken.

Motion No. : 2 Resolution No. 37 - Amending The Rules Of Order Of The Ulster County Legislature – as amended.

Motion Made By: Legislator Ronk

Motion Seconded By: Legislator Donaldson

Discussion: Legislator Ronk noted that some changes had been made to this rules change since its original introduction and this rules change will give the Clerk of the Legislature the authority to determine what committee resolutions would be referred to.

He questioned the intent of the 90 day limit in committee without sponsor approval.

There was a discussion of how resolutions move thru committee, how some resolutions are postponed indefinitely, the danger of giving more power to resolutions that fail in committee than those that pass committee and the privilege of the Committee Chairman to set an agenda.

Motion to Amend Made By: Legislator Ronk.

Motion to Amend Seconded By: Legislator Donaldson

RESOLVED that RULE 7. RULES FOR COMMITTEES is hereby further amended to include an additional subsection as follows:

L. A Resolution may not remain in committee ~~be postponed~~ for more than 90 consecutive days unless the Resolution's sponsor(s) agrees to further postponements. When a Resolution has remained in committee ~~been postponed~~ for 91 consecutive days without the permission of the sponsor, it shall be immediately placed on the agenda of the next regular monthly meeting of the committee where it has remained ~~been postponed~~ whereupon the Resolution shall be either moved out of committee or defeated therein.

Discussion of Amendment:

There was a discussion that the intent of this rule change is to insure that resolutions are not postponed indefinitely while allowing sufficient time and flexibility for resolutions to be vetted, discussed, referred and/or amended through the committee process.

The sponsor, Chairman John Parete, approved this amendment.

On The Amendment

Voting In Favor: Legislators R. Parete, Donaldson, Ronk and J. Parete
Voting Against: Roberts and Greene
No. of Votes in Favor: 4
No. of Votes Against: 2
Disposition: Passed

Legislator Roberts expressed his concern about micromanaging the committee process. He noted that the Legislature recently rescinded a rule that required all resolutions to be moved out of committee after 120 days and he does not feel that legislators need artificial deadlines and that it is important that the committee process play out.

On The Resolution As Amended:

Voting In Favor: Legislators R. Parete, Donaldson, Ronk and J. Parete
Voting Against: Roberts and Greene
No. of Votes in Favor: 4
No. of Votes Against: 2
Disposition: Passed

Motion No. 3: Resolution No. 110 - Amending The Rules Of Order Of The Ulster County Legislature Regarding Voting In Committee By Ex-Officio Committee Members

Motion Made By: Legislator Ronk for discussion
Motion Seconded By: Legislator Greene

Discussion: Legislator Ronk expressed his disapproval of this proposed change to the rules then outlined the impetus and benefits of having the Chairman as an Ex-Officio member of all committees. He struggles to understand the timing and motivation of this proposal.

Legislator Loughran defended his proposed change saying the ability of an Ex-Officio member creating a tie thereby changing the disposition of a resolution undermined the committee system.

Legislator Donaldson related some his experience as Chairman and Ex-Officio member of all committees, how it is used elsewhere and why he feels this is an important component of checks and balances in the committee system.

Legislator Greene expressed concern about other aspects of the Chairman's presence when it creates a quorum or tie. She could support the Chairman breaking a tie and was considering a possible amendment to the resolution.

Legislator Richard Parete pointed out that the Chairman is someone who has the support of a majority of the members of Legislature. He pointed out that he has not always supported or agreed with the sitting Chairman but he recognized that the position carries certain responsibilities and privileges. He feels this rule would undermine the roll of the Chairman.

Legislator Donaldson described several situations where weather or other unexpected events prevented the committee from establishing a quorum when time was of the essence for critical services and programs. He felt the roll of the Chairman as Ex-Officio member was essential to the committee system and the Legislature as a whole.

Voting In Favor:	Legislator Greene
Voting Against:	Legislators R. Parete, Roberts, Donaldson, Ronk and J. Parete
No. of Votes in Favor:	1
No. of Votes Against:	5
Disposition:	Failed

Motion No. 4: Resolution No. 130 - Adopting Proposed Local Law No. 16 of 2014, A Local Law Establishing An Automatic Re-Canvassing Procedure In And For The County Of Ulster, State Of New York

Motion Made By: Legislator Roberts
Motion Seconded By: Legislator Ronk

Discussion: Legislator Donaldson pointed out that this is a standard procedure in other areas of New York including New York City. He feels when elections are very close or tied this is a common sense requirement to insure voter intent and candidates should not have to hire attorneys to get a recount.

Legislator Ronk described his recent experience with recounts in a race where two candidates were separated by about 38 votes after 33,000 votes were cast and the state did not order a recount. He understood the Election Commissioners reluctance to bring on scan

ballots under scrutiny and the potential cost in overtime to do a recount but he feels this is a necessary and valuable service and will help insure public confidence in the results.

There was a discussion of other counties, recounts in state races, Columbia County where every op scan ballot is reviewed, how the op scan ballots are read and/or misread and how write-in, absent-t and affidavit ballots are counted. The committee reviewed information detailing how many races/ ballots would have required re-canvassing since op scan ballots were first used if this law had been in place.

Chairman John Parete expressed his apprehensions about the accuracy of the vote counts on op scan machines when he was Election Commissioner and shared a letter he wrote in 2008 to Assemblyman Cahill detailing his concerns. He believes the machines can miss enough votes in a close race to change the outcome of a close race if the paper ballots are examined for voter intent.

There was a discussion and agreement among all those present about the importance of ensuring voter intent.

Voting In Favor:	Legislators R. Parete, Roberts, Donaldson, Greene, Ronk and J. Parete
Voting Against:	None
No. of Votes in Favor:	6
No. of Votes Against:	0
Disposition:	Passed

Motion No. 5: Resolution No. 111 - Appointing Members to the Periodic Compensation Review Committee

Motion Made By: Legislator Roberts
Motion Seconded By: Legislator Donaldson

Discussion: Legislator Donaldson said a question had been raised about Robert Parete and the fact that his father and brother were Legislators and this committee would be considering Legislator's salaries. He had been asked to find a replacement for Robert Parete on this committee but had not found anyone yet.

There was discussion about former Legislator Robert Parete and a consensus that the committee members from both sides of the isle had faith and trust in him to be fair. It was also noted that this committee discussed other elected official's salaries, it was important for the members of the committee to have firsthand understanding of the duties of the offices

they are discussing, his right to recuse himself from discussing legislator salaries and the fact that they are not making a recommendation for the salaries of the sitting legislature but the next legislature.

Voting In Favor: Legislators R. Parete, Roberts, Donaldson, Greene and Ronk
Voting Against: None
No. of Votes in Favor: 5
No. of Votes Against: 0
Disposition: Passed

Motion No. 6: Resolution No. 112 - Re-Appointing Vice Chairman David B. Donaldson As The Ulster County Legislature's Member To Serve On The County Jury Board

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

Discussion: Legislator Donaldson explained that this position was usually held by the Chairman of the Legislature but because Chairman Parete's daughter works for the Jury Board he felt it might be perceived as a conflict of interest. He said it is also unlikely that this board would even meet this year as a Commissioner of Jurors was just re-appointed last year.

Voting In Favor: Legislators R. Parete, Roberts, Donaldson, Greene and Ronk
Voting Against: None
No. of Votes in Favor: 5
No. of Votes Against: 0
Disposition: Passed

Motion No. 7: Resolution No. 129 - Adopting Proposed Local Law No. 12 of 2014, A Local Law Regulating The Use Of Polystyrene Foam Disposable Food Service Ware By Food Service Establishments In Ulster County

Motion Made By: Legislator Ronk for discussion
Motion Seconded By: Legislator Greene

Discussion: Legislator Ronk said he was against this for reasons he stated previously.

Legislator Roberts said appreciated Legislator Bartels efforts calling him to explain her reasoning but he was also against this ban and detailed his reasons.

Voting In Favor: Legislators R. Parete, Donaldson and Greene
Voting Against: Roberts and Ronk
No. of Votes in Favor: 3
No. of Votes Against: 2
Disposition: Passed

New Business:

Changing Legislative Terms

Legislator Greene said she is in her first term and it seems like she is just learning the process and it is time to run again. She had conversations with other legislators and staff about creating 4 year staggered terms. She hopes to present a local law to change the Legislative term in the near future.

There was a discussion of the timing of making such a change, different ways it could be enacted, how it would be enacted with the next redistricting, how such a change would be perceived by the public, the pros and cons of 2 year terms vs 4 year terms and the possibility of combining a such a change with other changes like term limits.

Old Business

There was a discussion about scheduling a special meeting in April to discuss proposed Rules changes.

There was a discussion about various resolutions on the agenda at tomorrow night's Legislative Session and the pros and cons of scheduling of public hearing on caucus night.

There being no further business before the Committee, a motion was made by Legislator Roberts, seconded by Legislator Ronk and carried to adjourn the meeting at 7:34PM.

Respectfully submitted this 18th day of March, 2015
Fawn A. Tantillo, Senior Legislative Employee
Minutes Approved on April 20, 2015.