

Laws and Rules, Governmental Services Committee

Meeting Minutes

DATE & TIME: April 28, 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
PRESENT: Legislators, Manna Jo Greene, Kevin Roberts, Kenneth Ronk, Jr. and Legislative Chairman John Parete
ABSENT: Legislator David Donaldson
QUORUM PRESENT: Yes
OTHER ATTENDEES: Legislators Chris Allen, Carl Belfiglio, Herbert Litts, III and Mary Beth Maio; Legislative Counsel Cappy Weiner (6:35) and Erica Guerin; League of Women Voters representatives Tom Kadgen, Dare Thompson and Vic Melville.

Legislator R. Parete called the meeting to order at 6:00 PM.

Chairman R. Parete opened the discussion on Resolution No. 182 - Setting A Public Hearing On Proposed Local Law No. 4 of 2015, A Local Law Amending Local Law No. 10 Of 2008 (A Local Law Adopting An Administrative Code For The County Of Ulster, State Of New York), Pertaining To Change Orders And/Or Amendments To Contracts Equal To Or Exceeding \$50,000.00, To Be Held On Tuesday, June 16, 2015 At 7:05 PM.

Chairman R. Parete gave a brief description of the discussion from the April 20, 2015 committee meeting. He invited Legislator Belfiglio, the sponsor of the resolution, to speak on it.

Legislator Belfiglio said the current policy requiring legislative approval for contracts over \$50,000 is easily circumvented. He distributed three contracts from 2010 -11 that were six month contracts with Harrison Beach, PLLC. The original and each of the two amendments carried a “not to exceed” amount of \$35,000. So as early as August 2010 the County Executive hired a law firm to sell assets of Ulster County. If this law were in place at the time the second contract would have triggered Legislative approval. These contracts involved the creation of an LDC and subsequent sale of the former Golden Hill Health Care Center and were entered into by the County Executive before Legislative approval of divesting itself of this asset.

Legislator Belfiglio felt that the proposed Local Law would close this loophole, keep the County Executive's office accountable to the Legislators who make policy and are, in turn, are accountable to the taxpayers.

There was a discussion of concerns expressed by Public Works Commissioner Susan Plonski and Director of Purchasing Marc Rider at the April 20, 2015 meeting regarding the proposed local law holding up major capital projects for minor change orders.

Legislator Ronk suggested that once a contract is approved for over \$50,000, a 20% threshold be established to require additional legislative approvals.

There was discussion about contingencies in capital projects, recommendations from the investigations following the construction of the Ulster County Law Enforcement Center, seeking constructive suggestions from Commissioner Plonski and Director Rider and setting separate thresholds for capital projects vs. other professional services that included limiting legislative approval to contract amendments that reach an aggregate exceeding \$50,000 in 12 month period. Specific language was discussed with Counsel Guerin to prepare.

Legislator Ronk noted that one criticism of the proposed local law was that the legislature would be inundated with requests for approval. He felt this was unfounded pointing the pre-Charter years when the Legislature approved all contracts. He also felt if the legislature was inundated with contract approvals it would underline a problem that the proposal would fix.

It was mentioned that the County Charter requires the Director of Purchasing to prepare a list of all contracts for the Clerk of the Legislature monthly and this had not been happening and it was reported that Director Rider told the Clerk he would be sure to provide that going forward.

Chairman R. Parete opened the discussion of Resolution No. 183 and 184 both setting a public hearing on proposed local laws amending Ulster County Charter, (Local Law No. 2 Of 2006), and amending the Administrative Code For the County Of Ulster, (Local Law No. 10 Of 2008), to modify various provisions.

Legislator Greene, sponsor of Proposed Local Law 5 and Legislators Ronk and Belfiglio, sponsors of Proposed Local Law 6 agreed.

Legislator Greene mentioned she might modify or withdraw her proposal because of issues regarding staggered terms and urged the committee to focus on Proposed Local Law No. 6 for the time being.

Legislator Ronk discussed his proposed including Legislative term changing from two to four year, creating term limits for County Legislators, setting the term for Chairman and Clerk to coincide with the Legislature term of office, and insuring the Audit Committee can choose the Auditor without interference from the Legislature or County Executive.

There was a lengthy discussion about the pros and cons of each of these points.

Ms. Thompson reported that the League of Women Voters has historically opposed term limits to allow the voters more choice including supporting an experienced incumbent official.

Chairman R. Parete said action on these proposed local laws was time sensitive if the intention is to have them on the ballot this fall.

New Business

Public Hearings

Legislator Ronk noted that other rule changes were being discussed. He asked the members to consider a requirement for public hearings on local laws. He said that in a Charter government the only public hearing requirement is for the County Executive to hold a public hearing before he signs the legislation noting that happens after the Legislature votes to pass the local law. Historically the County Legislature has held public hearings but there is no rule requiring it. He feels this is important because it allows public input before the proposed local law is passed. He also noted that often the legislature holds a second public hearing after listening to the public and making changes to the proposed local laws and this second public hearing might not be necessary. He suggested a rules change that would formalize these public hearings be taken up at a future meeting.

Public Comment

Chairman R. Parete suggested that a rule be established to limit public comment at the beginning of legislative sessions to items on the agenda for that night's session. He recognized the importance of hearing public comments but noted that in recent months, many people use this time as an opportunity to speak about unrelated topics and often the public as well as legislators must sit for an hour or more before getting to the business at hand.

There was a discussion about how various legislators solicit public comments, the possibility of reopening public comment at the end of the meeting for unrelated topics and how receptive legislators would be to doing that, other opportunities the public has to address their concerns and a general agreement of how important it is for legislators to speak with constituents on a regular basis in their daily lives, in their home districts and outside these public comment opportunities.

There being no further business before the Committee, a motion was made by Legislator Roberts, seconded by Legislator Greene and carried to adjourn the meeting at 7:38PM.

Respectfully submitted this 14th day of May, 2015
Fawn A. Tantillo, Senior Legislative Employee
Minutes Approved on May 18, 2015