

**Ulster County Charter Revision Commission
Regular Meeting Minutes**

Date/Time: June 1, 2023 at 5:00 PM

Location: Ulster County Legislative Chambers
244 Fair Street, 6th Floor, Kingston, New York 12401

Present: Kathleen Mihm (Chair)
Fawn Tantillo
Thomas Kadgen*
Scott McCarthy
D. Mici Simonofsky
David Donaldson
Brian Woltman

** via videoconference due to extraordinary circumstances pursuant to
NYS Public Officers Law §103-A and Ulster County Local Law No. 8 of
2022*

Absent Shannon Harris
Frank Cardinale
LeShawn Parker
Hector Rodriguez

Quorum: Yes

Other Attendees: Johanna Contreras, Deputy County Executive
March Gallagher, Comptroller
Charles Dinstuhl, Director of Internal Audit
Kristin Gumaer, First Assistant County Attorney
Richie Williams, Assistant County Attorney
Dante De Leo, Assistant County Attorney

Chair Mihm called the meeting to order at 5:18 PM.

Motion No. 1: Motion to Approve the May 24, 2023 Meeting Minutes

Motion made by: Commission Member Scott McCarthy

Seconded by: Commission Member David Donaldson

Discussion: None.

Voting in favor: Commission Members Mihm (Chair), Simonofsky, Tantillo, Kadgen,
McCarthy, Woltman, Donaldson

Voting against: None

Disposition: Motion No. 1 passed 7-0.

Public Comment: March Gallagher, Comptroller, informed the Commission that she submitted a resolution to the Ulster County Legislature to adopt a local law containing several of the Comptroller’s proposed revisions which have been approved by the Commission. The changes are contained in Proposed Local Law No. 8 of 2023. Commission Members requested that a letter be drafted on behalf of the Commission expressing its support for the proposed local law.

Chair Mihm requested that a public hearing be set for July 6, 2023 at 5:00 PM and that the regular meeting start at 5:05 PM or immediately following the public hearing.

Commission Members discussed the process for sending proposed revisions to Articles II and III of the Charter directly to the ballot. Commission Members discussed whether the propositions can or should be sent to the Board of Elections individually or together.

Commission Members discussed the proposed change to C-29(B) as drafted by the subcommittee with regard to County Executive’s list of succession and who can serve as an Acting County Executive. Commission Members discussed making the succession list subject to confirmation by the Legislature versus the proposed language which would make it so that only persons already confirmed by the Legislature can be designated to the succession list. Some Commission Members expressed concern that the proposed language would bar Deputy County Executives from serving on the succession list unless they have already been confirmed by the Legislature. Commission Members requested that the County Attorney’s Office draft language to C-29(A) and (B) so that the succession list is subject to confirmation by the Legislature.

Motion No. 2: Motion to Request that the County Attorney’s Office Draft Proposed Language Revising C-29(A) and C-29(B) Relating to the County Executive’s List of Succession

Motion made by: Commission Member Mici Simonofsky

Seconded by: Commission Member Dave Donaldson

Discussion: None.

Voting in favor: Commission Members Mihm (Chair), Simonofsky, Tantillo, Kadgen, McCarthy, Woltman, Donaldson

Voting against: None

Disposition: Motion No. 2 passed 7-0.

Commission Members continued their review of the recommendations submitted by Tracey Bartels, Chair of the Legislature. With regard to recommendation numbers 17 and 18, the Commission Members decided to take no action.

Commission Members discussed Chair Bartels' recommendation number 19 which would permit the Legislature to designate a committee designated by the Legislature to hold the required public hearings on the proposed County budget, as opposed to requiring the full Legislature to hold such hearings. Commission Member Tantillo suggested amending the proposed language to clarify that the committee be a "standing committee."

Motion No. 3: Motion to Approve the Proposed Revision to C-37 As Set Forth in Chair Bartels' Recommendation # 19 as Amended to Permit the Legislature to Designate a "Standing Legislative Committee Designated by the Legislature" to Hold the Required Public Hearings on the Proposed County Budget

Motion made by: Commission Member Fawn Tantillo

Seconded by: Commission Member Scott McCarthy

Discussion: Commission Member Donaldson suggested that the order of the language be "standing legislative committee."

Voting in favor: Commission Members Mihm (Chair), Simonofsky, Tantillo, Kadgen, McCarthy, Woltman, Donaldson

Voting against: None

Disposition: Motion No. 3 passed 7-0.

Commission Members discussed Chair Bartels' recommendation number 20 to C-40(A) which would prohibit the County Executive from making revenue transfers if such transfer would have the effect of increasing the rate of pay or annual salary of any County employee. The proposal would further require the County Executive to give written notice to the Legislature of any transfer no less than 30 days prior to the date such a transfer is made. Commission Member Tantillo noted that the County Executive's Office opposes this recommendation. Chair Mihm expressed concern that this recommendation would diminish the power of the County Executive. Commission Member Donaldson expressed support of the change but noted that he did not like the wording. Commission Member Tantillo questioned whether the proposal should apply to rank-and-file employees.

Commission Member Tantillo expressed her support of the proposal in Chair Bartels' recommendation number 21. Chair Mihm expressed her opposition to recommendation number 21 because the Legislature should not direct a department head. Commission Member Simonofsky questioned whether recommendation number 21 implied that the Legislature oversees departments. Commission Member Woltman asked what was the rationale for extending Legislative oversight over other departments.

Commission Member Donaldson expressed his support for the "or increase" language in recommendation number 20. Commission Member Tantillo questioned whether the 30-day language in recommendation number 20 should be approved and proposed deleting the language

“or the County Executive’s authorized designee.” Assistant County Attorney Williams noted that the notice language refers to the allowed transfers, not the exceptions. Comptroller Gallagher expressed concern that 30-day notice of every budget transfer might not be workable.

Motion No. 4: Motion to Approve the Proposed Revision to C-40(A) only to the Extent of Adding the Words “Or Increase” and Not Including the Other Changes Proposed in Chair Bartels’ Recommendation #20

Motion made by: Commission Member Fawn Tantillo

Seconded by: Commission Member Mici Simonofsky

Discussion: Commission Member Tantillo clarified that the motion included only the “or increase” language and excluded the remaining language set forth in recommendation number 20.

Voting in favor: Commission Members Mihm (Chair), Simonofsky, Tantillo, Kadgen, McCarthy, Woltman, Donaldson

Voting against: None

Disposition: Motion No. 4 passed 7-0.

Commission Members continued discussing Chair Bartels’ recommendation number 21 to require that certain department heads perform “such other and related duties as required by the County Executive and County Legislature.” Commission Member Tantillo questioned whether there was a separation of powers issue. Commission Member Donaldson questioned whether the change would create confusion. Commission Members decided to take no action on recommendation number 21.

Commission Members discussed Chair Bartels’ recommendation number 22 which would revise C-41 by striking language that requires the Commissioner of Health to be a licensed physician.

Motion No. 5: Motion to Approve the Proposed Revision to C-41 to Strike Language Requiring the Commissioner of Health to be a Licensed Physician as Set Forth in Chair Bartels’ Recommendation #22

Motion made by: Commission Member Mici Simonofsky

Seconded by: Commission Member Scott McCarthy

Discussion: Commission Member Kadgen expressed his opposition.

Voting in favor: Commission Members Mihm (Chair), Simonofsky, Tantillo, McCarthy, Woltman, Donaldson

Voting against: Commission Member Kadgen

Disposition: Motion No. 5 passed 6-0.

Commission Members discussed Chair Bartels' recommendation number 23 which would change the way the Director of Planning is appointed and remove the Planning Board's ability to nominate candidates. Commission Member McCarthy noted that he is on the Planning Board. Commission Members discussed rejecting the changes but amending the current language to allow the Planning Board to give the County Executive a list of more than 3 nominees.

Motion No. 6: Motion to Reject the Proposed Revision to C-46 as Set Forth in Chair Bartels' Recommendation #23 and to Amend the Current Language in C-46 to Read "...At Least Three Nominees..."

Motion made by: Commission Member Scott McCarthy

Seconded by: Commission Member Brian Woltman

Discussion: None.

Voting in favor: Commission Members Mihm (Chair), Simonofsky, Tantillo, Kadgen, McCarthy, Woltman, Donaldson

Voting against: None

Disposition: Motion No. 6 passed 7-0.

Motion No. 7: Motion to Adjourn

Motion made by: Commission Member Dave Donaldson

Seconded by: Commission Member Fawn Tantillo

Discussion: None.

Voting in favor: Commission Members Mihm (Chair), Simonofsky, Tantillo, Kadgen, McCarthy, Woltman, Donaldson

Voting against: None

Disposition: Motion No. 7 passed 7-0.

Meeting adjourned at 6:46 PM.

Meeting minutes prepared by Assistant County Attorney Dante De Leo