

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

Date/Time: July 13, 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
D. Mici Simonofsky
Frank Cardinale
Shannon Harris
Thomas Kadgen*
Brian Woltman
David Donaldson
Hector Rodriguez

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

Absent Scott McCarthy
LeShawn Parker

Quorum: Yes

Other Attendees: March Gallagher, Comptroller
Alicia DeMarco, Deputy Comptroller
Chris Kelly, Deputy County Executive
Phil Erner, County Legislator, District No. 6
Rokosz Most, Hudson Valley One
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 5:02 PM.

Public Comment: None.

Commission Member Shannon Harris joined the meeting at 5:03 PM.

**Motion No. 1: Motion to Amend the June 8, 2023 Meeting Minutes to Include the
Following Sentence in the Discussion Section of Motion No. 10:**

*“Commission Members supported the Comptroller’s authority to appoint
citizens’ committees, commissions and boards.”*

Motion made by: Commission Member Fawn Tantillo
Seconded by: Commission Member Dave Donaldson
Discussion: The amendment was proposed by Commission Member Tantillo.
Voting in favor: Commission Members Mihm (Chair), Simonofsky, Tantillo, Kadgen, Woltman, Cardinale, Rodriguez, Donaldson, Harris
Voting against: None

Disposition: Motion No. 1 passed 9-0.

Motion No. 2: Motion to Adopt the June 8, 2023 Meeting Minutes, as Amended, and the July 6, 2023 Meeting Minutes

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, Woltman, Cardinale, Rodriguez, Donaldson, Harris
Voting against: None

Disposition: Motion No. 2 passed 9-0.

Commission Members discussed the amended draft resolution and ballot language for the proposed changes to Section C-29 of the Charter. Commission Member Donaldson noted that there were two separate issues in the proposed changes and questioned whether they should be split into two ballot proposals. Chair Mihm and Commission Member Rodriguez noted that the proposed changes were both in the same section of the Charter. Ultimately, the Commission Members decided to keep the proposed changes together as one ballot proposal.

Commission Member Tantillo noted that according to counsel the SEQRA language contained in the draft resolution was necessary.

Commission Member Kadgen proposed that the Legislature should be able to call a special election if an Acting County Executive is inadequate. Commission Member Tantillo noted that Section C-30, relating to the removal of a County Executive, would apply to an Acting County Executive. Commission Member Kadgen reiterated his proposal that the Legislature should be able to call a special election and indicated that he would vote against the ballot proposal. Commission Member Simonofsky noted that there were already safeguards in the ballot proposal, including that the County Executive's succession list would have to be approved by the

Legislature. Chair Mihm raised a concern that it could be unconstitutional for the Legislature to have the power to call a special election to oust an Acting County Executive.

Commission Member Rodriguez asked whether the proposal to subject Deputy County Executive appointments to confirmation by the Legislature had been rejected. Commission Member Rodriguez expressed his concern that Ulster is the most lenient county with regard to succession. Commission Member Tantillo noted that this was a separate question from the current ballot proposal.

Commission Member Rodriguez noted that he would vote in favor of the ballot proposal with extreme reservation that the Commission has continuously yielded to the Executive. Commission Member Woltman noted that the current proposal does bring in the Legislature. Commission Members agreed that at the next meeting they would discuss the proposal to subject Deputy County Executive appointments to confirmation by the Legislature.

Motion No. 3: Motion to Approve the Proposed Ballot Language, Resolution, and Revisions to Section C-29 of the Charter, as Amended, and to Authorize the Chair to Send the Proposed Language to the Board of Elections for Placement on the Ballot in the 2023 General Election

Motion made by: Commission Member Dave Donaldson

Seconded by: Commission Member Mici Simonofsky

Discussion: Chair Mihm proposed the amendment to change the last word in the redlined version of Section C-29(E) from “vacancy” to “election” for clarification purposes. The proposals are being sent directly to the ballot pursuant to the Commission’s authority under Charter Section C-5(B)(4). Commission Member Kadgen noted his opposition.

Voting in favor: Commission Members Mihm (Chair), Simonofsky, Tantillo, Woltman, Cardinale, Rodriguez, Donaldson, Harris

Voting against: Commission Member Kadgen

Disposition: Motion No. 3 passed 8-1.

Motion No. 4: Motion to Set a Public Hearing for the Direct Ballot Proposal on August 3, 2023 at 5:00 PM

Motion made by: Commission Member Mici Simonofsky

Seconded by: Commission Member Dave Donaldson

Discussion: Commission Members decided to hold the required public hearing prior to sending the proposed language to the Board of Elections. Commission Members noted that all Commission meetings have been public and have allowed for public comment, and that the proposed ballot language has been public for weeks.

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

Voting against: None.

Disposition: Motion No. 4 passed 9-0.

Commission Member Donaldson proposed the following changes to the Human Rights Commission: creating a 3-year term for the Commissioner of Human Rights, subjecting the County Executive's removal of a Commissioner of Human Rights to a majority plus one vote of the Legislature, reducing the County Executive's appointments from 5 to 3, giving 2 appointments to the commission members, and giving the power to choose the chairperson to the commission instead of the County Executive. Commission Member Donaldson spoke in favor of the proposed changes and expressed his position that the Human Rights Commission should have more independence. Commission Members discussed the proposed changes.

Commission Member Harris noted that the Commission already has proposed changes to the Human Rights Commission from the County Executive's Office, and that the Commission will need to resolve the Human Rights Commission issue quickly if it is going to make it into their report. Commission Member Tantillo noted that there are 6-7 items on the matrix dealing with the Human Rights Commission. Commission Member Harris suggested dedicating part of the next meeting to the Human Rights Commission proposals submitted by all parties. Chair Mihm and Commission Member Simonofsky agreed. Deputy CE Kelly noted that only 3 department heads have statutory terms. Commission Member Tantillo noted that the final report is due September 15, 2023.

Commission Members turned their attention to the County Executive's proposed revisions. As to Recommendation 1, relating to replacing gender-specific terms in the Charter with gender-neutral terms, the Commission decided to take no action because they already voted to approve such change elsewhere. Commission Members discussed Recommendation 2, which would amend C-28 to require members of advisory committees, commissions and boards appointed pursuant to C-25(H) to complete ethics training. Commission Members questioned whether such requirement would be better suited for placement in the administrative code and decided to take no action. Commission Member Rodriguez suggested that the Commission hold off on discussing Recommendations 3 and 4. As to Recommendation 5, relating to C-45, the Community Services Board, Chair Mihm requested that the Commission hold off until a representative from the County Executive's Office is present. Commission Members next discussed Recommendation 7 relating to C-74, Director of Purchasing.

Motion No. 5: Motion to Approve the County Executive’s Recommendation 7, which would Amend Section C-74, Director of Purchasing, as follows:

- A. There shall be a Department of Purchasing headed by a Director of Purchasing who shall be appointed by the County Executive on the basis of ~~his or her~~ **their** experience and qualifications for the office to serve at ~~his or her~~ **their** pleasure, subject to confirmation by the Legislature.
- B. Powers and duties. The Director of Purchasing shall:
 - ...4) Perform such other and related duties as shall be required and delegated by the County Executive, ~~or County Legislature.~~

Motion made by: Commission Member Hector Rodriguez

Seconded by: Commission Member Fawn Tantillo

Discussion: Commission Members noted that the proposed change to C-74(A) (replacing “his or her” with “their”) is unnecessary because the Commission already approved such changes. Commission Members noted that their vote against the proposed change to C-74(B) keeps the reference to the County Legislature in the section.

Voting in favor: None.

Voting against: Commission Members Mihm (Chair), Simonofsky, Tantillo, Woltman, Cardinale, Rodriguez, Donaldson, Harris, Kadgen

Disposition: Motion No. 5 failed 0-9.

Commission Member Shannon Harris left the meeting at 6:12 PM.

Motion No. 6: Motion to Adjourn

Motion made by: Commission Member Hector Rodriguez

Seconded by: Commission Member Fawn Tantillo

Discussion: None.

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

Voting against: None

Disposition: Motion No. 6 passed 8-0.

Meeting adjourned at 6:12 PM.

Meeting minutes prepared by Assistant County Attorney Dante De Leo