

Ulster County Charter Revision Commission Regular Meeting Minutes

Date/Time: March 2, 2023 at 5:00 PM

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

Present: Kathleen Mihm (Chairperson)
David Donaldson*
Thomas Kadgen**
Scott McCarthy
Shannon Harris
Hector Rodriguez
Fawn Tantillo
Frank Cardinale
D. Mici Simonofsky
Brian Woltman

** via videoconference with a physical address of 1250 Penbrook Club Dr.,
Venice, FL 34285*

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

Absent LeShawn Parker

Quorum: Yes

Other Attendees: Tracey Bartels, Chair, Ulster County Legislature
Jonathan R. Heppner, Majority Leader, Ulster County Legislature
Victoria Fabella, Clerk, Ulster County Legislature
David Gordon, Esq., Majority Counsel
Alicia DeMarco, Deputy Comptroller
Ashley Torres, Commissioner, Ulster County Board of Elections
Dare Thompson, League of Women Voters
Doug Thompson, League of Women Voters
Kristin Gumaer, First Assistant County Attorney
Richie Williams, Assistant County Attorney
Dante De Leo, Assistant County Attorney

Chairperson Mihm called the meeting to order at 5:03 PM.

Motion No. 1: Motion to Approve the February 9, 2023 Meeting Minutes

Motion made by: Commission Member Brian Woltman

Seconded by: Commission Member Fawn Tantillo

Discussion: None.

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

Voting against: None

Disposition: Motion No. 1 passed 10-0.

Public Comment: None

Commission Members discussed the matrix of proposed revisions, including item number 6 regarding the process for filling vacancies for vacated offices.

Motion No. 2: Motion to Create a Subcommittee to Lay Out the Various Proposals Relating to Filling Vacancies of the Following County-wide Elected Positions: County Executive, Comptroller, and Legislators

Motion made by: Commission Member Thomas Kadgen

Seconded by: Commission Member Hector Rodriguez

Discussion: Commission Members discussed which County-wide elected positions would fall under the ambit of the subcommittee. Commission Members agreed that the following four Commission Members would serve on the subcommittee: Kadgen, Rodriguez, Woltman, and Harris.

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

Voting against: None

Disposition: Motion No. 2 passed 10-0.

Commission Members continued discussing the matrix. Regarding matrix item number 11, Deputy Comptroller Alicia DeMarco took the floor and advised the Commission that the Comptroller intends to withdraw her proposal relating to the executive contract threshold. Chair Mihm requested that the matrix be updated.

Motion No. 3: Motion to Approve Matrix Item Number 14 Prohibiting the Commissioner of Finance from Holding Any Other Elected Public Office or Compensated Employment

Motion made by: Commission Member Fawn Tantillo

Seconded by: Commission Member Hector Rodriguez

Discussion: Commission Member Donaldson noted that some outside jobs do not conflict with the elected position. Commission Members discussed what constitutes outside employment. Tracey Bartels, Chair of the Legislature, took the floor to discuss the Charter’s inconsistent treatment of outside employment in relation to different elected offices and department heads. Deputy Comptroller DeMarco advised the Commission that her understanding is that the only position that presently excludes outside employment is the County Executive. Chair Bartels disagreed with that interpretation and suggested that clarification might be needed. Commission Members Tantillo and Rodriguez withdrew their motion.

Disposition: WITHDRAWN

Commission Member Tantillo requested that the matrix be sorted by relevant Charter sections.

Chair Mihm recognized Ashley Torres, Commissioner of the Board of Elections, who took the floor to discuss the memo submitted on behalf of the Board of Elections relating to vacancies of the County Executive. Commissioner Torres noted that both she and Commissioner John Quigley support the second option presented in the memo, allowing the office to remain vacant longer to allow for a Primary selection process, which is more voter friendly.

Commission Member Rodriguez distributed copies of a memorandum submitted on behalf of Chair Bartels containing the Legislature’s Charter proposals through Section C-40. Chair Bartels noted she will not be at next week’s meeting and that additional proposals will be forthcoming.

Commission Member Simonofsky suggested dedicating one or two meetings to the Legislature’s comments. Commission Member Kadgen agreed. Chair Mihm noted the Commission’s upcoming deadline in May for submitting its report to the Legislature. Commission Member Simonofsky suggested scheduling additional meetings.

Commission Member Tantillo took the floor to discuss her two proposals relating to Section C-10 of the Charter regarding (1) ensuring qualified candidates for the Commission on Reapportionment (“COR”), and (2) allowing COR to reconvene if needed. Chair Mihm recognized Jonathan Heppner, Majority Leader of the Legislature, who took the floor and spoke in support of the proposal relating to qualified candidates. Commission Member Tantillo discussed the proposed language drafted by First Assistant County Attorney Kristin Gumaer and noted that she supports the proposed language. Commission Members discussed the issues that

the most recent COR faced. Chair Bartels noted that she does not think the proposed language in C-10(H) solves the issue. Chair Bartels and Commission Member Rodriguez suggested specific language edits to C-10(H). Chair Bartels raised a concern that a court order should not be required for the COR to reconvene. Chair Mihm asked Legislative Counsel to work with the County Attorney's Office on crafting the proposed language.

Commission Members discussed the proposals set forth in the Legislature's memo, starting with Section C-26(c). Chair Bartels spoke in support of the proposal. For the proposal relating to Section C-34(A), Commission Member Woltman suggested replacing "the first Friday of September" with "by August 31." Chair Mihm noted that they needed the County Executive's opinion. Chair Bartels voiced her support of the August 31 date. Commission Member Tantillo noted her support of the Legislature's proposal to C-37. Commission Members Woltman and Rodriguez suggested that it should be a committee "of legislators." Chair Bartels said she would propose new language.

Commission Member Kadgen spoke in favor of adding a residency requirement to Section C-23.

Commission Member Tantillo noted her support of the Legislature's proposal to C-40(A). Deputy Comptroller DeMarco asked whether the change referred to "rate of pay" and noted that many positions have alternative work schedules. Chair Bartels stated that alternative work schedules are meant to be temporary and separate from rate of pay and that the Legislature sets salaries or salary ranges.

Commission Member Mici Simonofsky left the meeting at 6:27 pm.

Commission Member Fawn Tantillo left the meeting at 6:30 pm.

Commission Member David Donaldson left the meeting at or about 6:30 pm.

Motion No. 4: Motion to Adjourn the Meeting

Motion made by: Commission Member Hector Rodriguez

Seconded by: Commission Member Brian Woltman

Discussion: None.

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

Voting against: None

Disposition: Motion No. 4 passed 7-0.

Meeting adjourned at 6:32 PM.

Meeting minutes prepared by Assistant County Attorney Dante De Leo