

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

Date/Time: April 10, 2023 at 5:00 PM

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

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

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

Absent Brian Woltman
Shannon Harris

Quorum: Yes

Other Attendees: March Gallagher, Comptroller
Alicia DeMarco, Deputy Comptroller
Charles Dinstuhl, Deputy Comptroller
Mike Baden, Supervisor, Town of Rochester
Kristin Gumaer, First Assistant County Attorney
Richie Williams, Assistant County Attorney

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

Motion No. 1: Motion to Approve the April 6, 2023 Meeting Minutes

Motion made by: Commission Member Scott McCarthy

Seconded by: Commission Member Hector Rodriguez

Discussion: None.

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

Voting against: None

Disposition: Motion No. 1 passed 8-0.

Public Comment: None

Chair Mihm recognized Mike Baden, Town of Rochester Supervisor, who encouraged the Commission to continue meeting until September and not rush the process.

The Commission continued their review and discussion of Commission Member Tom Kadgen’s proposed revisions.

The Commission discussed the proposal to strike and replace C-11(M) with the following: “To determine and make provision for any impasse of government not otherwise provided for by the Ulster County Charter.” Commission Members Tantillo and Donaldson made the point that the Legislature already has that power. Commission Member McCarthy noted that the Commission cannot make the Legislature do something it does not want to do. Commission Members discussed the meaning of the word “transition” in C-11(M). Commission Member Kadgen revised his proposal to amend C-11(M) by deleting the language starting with “including.”

**Motion No. 2: Motion to Amend C-11(M) by Deleting the Following Language:
“including, but not by way of limitation, any necessary matter
involved in the transition to this Charter form of government.”**

Motion made by: Commission Member Hector Rodriguez

Seconded by: Commission Member Dave Donaldson

Discussion: None

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

Voting against: None

Disposition: Motion No. 2 passed 8-0.

Commission Member LeShawn Parker joined the meeting at 5:21 PM.

**Motion No. 3: Motion to Strike Section C-29 Relating to the County Executive’s
Succession Plan**

Motion made by: Commission Member Tom Kadgen

Seconded by: Commission Member Hector Rodriguez

Discussion: Commission Member Rodriguez suggested amending the proposal to require that the County Executive’s succession plan be approved by the Legislature. Commission Member Kadgen noted that other counties with county executives require the succession plan to be approved by the legislature. Commission Members Simonofsky, Tantillo, and Donaldson spoke in opposition to the proposal.

Voting in favor: Commission Members Kadgen, Rodriguez

Voting against: Commission Members Mihm (Chair), Simonofsky, McCarthy, Parker, Donaldson, Tantillo, Cardinale

Disposition: Motion No. 3 failed 2-7.

Motion No. 4: Motion to Add Subsection “C” to Section C-1 as Follows: “In the event that a resident of Ulster County successfully sues the County for not abiding by the Ulster County Charter or NYS Municipal law the Attorney fees and filing costs will be reimbursed up to but not exceeding \$10,000.00 dollars.”

Motion made by: Commission Member Tom Kadgen

Seconded by: Commission Member Hector Rodriguez

Discussion: Commission Members Mihm and Tantillo spoke in opposition to the proposal.

Voting in favor: Commission Member Kadgen

Voting against: Commission Members Mihm (Chair), Simonofsky, McCarthy, Parker, Donaldson, Tantillo, Cardinale, Rodriguez

Disposition: Motion No. 4 failed 1-8.

Chair Mihm requested that the Board of Elections Commissioners be invited to speak at the meeting scheduled for April 17, 2023.

Commission Member Rodriguez raised the Sheriff’s concern about being required to get approval from the County Executive to attend conferences, and inquired into the authority for such requirement. Chair Mihm recognized Comptroller March Gallagher who advised the Commission that it is within standard operating procedures for County employees to get such approval, but that the Comptroller is planning to advise the County Executive that the Comptroller’s Office will no longer require Executive approval for any conferences, training, or meeting supplies for elected official offices. The Comptroller noted that she does not see any authority in the Charter for the County Executive’s requirement. Commission Member Rodriguez requested an opinion from the County Attorney’s Office. Commission Member Tantillo noted that the Legislature approved the standard operating procedures.

The Commission reviewed and discussed the Comptroller’s proposed revisions as set forth in her memos dated April 5, 2023 and April 6, 2023.

Motion No. 5: **Motion to Add the Following Sentence to Section C-56(A): “The Comptroller shall hold no other elected public office or compensated employment and shall devote full time to the duties of the office.”**

Motion made by: Commission Member Dave Donaldson

Seconded by: Commission Member Scott McCarthy

Discussion: Commission Members Mihm and Tantillo spoke in opposition to the proposal.

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

Voting against: None.

Disposition: **Motion No. 5 passed 9-0.**

Motion No. 6: **Motion to Add the Following Sentence to Section C-57(A): “The Comptroller shall have read-only access to all software systems of the County except where precluded by law.”**

Motion made by: Commission Member Fawn Tantillo

Seconded by: Commission Member Dave Donaldson

Discussion: Commission Member Tantillo voiced her concern about the Comptroller having access to software unless such access is “read-only.” Commission Members discussed the proposal and the Comptroller agreed to adding “read-only” to her proposed revision. Assistant County Attorney Williams suggested proposing a separate sentence for clarity. The Comptroller and Commission Members agreed with the separate sentence.

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

Voting against: None.

Disposition: **Motion No. 6 passed 9-0.**

Motion No. 7: Motion to Add the Word “investments” to the First Sentence of C-57(B) and to Add the Following Sentence to C-57(B): “The Comptroller shall be authorized to have read-only access on all County accounts and be provided access to all such accounts at all times.”

Motion made by: Commission Member Fawn Tantillo

Seconded by: Commission Member Mici Simonofsky

Discussion: Commission Member Rodriguez suggested changing “investment vehicles” to “investment funds.” Commission Member Tantillo requested that such access be “read-only.” Commission Member Donaldson requested to include the word “authorized.” Commission Member Parker proposed changing “investment funds” to “investments.”

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

Voting against: None.

Disposition: Motion No. 7 passed 9-0.

Commission Member Rodriguez requested that the County Attorney’s Office propose language to add a definition in the Charter for “read-only.”

The Commission discussed the Comptroller’s proposal relating to Section C-57(D) relating to contract related payments. Commission Members raised and discussed concerns with the proposal. The Comptroller withdrew the proposal.

Motion No. 8: Motion to Add the Phrase “and journal entries” to C-57(E)

Motion made by: Commission Member Hector Rodriguez

Seconded by: Commission Member Dave Donaldson

Discussion: Commission Member Tantillo voiced a concern about having the word “posted” in the proposed language. The Comptroller agreed to take out the word “posted.”

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

Voting against: None.

Disposition: Motion No. 8 passed 9-0.

Motion No. 9: Motion to Amend Sections C-57(G) and C-57(H) as Proposed by the Comptroller

Motion made by: Commission Member Dave Donaldson

Seconded by: Commission Member Scott McCarthy

Discussion: None.

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

Voting against: None.

Disposition: Motion No. 9 passed 9-0.

Motion No. 10: Motion to Amend Section C-57(J) to Replace the Word “required” with “requested”

Motion made by: Commission Member Dave Donaldson

Seconded by: Commission Member Fawn Tantillo

Discussion: None.

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

Voting against: None.

Disposition: Motion No. 10 passed 9-0.

Motion No. 11: Motion to Add the Following Language to the First Sentence of Section C-60(A): “and meeting the independence standards set forth by the United States Government Accountability Office (GAO) in that agency’s most recent revision of Government Auditing Standards”

Motion made by: Commission Member Fawn Tantillo

Seconded by: Commission Member Hector Rodriguez

Discussion: None.

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

Voting against: None.

Disposition: Motion No. 11 passed 9-0.

The Commission decided to postpone consideration of the Comptroller’s proposed deletion of Section C-60(B) pending further discussion.

The Commission discussed the Comptroller’s proposed revisions to Section C-33. Comptroller Gallagher advised the Commission that the proposed deletion of the word “simultaneously” was at the request of the County Executive’s Office and that the Comptroller agrees with the deletion. Commission Member Tantillo voiced her opposition to such deletion. Commission Members discussed Local Law No. 3 of 2020 relating to a requirement that elected officials submit budget requests directly to the Legislature. The Commission decided to postpone consideration of the proposed revisions to Section C-33.

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

Commission Member Frank Cardinale left the meeting at 6:27 PM.

The Comptroller spoke about her proposal regarding adding a subsection “C” to Section 34 to require certain forecasting to be included in the proposed County budget. The Comptroller noted that the County Executive’s Office has not yet weighed in on the proposal. Commission Members discussed the proposal and decided to postpone consideration until the Executive’s Office has weighed in.

Motion No. 12: Motion to Add the Following Two Sentences to Section C-53: “The Commissioner of Finance shall hold no other elected public office or compensated employment and shall devote full time to the duties of the office. The Commissioner of Finance must be free from any conflicts of interest, must be capable of providing objective and impartial judgment, and must maintain both independence of mind and independence in appearance in the performance of their duties.”

Motion made by: Commission Member Dave Donaldson

Seconded by: Commission Member Fawn Tantillo

Discussion: None.

Voting in favor: Commission Members Mihm (Chair), McCarthy, Parker, Donaldson, Tantillo, Rodriguez, Kadgen

Voting against: None.

Disposition: Motion No. 12 passed 7-0.

Motion No. 13: **Motion to Add Subsection (10) to Section C-53(B) As Follows: “Act as the enforcing officer of the County for the purpose of the collection of Occupancy Tax.”**

Motion made by: Commission Member Dave Donaldson

Seconded by: Commission Member Scott McCarthy

Discussion: Comptroller Gallagher explained the reasoning behind the proposal.

Voting in favor: Commission Members Mihm (Chair), McCarthy, Parker, Donaldson, Tantillo, Rodriguez, Kadgen

Voting against: None.

Disposition: **Motion No. 13 passed 7-0.**

Motion No. 14: **Motion to Add Subsection (11) to Section C-53(B) As Follows: “Ensure proper segregation of duties within financial procedures.”**

Motion made by: Commission Member Dave Donaldson

Seconded by: Commission Member Scott McCarthy

Discussion: Comptroller Gallagher explained the reasoning behind the proposal.

Voting in favor: Commission Members Mihm (Chair), McCarthy, Parker, Donaldson, Tantillo, Rodriguez, Kadgen

Voting against: None.

Disposition: **Motion No. 14 passed 7-0.**

Comptroller Gallagher discussed her proposed addition to C-74(A) relating to the Director of Purchasing. Chair Mihm and Commission Member Tantillo requested input from the County Executive’s Office. Commission Members discussed the proposed addition. The Commission Members decided to postpone consideration of this proposal pending further input.

Commission Member Donaldson advised the Commission that he would be bringing forth a proposal relating to a County-wide assessment. Commission Members discussed the proposal. Commission Member Kadgen noted his concern that opposition to this proposal might defeat the entire referendum. The Commission heard comments from Comptroller Gallagher and Mike Baden, Town of Rochester Supervisor.

Commission Members discussed Section C-29(B).

Motion No. 15: Motion to Adjourn

Motion made by: Commission Member Fawn Tantillo

Seconded by: Commission Member Dave Donaldson

Discussion: None.

Voting in favor: Commission Members Mihm (Chair), McCarthy, Parker, Donaldson, Tantillo, Rodriguez, Kadgen

Voting against: None.

Disposition: Motion No. 15 passed 7-0.

Meeting adjourned at 6:51 PM.

Meeting minutes prepared by Assistant County Attorney Dante De Leo