

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

Date/Time: April 13, 2023 at 5:15 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
LeShawn Parker
Brian Woltman
Shannon Harris

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

Absent David Donaldson

Quorum: Yes

Other Attendees: Tyrone Wilson, Human Rights Commissioner
Kathleen Harrison, Human Rights Specialist
Amanda LaValle, Deputy County Executive
Alicia DeMarco, Deputy Comptroller
Charles Dinstuhl, Deputy Comptroller
Cynthia Bell, League of Women Voters – Mid-Hudson Region
Patricia Doxsey, The Daily Freeman
Kristin Gumaer, First Assistant County Attorney
Richie Williams, Assistant County Attorney
Dante De Leo, Assistant County Attorney

The Commission held a Public Hearing at 5:00 PM. There were no speakers and no one submitted any comments. The Public Hearing was closed at 5:15 PM.

Chairperson Mihm called the meeting to order at 5:15 PM.

Motion No. 1: Motion to Approve the April 10, 2023 Meeting Minutes

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, Rodriguez, Cardinale, Parker, Woltman, Harris

Voting against: None

Disposition: Motion No. 1 passed 9-0.

Public Comment: None

Commission Members reviewed Charter Sections C-67 through C-92.

Commission Member Scott McCarthy arrived at 5:23 PM.

Commission Members discussed C-74 and the Comptroller's proposed change relating to the Director of Purchasing being free from any conflicts of interest. Chair Mihm recognized Deputy Comptroller Alicia DeMarco who advised the Commission that the Comptroller had spoken to the County Executive who requested time to review the language. Commission Member Rodriguez noted that there was a concern that the proposed language was singling out the Director of Purchasing. Commission Member Tantillo noted that similar language is in the ethics law and that she did not see the need for the redundancy. Commission Member Woltman noted that he is the Director of Purchasing for the City of Kingston and spoke in opposition to the proposed language. Commission Member Woltman raised concerns with the word "any" and questioned what would count as a "conflict of interest." He noted that the procurement process is designed to be fair and impartial and focuses on the lowest responsible bidder. Commission Member Harris stated that the language should not be a problem. Commission Member Tantillo discussed recusals and reiterated that she did know if the proposed redundant language was needed. Commission Member Simonofsky asked if it would be better if the language stated that the Director of Purchasing "shall disclose" possible conflicts of interest. Deputy Comptroller DeMarco advised the Commission that the intent was to mimic the financial disclosures and ethics law which talks about immediate family members and household members, and that she would add language to the proposal. Commission Member Woltman noted that the Ulster County Purchasing Department has robust procedures and a magnificent reputation in the field.

Regarding Commission Member Kadgen's proposal set forth in Matrix No. 33, to remove the "alternative sentencing administrative unit" reference from the Charter, Assistant County Attorney Williams noted that he did not find such language in the Charter. Commission Member Kadgen withdrew the proposal.

The Commission decided to postpone any discussion of Commission Member Donaldson's proposal relating to a County-wide assessor until they receive proposed language from Commission Member Donaldson or he is present.

Commission Member Rodriguez requested information from the County Attorney's Office as to the former County Executive's theory behind requiring elected officials to submit conference

request forms. Deputy Comptroller DeMarco advised the Commission that the Comptroller spoke to the Executive, and the Executive had no issue with no longer requiring approvals for the separately elected offices. Chair Mihm asked if there was anything to do in the Charter. Commission Member Rodriguez noted that there may be a need for putting guardrails in the Charter.

Commission Members discussed the proposed revision set forth in Matrix Item No. 53: “No county legislator shall hold other elective public office, exempting membership on School Board.” Commission Member Rodriguez noted that he was against the idea of carve-outs. Commission Members discussed carve-outs and which offices would or should be included. Chair Mihm spoke in favor of school board members being allowed to serve on the Legislature. Commission Member Tantillo suggested naming the specific offices that should not serve on the Legislature. Commission Members discussed Resolution No. 374 of 2019. Assistant County Attorney Williams noted that Section C-9(B) of the Charter reads: “No County Legislator shall hold at the same time any other elective public office” and that Section C-23 includes similar language: “The County Executive shall hold no other elected public office or compensated employment and shall devote full time to the duties of the office.” Commission Member Harris asked whether the Commission wants to mimic the resolution’s language in the Charter. Commission Members McCarthy and Kadgen spoke in opposition to the proposed change and any carve-outs.

Motion No. 2: Motion to Reject the Proposal set forth in Matrix Item No. 53

Motion made by: Commission Member Fawn Tantillo

Seconded by: Commission Member Scott McCarthy

Discussion: None

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

Voting against: None

Disposition: Motion No. 2 passed 10-0.

The Commission discussed Commission Member Harris’s proposal regarding future Commissions being able to submit a two-part report, the first part being items to fast-track and the second part being items needing more in-depth discussion. Commission Member McCarthy suggested that in the future that Department Heads submit proposals ahead of the Charter Revision Commission’s first meeting, e.g. six months in advance. Commission Member Tantillo noted that if there is something of urgency, nothing would stop the Legislature from addressing it without a report from the Commission. The Commission requested that the County Attorney’s Office draft language reflecting the proposals put forth by Commission Member Harris and Commission Member McCarthy. Assistant County Attorney Williams noted that the proposals might necessitate further changes to the Charter.

Motion No. 3: Motion to Adjourn

Motion made by: Commission Member Fawn Tantillo

Seconded by: Commission Member Scott McCarthy

Discussion: None.

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

Voting against: None.

Disposition: Motion No. 3 passed 10-0.

Meeting adjourned at 6:27 PM.

Meeting minutes prepared by Assistant County Attorney Dante De Leo