

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

**Date/Time:** April 6, 2023 at 5:00 PM

**Location:** Ulster County Legislative Chambers  
244 Fair Street, 6<sup>th</sup> Floor, Kingston, New York 12401

**Present:** Kathleen Mihm (Chairperson)  
Thomas Kadgen\*\*  
Scott McCarthy  
Shannon Harris  
D. Mici Simonofsky  
Hector Rodriguez  
Frank Cardinale

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

**Absent** Fawn Tantillo  
David Donaldson  
LeShawn Parker  
Brian Woltman

**Quorum:** Yes

**Other Attendees:** Juan Figueroa, Sheriff  
Victoria Fabella, Clerk of the Legislature  
March Gallagher, Comptroller  
Alicia DeMarco, Deputy Comptroller  
Charles Dinstuhl, Deputy Comptroller  
Mike Baden, Supervisor, Town of Rochester  
Cynthia Bell, League of Women Voters – Mid-Hudson  
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 5:11 PM.

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

Motion made by: Commission Member Mici Simonofsky

Seconded by: Commission Member Scott McCarthy

Discussion: None.

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

Voting against: None

**Disposition: Motion No. 1 passed 7-0.**

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**Public Comment:** None

Chair Mihm recognized Mike Baden, Town of Rochester Supervisor, who inquired about the status of the proposal he made during the March 9<sup>th</sup> meeting on behalf of the Ulster County Association of Town Supervisors and Mayors relating to reverting to a Board of Supervisors.

Chair Mihm recognized Sheriff Juan Figueroa. The Sheriff raised concerns about having to go through the County Executive's Office for approval on items that were already approved in the budget, such as attending conferences. The Sheriff raised his concern that the County Attorney does not adequately represent elected officials and argued that there are issues relating to conflicts of interest. Commission Members questioned the Sheriff about his concerns. Commission Member Rodriguez suggested creating a pool of candidates for County Attorney from which the County Executive could pick from. The Sheriff stated that a pool would be time-consuming. Commission Member Simonofsky asked whether a provision relating to outsourcing legal counsel would address the Sheriff's concern. Chair Mihm asked whether there was language in the Charter that needs to be changed in regards to the budget issue. The Sheriff responded that it is not in the Charter. Commission Member Rodriguez noted that statutorily the County Attorney is the sole legal advisor to the County.

Chair Mihm recognized Victoria Fabella, Clerk of the Legislature, who advised the Commission that the majority of legislators believed that it would be in the County's best interest for the Commission to take the whole time to issue their report, as opposed to submitting it early to be included on this year's ballot. Assistant County Attorney Williams advised the Commission that once the report is issued, the Commission is dissolved. Commission Member Harris suggested issuing a two-part report and continuing to meet. Assistant County Attorney Williams advised that the Charter contemplates a single report. Commission Member Rodriguez suggested that the Commission could issue informal findings to the Legislature and noted that the Legislature can pass local laws at any time. Commission Members Rodriguez and Kadgen agreed that once the report is issued, the Commission is dissolved. Commission Members discussed the timing of issuing their report and whether their recommendations would go on the ballot in 2023 or 2024.

Clerk Fabella advised the Commission that the Legislature's proposed revisions will be submitted next week and that Chair Bartels is available on May 4<sup>th</sup> and May 11<sup>th</sup>. Commission Members discussed timelines and scheduling extra meetings. The Commission decided to schedule extra meetings on Monday, April 10, 2023 at 5 pm and Monday, April 17, 2023 at 5 pm. Additionally, the Commission decided to start its regularly scheduled meeting on Thursday, May 4, 2023 at 4 pm and to dedicate that meeting to the Legislature's proposed revisions.

Commission Member McCarthy asked how to address Sheriff's issues in the Charter. Chair Mihm suggested including observations in the Commission's report where there are not specific proposed revisions. Assistant County Attorney Williams advised the Commission that it is within its power to add new sections to the Charter. First Assistant County Attorney Gumaer requested that the Commission vote in instances when it wishes to formally request that language be drafted by the County Attorney's Office.

The Comptroller and Deputy Comptroller DeMarco advised the Commission that in their opinion no authority exists for conference approvals to go through the County Executive's Office.

The Commission reviewed and discussed Commission Member Tom Kadgen's proposed revisions.

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**Motion No. 2:                    Motion to Add Section C-11(K)(2) Relating to the Legislature's Powers and Duties: "Shall appoint an oversight committee for capital projects that cumulatively exceed TEN MILLION AND 00/100 (\$10,000,000.00) DOLLARS."**

Motion made by:            Commission Member Tom Kadgen

Seconded by:              Commission Member Hector Rodriguez

Discussion:                Commission Members discussed the dollar amount and agreed to ten million dollars. Commission Member Rodriguez voiced his opposition to the motion because the Legislature already has this power. Commission Member Simonofsky voiced her support of the motion and noted that the Legislature could always kick it back. Commission Member Mihm voiced her opposition to the motion.

**Disposition:                Motion No. 2 failed 4-3.**

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**Motion No. 3:                    Motion to Strike C-11(M) and Replace it with: "To determine and make provision for any impasse of government not otherwise provided for by the Ulster County Charter."**

Motion made by:            Commission Member Tom Kadgen

Seconded by:              Commission Member Hector Rodriguez

Discussion:                Commission Members discussed the proposed changed. Commission Member Harris requested clarity on the proposal.

**Disposition:                TABLED.**

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**Motion No. 4: Motion to Table Motion No. 3 Relating to C-11(M)**

Motion made by: Commission Member Hector Rodriguez

Seconded by: Commission Member Shannon Harris

Discussion: None.

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

Voting against: None

**Disposition: Motion No. 4 passed 7-0.**

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**Motion No. 5: Motion to Add the Proposed Language “and of the same party affiliation” to Section C-21 Relating to Filling Vacancies in the County Legislature**

Motion made by: Commission Member Tom Kadgen

Seconded by: Commission Member Shannon Harris

Discussion: Commission Member Harris voiced her support for the motion. Commission Members Mihm and Rodriguez voiced their opposition to the motion.

**Disposition: Motion No. 5 failed 2-5.**

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**Motion No. 6: Motion to Add the Proposed Language “for at least 3 years” to Section C-23 Relating to the Residency Requirement of the County Executive**

Motion made by: Commission Member Tom Kadgen

Seconded by: Commission Member Hector Rodriguez

Discussion: None.

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

Voting against: None

**Disposition: Motion No. 6 passed 7-0.**

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**Motion No. 7:           Motion to Add the Proposed Language “and confirmed by the Legislature” to Section C-69 Relating to the Appointment of the County Attorney**

Motion made by:       Commission Member Tom Kadgen

Seconded by:           Commission Member Mici Simonofsky

Discussion:             None.

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

Voting against:        None

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

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Commission Members Shannon Harris and Mici Simonofsky left the meeting at 6:35 PM.

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Meeting adjourned at 6:35 PM.

Meeting minutes prepared by Assistant County Attorney Dante De Leo