

Ulster County Charter Revision Commission Regular Meeting Minutes

Date/Time: May 11, 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*

*** via videoconference with a physical address of Hilton Elara (main lobby), 80
East Harmon Avenue, Las Vegas, Nevada 89109*

Absent Shannon Harris
Brian Woltman

Quorum: Yes

Other Attendees: Tracey Bartels, Chair, Ulster County Legislature
Victoria Fabella, Clerk, Ulster County Legislature
Phil Erner, Ulster County Legislator
Christopher Kelly, Deputy County Executive
Johanna Contreras, Deputy County Executive
March Gallagher, Comptroller
Charles Dinstuhl, Director of Internal Audit
Patricia Doxsey, Daily Freeman
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 5:04 PM.

Motion No. 1: **Motion to Approve the May 4, 2023 Meeting Minutes as Amended**

Motion made by: Commission Member Hector Rodriguez

Seconded by: Commission Member Mici Simonofsky

Discussion: Commission Member Tantillo asked that the minutes be amended to delete the following sentence on page 2: “Commission Member Tantillo noted that the requirement for redistricting is 2.” Commission Members agreed with the deletion.

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

Voting against: None

Disposition: Motion No. 1 passed 8-0.

Public Comment: None.

Chair Mihm recognized Legislator Phil Erner, who presented his proposed Charter revisions, as set forth in his email submission dated May 1, 2023, to the Commission.

Chair Mihm recognized Tracey Bartels, Chair, Ulster County Legislature, who presented her updated recommendations. Commission Member Rodriguez raised a concern that C-5(B) still did not address what happens if a County Executive fails to timely convene a Charter Revision Commission and suggested language that the Commission “shall convene.” Chair Bartels suggested allowing the County Executive a period of time to convene, and then if there is a failure to convene, then the Commission can convene. Chair Mihm raised the issue that somebody needs to convene. Chair Bartels suggested having a neutral party like the County Clerk convene the Commission. Commission Member Simonofsky suggested convening by a date certain. Chair Mihm agreed with a date certain and expressed that she did not feel it necessary to take the act of convening away from the County Executive. Commission Member Tantillo noted that the problem in the past was that there was no deadline. Commission Member Simonofsky suggested language to clarify that the Commission shall be “both” appointed and convened by a date certain. Commission Member Rodriguez agreed with the addition of the word “both.”

Commissioner Member David Donaldson joined the meeting at 5:38 PM.

Commission Members Tantillo, McCarthy, and Donaldson expressed support of Chair Bartels’ proposed revision to C-11(H) relating to not changing or modifying position titles unless required by Civil Service Law or a resolution adopted by the County Legislature. Chair Mihm recognized Christopher Kelly, Deputy County Executive, who questioned whether the proposed revision would expand the Legislature’s authority beyond management-level employees into Civil Service employees. Chair Bartels disagreed and noted that the proposed language excepts changes/modifications required pursuant to NYS Civil Service Law. Commission Member Donaldson noted that the Legislature still approves Civil Service contracts. Deputy CE Kelly disagreed and expressed concern that the proposed language could affect the County Executive’s ability to reclassify titles pursuant to Civil Service Law. Chair Bartels disagreed with Deputy CE Kelly’s reading of the Legislature’s powers/duties. A legal opinion was requested as to whether the proposed language, as written, would affect the County Executive’s ability to reclassify and

do desk audits for rank-and-file workers. Deputy CE Kelly noted that he does not disagree with the intent of the proposal, but believes the language is too broad.

As to Chair Bartels' proposed change to C-34(A) relating to moving the budget deadline up by a month, Commission Member Donaldson asked for the County Executive's position. Deputy CE Kelly noted that the County Executive is opposed to the proposal. Commission Member Donaldson spoke in opposition to Chair Bartels' proposed change to C-34(A). \

As to the proposed change to C-37, Chair Bartels noted that she wanted to add the word "standing" before "Legislative committee." Commission Member Rodriguez expressed opposition to the proposal and expressed his position that the whole Legislature should go to the public hearings on the budget.

Commission Member Frank Cardinale left the meeting at 6:00 PM.

Commission Members discussed the competing positions put forth by Chair Bartels and the County Executive relating to Sections C-47 (Director of Planning) and C-74 (Director of Purchasing). Chair Bartels spoke in opposition to deleting the County Legislature's co-authority to direct the Directors of Planning and Purchasing. Deputy CE Kelly spoke in support of the deletions and noted his concern with dual-reporting structures and the Legislature directing operations and imposing time constraints. Commission Member Rodriguez noted that the language at issue was in the original Charter. Commission Member Tantillo asked for an example where the Legislature asked the County Executive to do something that interfered. Deputy CE Kelly responded: any resolution that sets a timeline on the County Executive performing an operations action, like RFPs, which take away resources that have already been planned in the annual budgeting process. Commission Member Tantillo noted that the County Executive could veto such a resolution.

Chair Mihm recognized March Gallagher, Comptroller, who spoke in opposition to Chair Bartels' proposal to delete the following language from C-57(H) relating to the Comptroller's powers: "appoint citizens' committees, commissions and boards." Commission Member Donaldson noted that it would be hard to say the Comptroller could not have a commission and that to deny the Comptroller's ability to have a citizens' committee would be contrary to democracy. Commission Member Rodriguez noted that the Comptroller could form a commission even if the language was not in the Charter. Commission Member McCarthy spoke in opposition to the proposed revision to C-57(H) and spoke in favor of giving departments tools they need to do their jobs efficiently. Commission Member Tantillo raised a question about the legal distinction between committees, commissions and boards. Commission Members discussed the distinctions. Commission Member Simonofsky spoke in opposition to the proposed change to C-57(H). A legal opinion was requested relating to the differences between boards, commissions and citizens' committees.

Chair Mihm recognized Deputy CE Kelly who spoke about the County Executive's position on the proposed revisions to the budget process. Commission Member Rodriguez noted that the federal and state budget are generally in place by July. Deputy CE Kelly noted in order for the County Executive to give the Executive budget to the Legislature, they need the time to do so. Deputy CE Kelly noted that Ulster County's budget is already due a month earlier than surrounding counties. Deputy CE Kelly noted that they are proposing that in the first Friday of

August, the departmental budget estimates will be transmitted to the CE and Legislature, but the estimates will not include revenues or benefits. Deputy CE Kelly explained that 60 days before the budget is due, the Legislature would get a preview of the budget. Deputy CE Kelly proposed that the budget hearing schedule should remain the same. Commission Member Rodriguez noted that it is still a hard timeline for the Legislature. Commission Member Donaldson noted that the Legislative body could find other ways to pick apart the budget.

Commission Members discussed scheduling an extra meeting and decided on Wednesday, May 24, 2023 at 5:00 PM.

Motion No. 2: 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, Rodriguez, Donaldson, McCarthy, Parker

Voting against: None.

Disposition: Motion No. 2 passed 8-0.

Meeting adjourned at 6:56 PM.

Meeting minutes prepared by Assistant County Attorney Dante De Leo