

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

**Date/Time:** May 4, 2023 at 4:00 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  
D. Mici Simonofsky  
Hector Rodriguez  
Frank Cardinale  
Fawn Tantillo  
Brian Woltman  
Shannon Harris  
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** David Donaldson

**Quorum:** Yes

**Other Attendees:** Tracey Bartels, Chair, Ulster County Legislature  
Victoria Fabella, Clerk, Ulster County Legislature  
Phil Erner, Ulster County Legislator  
Christopher Ragucci, Counsel, Ulster County Legislature  
Ashley Torres, Commissioner, Board of Elections  
Johanna Contreras, Deputy County Executive  
Laura Nordstrom, Director of Research and Operational Programs,  
County Executive's Office  
Charles Dinstuhl, Deputy Comptroller  
Dare Thompson, League of Women Voters – Mid-Hudson Region  
Cynthia Bell, League of Women Voters – Mid-Hudson Region  
Jim Gellman  
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 4:15 PM.

---

**Motion No. 1: Motion to Approve the April 17, 2023 Meeting Minutes**

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, Woltman, Harris, McCarthy

Voting against: None

**Disposition: Motion No. 1 passed 8-0.**

---

**Public Comment:** Chair Mihm recognized Deputy Comptroller Charles Dinstuhl who advised the Commission that the Comptroller was unable to attend the meeting and requested that the Commission delay acting on the Comptroller's recommendations.

Commission Member Frank Cardinale joined the meeting at 5:18 PM.

Chair Mihm recognized Tracey Bartels, Chair, Ulster County Legislature, who presented her proposed Charter revisions to the Commission, including but not limited to the following:

- Commission Members discussed Chair Bartels' request that the 10-year period set forth in Section C-5(B) remain unchanged. Chair Bartels proposed that future Commissions be convened on April 15, to fix the time pressure relating to the ballot. Commission Member Rodriguez agreed with a date certain, and proposed March 1. Chair Bartels said she was not opposed to March 1 but noted that an April date would give a new County Executive more time. Commission Member Woltman suggested adding language that the calling of a special Commission would not change the timing of the regular Commission requirement. Commission
- Chair Bartels recommended that the number of required public hearings under C-5(B)(4) be increased from 1 to 2. Commission Member Simonofsky asked if there was a preference for 3 public hearings. Chair Bartels was okay with 2 or 3.
- Commission Members discussed the proposed revision relating to clarifying the references to "Clerk" in the Charter. Vicky Fabella, Clerk, Ulster County Legislature spoke in favor of the proposed revision.
- Chair Bartels proposed adding a definition for "departmental estimates" in C-6. Commission Member McCarthy noted that the Comptroller already requested a definition of "departmental estimates" and the Commission voted on it on March 9. Commission Member Tantillo noted that the County Executive proposed replacing the word "estimates" with "requests." Chair Bartels voiced her opposition to the CE's proposal.

Commission Member LeShawn Parker arrived at 4:38 PM.

Chair Bartels continued presenting her proposed revisions, including but not limited to the following:

- Chair Bartels explained that the deletion of the word “a” in C-20(A) would reflect the current practice of having more than one Legislative Counsel.
- Chair Bartels and Commission Members discussed the proposed deletion of C-25(P) which empowers the County Executive, among other things, “to conduct studies and investigations” and “appoint citizens’ committees, commissions and boards.”
- As to C-29(D) Chair Bartels agreed that it needed to be addressed but expressed concern with having an appointed County Executive serving for a protracted period of time. Commission Member Rodriguez noted that the Legislature used to approve all Deputy County Executives and opined that special elections are “small d” not democratic. Chair Bartels spoke in support of the recommendation that the same requirements that apply to the County Executive apply to the succession list.
- Commission Members discussed the proposed changes to C-29(G). Chair Bartels noted that there is no requirement that Deputy County Executives be on the succession list. Commission Member Rodriguez noted that in the past, successors had been approved by the Legislature. Commission Member Tantillo questioned whether successors should be subject to the 3-year residency requirement proposed for the County Executive.
- As to the proposed change to C-34(A), advancing the release date for the proposed budget to the first or second Friday in September, Commission Member Woltman proposed setting a fixed date, such as 8/31, for clarity.
- As to the proposed change to C-34(B), requiring the statement of actual expenses and actual revenues for 3 years as opposed to 1 year, Chair Bartels noted that 3 years helps the Legislature see trends. Commission Member Tantillo noted that all of the years are available online.
- As to C-37, Commission Member Woltman noted that it should be a “legislative” committee. Chair Bartels said she will come back with new language.
- Chair Bartels spoke in support of the proposed change to C-40(A) requiring the County Executive to notify the Legislature of salary transfers within 30 days prior to such transfer. Commission Member Tantillo asked about alternative work schedules which bump salaries. Chair Bartels stated that she chose not to address alternative work schedules as they are an important tool for department heads.
- Commission Members discussed the proposed revision to C-41, striking the requirement that the Commissioner of Health be a licensed physician. Chair Bartels said that she could give the Commission more information, including examples from other counties. Chair Bartels noted that being a licensed physician does not necessarily qualify someone to be a public health director.

- Chair Bartels spoke in support of her proposed revision to C-46 to change the selection process for the Planning Director from being selected by the Executive from a pool of candidates put forth by the Planning Board to being appointed by the Executive. Chair Bartels said that a pool of candidates is a severe limitation and noted that she wants the Executive to have the latitude to find the best person for the job. Commission Member Rodriguez took the position that the Planning Board should be involved in the selection process but that the Commission could debate the number of candidates included in the pool (e.g., 3 or 10). Commission Member McCarthy agreed and noted that he is a member of the Planning Board. Commission Member McCarthy questioned the need for the change when the Legislature could deny the Executive's selection in either case. Chair Bartels noted that the current Planning Director was not chosen from a pool and suggested a compromise could be to have the Planning Board involved in the selection process, but not leading it.
- As to the proposed revision to C-57(H) to delete language giving the Comptroller the authority to "appoint citizens' committees, commissions, and boards," Chair Bartels noted that the Comptroller does not agree with the proposal. Chair Bartels stated that such authority is outside the scope of the Comptroller's duty and steps on legislative power.
- As to the proposed revision to C-63(4), to replace "personal property" with "tangible property," Assistant County Attorney Richard Williams advised the Commission that "personal property" is a legal term of art.
- As to the proposed revision to C-77, to remove the language requiring the Public Defender to "devote full working time to the duties of the office," Chair Bartels noted that there is a discrepancy in pay between the PD and the District Attorney, and that in the past department heads have been allowed to have part-time jobs. Commission Member Rodriguez noted that the reason for such language was that the prior PD was not devoting enough time to the duties of the office. Commission Member Tantillo voiced her concern with the PD taking private clients and noted the potential for conflicts.

Commission Member Harris asked Chair Bartels if all of the recommendations had been vetted by the entire Legislature. Chair Bartels responded no, but that the bulk of the recommendations were agreed to by the Majority and Minority Leaders.

Chair Mihm recognized Johanna Contreras, Deputy County Executive, who presented the County Executive's proposed changes to the Charter, including but not limited to the following:

- As to C-28, requiring every board member of a County board to complete ethics training within 1 year of employment, and every year thereafter, Commission Member Woltman asked whether "appointment" was meant instead of "employment." Commission Member Tantillo said she hoped such training would be available electronically.
- As to the proposed revision to C-33, including the proposal to replace "departmental estimates" with "departmental requests," Deputy County Executive Contreras advised the Commission that the goal is to work with the Legislature and agree on language.

- As to the proposed revision to C-41, relating to the removal of the requirement that the Commissioner of Health be a physician, Deputy County Executive Contreras advised the Commission that the CE's Office agrees with Chair Bartels. Deputy CE Contreras explained that there is a shortage of physicians, and the Commissioner of Health would be required to have a consulting physician on staff either way.
- As to the proposed revision to C-45, relating to the Community Services Board, Deputy County Executive Contreras noted that the change is to align the section with state law.
- As to C-46, relating to the selection process for the Director of Planning, Deputy County Executive Contreras advised the Commission that the County Executive agrees with Chair Bartels.
- Commission Members and Deputy County Executive Contreras discussed the proposed revision to C-47 striking the language "or County Legislature." Deputy CE Contreras explained that the language creates confusion if the Director of Planning (or other department head) is subject to the directions of both the County Executive and the Legislature.
- As to C-100(A), Commission Member Tantillo pointed out that the language "serve at their pleasure" was confusing as to whether the Director of Human Rights serves at the pleasure of the County Executive or the Legislature.
- As to C-100(B), Deputy County Executive Contreras explained that the prior language was unclear as to the powers and duties of the Chair of the Human Rights Commission versus the Director.
- As to C-101(B), Deputy County Executive Contreras explained that the proposal is that the Chair and Director of the Human Rights Commission be the same person. Commission Member Tantillo expressed concern and noted that other County boards do not do this. Deputy CE Contreras advised the Commission that the proposal follows the model in Dutchess County. Commission Member Rodriguez noted that the Human Rights Commission submitted a proposal that is the opposite of the CE's proposal. Commission Member Tantillo raised a concern that the last sentence of the section does not clarify what happens if someone leaves in the middle of their term.
- As to Recommendation 12, regarding the creation of a Department of Weights and Measures in the Charter, Commission Members questioned where the Department was addressed in the Administrative Code. Assistant County Attorney Williams advised the Commission that the Department is under Article 24 in the Admin Code under Consumer Fraud Bureau, and previously was in the Charter under the Consumer Fraud Bureau. Commission Member Woltman raised the issue regarding the unclear "serve at their pleasure" language.

Chair Mihm recognized Ashley Torres, Commissioner, Board of Elections, who spoke on behalf of the Board of Elections in support of their proposed revisions to Section C-29(D) and (E). Commissioner Torres noted that the 7 days matched the time period set forth in NYS Election

Law Section 6-116. Commission Members discussed concerns about whether 7 days was enough time for candidates to gather signatures. Commissioner Members considered 21 or 30 days. Commissioner Torres advised the Commission that they could change the day count. Chair Mihm expressed support of 21 days.

---

**Motion No. 2:            Motion to Adjourn**

Motion made by:        Commission Member Hector Rodriguez

Seconded by:           Commission Member Mici Simonofsky

Discussion:              None.

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

Voting against:         None.

**Disposition:            Motion No. 2 passed 10-0.**

---

Meeting adjourned at 6:22 PM.

Meeting minutes prepared by Assistant County Attorney Dante De Leo