

5/4/2023

Drew Boggess, Chair
Ulster County Planning Board
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Ulster County Charter Commission
Kathy Mihm, Chair
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P.O. Box 1800
244 Fair St
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Dear Ulster County Charter Commission:

On behalf of the Ulster County Planning Board, I offer these comments to the Charter Commission for consideration. These comments are in response to the proposed changes to the Ulster County Charter offered by the County Executive on May 1, 2023. The County Planning Board members adopted resolution unanimously on May 3, 2023 requesting and authorizing myself, as Chair, to transmit these comments and concerns regarding the changes.

We understand the County Executive has offered a change in existing language regarding **§ C-46 Appointment of Director of Planning** and **§ C-47 Powers and duties of Planning Board and Director**. The County Planning Board members are in opposition to this change and reiterate our position made in person to the Charter Commission at the February 2023 meeting. We request the Charter Commission consider the reasoning and history of the current language carefully before proposing change to the process for appointment of the Director of Planning.

Our reasoning for this opinion is as follows.

1. **NYS General Municipal Law, Article 12-B** enables the County to create a County Planning Board. Ulster County has created a very unique County Planning Board comprised of 25 member representatives, one representative from each town and village and two from the City of Kingston. This model works well, as a diverse set of individuals makes for a very effective and efficient Board representative of the entire county. The **Ulster County Charter § C-50, Additional powers and duties of Planning Board**, authorizes the County Planning Board *"To consult with and advise the Director of Planning in the performance of his or her duties."* As such the Planning Director and the County Planning Board have a unique collegial relationship and each must work together to achieve the goals of the County, but more importantly, the goals and planning needs of each community.

2. The Planning Director advises and assists all communities. By having the Planning Board make 3 recommendations for appointment, provided the minimum requirements of the position are met, allows every community to be a part of selecting the person the community will be working with. The duties of the Planning Director, as defined, mandate a relationship on a county-wide basis of collaboration with communities, residents, non-profits, and businesses. Changing this could greatly diminish the duties of the Planning Board, as the Charter envisioned.
3. We believe the existing language allows the County Executive to have the power of selecting the Planning Director position and that person serves at the pleasure of the County Executive. Inherent in these words is a check and balance for the Executive branch of government, while allowing the Planning Board some discretion as to who they will be working with. Quite simply, the Planning Board works well due to the existing wording and process of appointment of both the Planning Board members and the Director. Change would potentially cause direction only at the behest of the Executive, rather than the communities. This could lead to unintended consequences and by keeping the Planning Board's role in selection allows the county wide responsibilities to be considered.
4. Regarding **§ C-47**, the Planning Board believes the Legislature, as an equal and independent branch of government, should have the ability to request additional duties of the Board and the Director. Although not often utilized, the ability to request is important to their ability to function in their prescribed role.

The County Planning Board thanks you for your consideration of our comments. Should you require further information or have further questions, please feel free to reach out to me.

Sincerely,

Drew Boggess

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Ulster County Planning Board