

**Laws and Rules, Governmental Services Committee
Meeting Minutes**

DATE & TIME: December 15, 2014 – 6 PM
LOCATION: Karen L. Binder Library, 6th Floor, COB, Kingston, NY
PRESIDING OFFICER: Chairman Richard Parete
LEGISLATIVE STAFF: Fawn A. Tantillo, Sr. Legislative Employee and Jay Mahler, Deputy Clerk
PRESENT: Legislators Lynn Archer, David Donaldson, Kevin Roberts, Kenneth Ronk, Jr. and Legislative Chairman John Parete
ABSENT: None
EXCUSED: None
QUORUM PRESENT: Yes
OTHER ATTENDEES: Legislators Jeanette Provenzano and Tracey Bartels; County Executive Mike Hein (7:55); Ulster County Sheriff Paul Van Blarcum; Legislative Counsel Cappy Weiner; Minority Counsel Erica Guerin; Kenneth Crannell, Deputy County Executive; Dorraine Whitney, UC Insurance; Tracy Steeves, County Attorney’s Office; Ellen Reinhard, Tobacco Free Action Coalition of Ulster County (TFAC); Cheryl DePaolo, Ulster Prevention Counsel; Victor Melville, League of Women Voters (LWV), Jay Mahler, Deputy Clerk of the Legislature, Patricia Doxsey, Reporter

Legislator R. Parete called the meeting to order at 6:00 PM.

There was a discussion to hold off on the approval of the November minutes until the next meeting.

Motion No. 1: Resolution No. 453 - Establishing A Policy For The Attendance Of Conferences And Educational Training By Officers And Employees Of Ulster County

Motion Made By: Legislator Ronk
Motion Seconded By: Legislator Archer

Discussion: Legislator Ronk noted the County Charter and Administrative Code specifically gives the Chairman of the Legislature the power to approve conference attendance. He believes any policy developed should apply to all departments including the County Executive's office. He suggested the resolution be postponed to allow time to discuss the policy.

Legislator Donaldson believes elected officials are answerable to the public and department heads are answerable to the County Executive. He thinks this proposed policy micro-manages the operations of these agencies. He believes the legislature can control how much is spent on conferences when they establish the budget and should let those elected officials and department heads make decisions and manage their department.

Legislator Archer thinks it is appropriate to set a policy to insure elected officials and department heads are cognizant of what is appropriate. She felt it was important to review what is being approved from time to time to insure a policy is being followed.

Chairman Richard Parete acknowledged that the Administrative Code sets a policy for Legislators and if this resolution is adopted as it is now it would create 3 policies. He feels there should be one policy for the rest of the County. He was also concerned that one department could veto another department going to a conference and then send someone to that conference themselves. He felt there needs to be an appeal process if there is a denial.

Sheriff Van Blarcum doesn't like this proposed policy. He explained that he plans for conferences and training in his budget and has been very open and honest about it. He described his department's diligence to save money, using video conferencing, finding local alternatives, and affordable travel and hotel accommodations. He works with other departments in planning conference attendance that is mutually beneficial and gave an example of a conference that would help Information Services implement some programs, his office paid for them to attend a conference with his staff at no cost to the taxpayers because

Legislator Roberts supports postponing the resolution and having a meeting to develop a better policy.

Motion to Postpone made By: Chairman Richard Parete

Motion to Amend Seconded By: Legislator Ronk

Discussion: There was a brief discussion on the recent history of this issue with general agreement that Legislators were pleased the County Executive had finally found a way to assume the cost.

On the Motion to Postpone:

Roll Call Vote: No
Voting In Favor: Legislators R. Parete, Archer, Roberts, Ronk and
Legislative Chairman John Parete
Voting Against: Donaldson
No. of Votes in Favor: 5
No. of Votes Against: 1
Disposition: Carried

Motion No. 3: **Resolution No. 454 - Calling Organizational Meeting Of 2015**

Motion Made By: Legislator Archer
Motion Seconded By: Legislator Donaldson

Discussion: Legislator Ronk asked to change the date and time of the meeting from the proposed Tuesday January 6th date.

Legislator Donaldson noted that the meeting must be held on or before January 8th.

There was a brief discussion of changing the meeting to Monday , January 5th or Wednesday January 7th.

Motion to Amend: Legislator Donaldson made a motion to change the time to 7:00 and leave the date the same.

Seconded by: Legislator Archer

Discussion of the Amendment: Legislator Ronk said he would agree for now but wanted to discuss it in Caucus.

On the Amendment:

Roll Call Vote: No
Voting In Favor: Legislators R. Parete, Archer, Donaldson, Roberts, Ronk
and Legislative Chairman John Parete
Voting Against: None
No. of Votes in Favor: 6
No. of Votes Against: 0
Disposition: Carried

On the Resolution as Am mended

Roll Call Vote: No
Voting In Favor: Legislators R. Parete, Archer, Donaldson, Roberts, Ronk and Legislative Chairman John Parete
Voting Against: None
No. of Votes in Favor: 6
No. of Votes Against: 0
Disposition: Carried

Motion No. 4: **Resolution No. 456** - Adopting Proposed Local Law No. 11 of 2014, A Local Law Amending Local Law No. 10 Of 2008 (A Local Law Adopting An Administrative Code For The County Of Ulster, State Of New York), To Provide Status Of Contract Negotiations

Motion Made By: Legislator Ronk
Motion Seconded By: Legislator Roberts

Ronk felt a policy was needed to insure the Legislature is informed about progress on contract negation rather than simply being asked to approve contracts once they are settled. This would, among other things, give the Legislature time to prepare for possible budget increases. He noted this was not reflection on the current County Executive.

There was a discussion on the role of the Legislature and the Executive in contract negotiations, the need for negotiations to be confidential and other issues around recent events.

Roll Call Vote: No
Voting In Favor: Legislators R. Parete, Archer, Roberts, Ronk and Legislative Chairman John Parete
Voting Against: Donaldson
No. of Votes in Favor: 5
No. of Votes Against: 1
Disposition: Carried

Motion No. 5: **Resolution No. 411** - Approving The Execution Of A Contract Amendment In Excess Of \$50,000.00 Entered Into By The County – NCACOMP, Inc. – Insurance Department

Motion Made By: Legislator Archer
Motion Seconded By: Legislator Donaldson

Chairman Richard Parete introduced Dorraine Whitney from UC Insurance who gave a report on the savings the county realized from this program.

Roll Call Vote: No
Voting In Favor: Legislators R. Parete, Archer, Donaldson, Roberts, Ronk and Legislative Chairman John Parete
Voting Against: None
No. of Votes in Favor: 6
No. of Votes Against: 0
Disposition: Carried

Motion No. 6: **Resolution No. 466** - Confirming Re-Appointment Of Member To The Ulster County Board Of Ethics

Motion Made By: Legislator Archer
Motion Seconded By: Legislator Donaldson

Discussion: None

Roll Call Vote: No
Voting In Favor: Legislators R. Parete, Archer, Donaldson, Roberts, Ronk and Legislative Chairman John Parete
Voting Against: None
No. of Votes in Favor: 6
No. of Votes Against: 0
Disposition: Carried

Motion No. 7: **Resolution No. 408** - Setting A Public Hearing On Proposed Local Law No. 16 of 2014 (A Local Law Establishing An Automatic Re-Canvassing Procedure In And For The County Of Ulster, State Of New York) To Be Held On Tuesday, January 6, 2014 At 6:45 PM

Motion Made By: Legislator Ronk
Motion Seconded By: Legislator Donaldson

Discussion: Legislator Ronk discussed a recent recount in an election in which 33,000 votes were cast and the winner was declared by just 38 votes. He had new understanding about the intricacies of the new voting regulations and new knowledge about what was counted and not counted by the op-scan machines. He told the committee that Columbia County has a mandatory hand recount of all op-scan ballots. The result changed by 9 votes.

Legislator Ronk would like more discussion with Ulster County Election staff about what would be involved in a recount, what would trigger a recount as well as the expense for both candidates and the County.

There was a discussion about how the triggers in the proposed resolution were established, the need to establish voter intent and the current policy that does not allow a hand recount even when candidates are in a dead tie.

Legislator Ronk reminded the committee that in Ulster County the absent-t and affidavit ballots are counted by hand but in some counties they are also counted by machine.

Legislator Donaldson supported the Local Law but wanted it to be in place by Election day.

Motion to Amend: Legislator Donaldson made a motion to change the date to February 17, 2015 at 7:00.

Seconded by: Legislator Archer

Discussion: None

On the Amendment:

Roll Call Vote: No

Voting In Favor: Legislators R. Parete, Archer, Donaldson, Roberts, Ronk and Legislative Chairman John Parete

Voting Against: None

No. of Votes in Favor: 6
No. of Votes Against: 0
Disposition: Carried

On Resolution 408 as Amended

Roll Call Vote: No
Voting In Favor: Legislators R. Parete, Archer, Donaldson, Roberts, Ronk and Legislative Chairman John Parete
Voting Against: None
No. of Votes in Favor: 6
No. of Votes Against: 0
Disposition: Carried

Motion No. 8: **Resolution No. 344 -** Setting A Public Hearing On Proposed Local Law No. 12 of 2014 (A Local Law Regulating The Use Of Polystyrene Foam Disposable Food Service Ware By Food Service Establishments In Ulster County) To Be Held On Tuesday, January 6, 2014 At 6:35 PM
Motion Made By: Legislator Donaldson
Motion Seconded By: Legislator Archer

Legislator Bartels, sponsor of the Resolution, asked that the Public Hearing be changed to February 17, 2015

Motion to Amend: Legislator Ronk made a motion to change the date to February 17, 2015 at 7:05.
Seconded by: Legislator Archer
Discussion: None

On the Amendment:

Roll Call Vote: No
Voting In Favor: Legislators R. Parete, Archer, Donaldson, Roberts, Ronk and Legislative Chairman John Parete
Voting Against: None
No. of Votes in Favor: 6
No. of Votes Against: 0
Disposition: Carried

Discussion: Legislator Bartels said this Resolution was modeled after Albany County, San Jose, CA and other places around the country. She explained that the major difference between this resolution and one sponsored by fellow Legislator Provenzano was the inclusion of more than chain food establishments. She told the committee that the Energy & Environment committee felt this was more comprehensive and such a regulation should include all food establishments.

Legislator Bartels discussed details of the Proposed Local Law, how businesses could opt out, allowing biodegradable alternatives and the use of polystyrene when a business could show there were no other options available.

Legislator Ronk was concerned that in order to get an exemption, business would be required to provide tax records.

Legislator Bartels noted that in many places that have these regulations, no business requested exemptions because acceptable alternatives are priced competitively with polystyrene products. She described the research she did in Ulster County and reported that many businesses have already dropped polystyrene.

There was a detailed discussion of the most recent changes to the Proposed Local Law. Legislator Bartels was eager to move to a public hearing and get public input and suggested changes could be made after the public hearing.

Counsel Weiner raised a question about “Section 7: Penalties” of the Proposed Local Law. He noted that the current wording was not clear as it referred to punishments for a second violation when it is made by a chain store. He suggested some wording changes to clarify that section.

Motion to Amend: Legislator Donaldson offered the following changes:
Change part 3. B. to read “Third and Subsequent Offense. Any Chain Food Service Establishment or Food Service Establishment guilty of a third or subsequent offense shall be guilty of **an unclassified** misdemeanor and shall be fined an amount not to exceed one thousand (\$1,000) dollars.”

And add the wording “**For the purpose of this section, each physical location or establishment shall be treated individually, and offenses and fines for separate locations shall be considered individually.**” at the end of the end of that section.

Seconded by: Legislator Archer

Discussion: Legislator Bartels, sponsor of the Proposed Local Law was fine with this change.

On the Amendment:

Roll Call Vote: No
Voting In Favor: Legislators R. Parete, Archer, Donaldson, Roberts, Ronk and Legislative Chairman John Parete
Voting Against: None
No. of Votes in Favor: 6
No. of Votes Against: 0
Disposition: Carried

Legislator Roberts expressed concerns about several changes and felt details should be ironed out before scheduling a public hearing therefore he opposed setting a public hearing at this time.

Roll Call Vote: No
Voting In Favor: Legislators R. Parete, Archer, Donaldson, Ronk and Legislative Chairman John Parete
Voting Against: Roberts
No. of Votes in Favor: 5
No. of Votes Against: 1
Disposition: Carried

Motion No. 9: **Resolution No. 314 - Setting A Policy For County Owned Vehicles To Utilize Alternative Fuel Sources**

Motion Made By: Legislator Ronk
Motion Seconded By: Legislator Donaldson

Legislator Bartels, Chairman of the Energy and Environmental Committee that recently passed this Resolution regretted her vote to do so and asked that it be referred back to her committee. She supports the concept and encourages the use of alternative fuels but she feels the plan and policy should be finalized before the resolution moves forward.

Legislator Ronk felt the Legislature shouldn't craft a policy until they can determine what that policy should be and direction to move in. He feels this resolution only authorizes a pilot program that will provide data and information about what will work, what direction

the county wants to pursue and then the Legislature can craft a policy. He urged the committee to move forward with the pilot project.

Chairman Richard Parete said many municipalities have policies in place for solar and other alternative energy options. He feels Ulster County is way behind in using alternative energy and this will be a good start. These alternatives work in other places and it is no longer untested – it works.

Legislator Archer has a problem with continuing to use fossil fuel when we are trying to “green” the fleet. She suggested postponing the resolution for a month or so to get more information.

Legislator Donaldson noted this has been discussed for months. He doesn’t feel it is possible to completely eliminate the use of fossil fuel and this proposed program is projected to cut emissions by 60%. Many other businesses and municipalities have done this and made it work. It is only a Pilot project and it makes sense to move ahead with it.

Chairman John Parete said this proposed pilot has been well thought out. When he first proposed this almost a year ago, Sheriff Van Blarcum was the only one to step forward and was eager to be part of a pilot. He reported that Ulster County purchased 150 vehicles since 2010 with no policy and this is only a pilot for the conversion of a 5 vehicles. This is only a study – lets see if it works.

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| Roll Call Vote: | No |
| Voting In Favor: | Legislators R. Parete, Donaldson, Roberts, Ronk and Legislative Chairman John Parete |
| Voting Against: | Archer |
| No. of Votes in Favor: | 5 |
| No. of Votes Against: | 1 |
| Disposition: | Carried |

Motion No. 10: **Resolution No. 458 -** Establishing A Policy Against Suspicionless Warrant Checks At The Entrance Of Certain County Buildings

Motion Made By: Legislator Richard Parete
Motion Seconded By: Legislator Archer

Sheriff Van Blarcum told the committee that since this issue was raised, he suspended warrant checks. He is the only county official to reach out to the NYS Attorney

General's office for an opinion. He suspended the practice until he gets that opinion. IF the Attorney General's office agrees with the NYS Sheriff's Association opinion that he is doing nothing wrong, he will start checking people again. If the NYS Attorney General feels it is wrong, he will not do the warrant checks.

Sheriff Van Blarcum was disturbed by the wording in the resolution: "the Ulster County Legislature has further determined that suspicionless warrant checks are not necessary to ensure the safety of the employees and users of County buildings". He would like details of how this was "determined". He noted his office made 30 arrests in 20 days using new technology that made that possible.

Sheriff Van Blarcum also questioned if the Legislature could set policy for the Sheriff, an independently elected official. He felt the Legislature could set policy for a building but could not set policy for how he provides security to that building. He hopes it doesn't come to a point where he has to challenge this.

Legislator Bartels outlined the brief history of this issue and why she felt it was important for the Legislature to set a policy by the end of the year. She tried to keep the resolution simple and was not trying to micromanage the Sheriff's office.

Legislator Bartels described a conference call with the Sheriff and Legislator Gerentine, Chairman of Ways and Means and it was her understanding that his policy did not prevent the Sheriff's Office from checking for warrants when they had some suspicion but only prevented them from checking everyone entering a particular county building.

Legislator Bartels takes Sheriff Van Blarcum at his word and believes he will suspend the policy for the time being but she felt it should not be continued under any circumstances and noted the opinion of the NYS Attorney General was just one attorney's opinion.

Legislator Ronk felt it would be better to hold off and do one policy to cover building security in general rather than doing it piece meal. He noted there are cases pending against some individuals the Sheriff picked up in warrant checks at Social Service and expressed concern that this resolution could negatively impact those cases.

Legislator Ronk wanted to hold off until they get an opinion from the NYS Attorney General. He felt it may just be one attorney's opinion in some ways the opinion of the NYS Attorney General is the ranking Attorney in the State and carries significant legal weight.

There was a detailed discussion about the warrant checks, the changing nature of providing security in public buildings, the changing technology to do warrant checks, the

contract between the Sheriff and the County Executive, who has jurisdiction, what policies the Legislature wants to put in place and how to proceed.

Motion to Amend: Legislator Ronk moved to postpone the resolution until it can be discussed in a joint meeting with Ways & Means.

Seconded by: Chairman John Parete

Discussion: None

On the Amendment:

Roll Call Vote: No

Voting In Favor: Legislator Ronk and Legislative Chairman John Parete

Voting Against: Legislators R. Parete, Archer, Donaldson and Roberts

No. of Votes in Favor: 2

No. of Votes Against: 4

Disposition: Failed

Roll Call Vote: No

Voting In Favor: Legislators R. Parete, Archer, Donaldson

Voting Against: Legislator Roberts, Ronk and Legislative Chairman John Parete

No. of Votes in Favor: 3

No. of Votes Against: 3

Disposition: Failed

New Business

Legislator Ronk wanted the committee to be thinking about Charter Changes and hoped to begin serious discussions about them at the first meeting next year.

Legislator Archer suggested scheduling a meeting specifically to address Charter Changes.

Old Business

Legislator Provenzano introduce Ellen Reinhard, Tobacco Free Action Coalition of Ulster County (TFAC) and Cheryl DePaolo, Ulster Prevention Counsel. She brought up Resolution No. 367 that would create a tobacco free school zone regarding the sale of tobacco near a school. She was frustrated that some Legislators had not called her directly and were holding it up asking for a more detailed map. She asked Ken Crannell to explain the mapping. She noted that that the Local Law would not take effect until January 2016 and businesses and schools could open and/or close in that year.

Chairman Richard Parete pointed out that the State of New York regulates and licenses the sales of tobacco products. He also noted that most schools have closed campuses and most students ride school busses. He feels students are most often in these stores with their parents. He feels this proposal is not about selling cigarettes it was about creating zoning. He wondered how property owners would be notified. He also was disturbed that some businesses, who sell tobacco products now, would never be able to sell tobacco products while their competitors a few feet away will.

Legislator Provenzano pointed out that the resolution is to set a public hearing and she wanted to hear what the public thinks. She felt the committee overstepped its authority by blocking the public hearing.

County Executive Mike Hein briefly interrupted the discussion to deliver a box of candy and wish the members a happy holiday.

Legislator Donaldson said the committee had a responsibility to consider the legality and effectiveness of proposed local laws. While he feels smoking is not good he noted it is legal. He doesn't feel this proposed Local Law will have any effect. How many businesses within 1000 have actually violated the law and sold tobacco products to minors? Why not pass it for the entire county?

Deputy Executive Crannell discussed the map and noted it was done just to estimate how many businesses might be in the proposed zones. He agreed with Legislator Provenzano the map represented only a spot in time and things could change. He discussed a flyer from the NYS Health Department on what local counties can do to prevent students from smoking and this was one recommendation. He noted that some students had even thanked the County Executive for protecting them from being exposed to Big Tobacco Companies.

Legislator Archer felt that even if it only protects a small number of students it would be a good thing. She wanted to hear from Reinhard and DePaolo.

Legislator Ronk said many concerns are still in the air and questions unanswered including if this constituted zoning. He asked Counsel to elaborate.

Counsel Guerin shared concerns about proper notice for zoning changes and noted that maps must be available for public comment upon as a part of due process.

Deputy Executive Crannell said he saw no problem adopting the policy then making maps to be adopted by the Legislature afterward. He disagreed that it was zoning.

Counsel Weiner said that he believes it is zoning and noted it creates a Tobacco Free Zone. He said all three Legislative Attorneys agree it may be a taking and would like more information. They feel the Local Law needs to be tightened up.

Chairman Richard Parete noted that if a neighbor is subdividing their property they are required to notify properties around them so they can make public comment. He believes the same standard should apply to this. If a property owner could sell or rent his building to a business that sells tobacco today and will not be able to sell it to that same business tomorrow – he should have a chance to weigh in.

Chairman John Parete questioned Deputy Carnnell claim that it was not possible to create a detailed map showing these proposed school zones. He displayed and discussed other maps that clearly show special districts. This is more than a spot of time. If this Local Law makes it to the floor, he will offer to amend it to apply to the entire county. He would like to list the businesses that sell to minors illegally.

There was a general discussion about the proposed Local Law, alternatives that would go further, and problems with the limits of this proposal.

There being no further business before the Committee, a motion was made by Legislator Donaldson, seconded by Legislator Ronk and carried to adjourn the meeting at 7:08 PM.

Respectfully submitted this 21st day of December, 2014
Fawn A. Tantillo, Senior Legislative Employee
Minutes Approved on February 10, 2015.