

Laws and Rules, Governmental Services Committee
Meeting Minutes

DATE & TIME: June 16, 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
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 Tracey Bartels, Manna Jo Greene (arrived at 6:37), Legislative Counsel Cappy Weiner (arrived at 6:35 Legislative Minority Counsel Erica Guerin, Deputy County Executive Ken Crannell (departed at 7:20) , Tom Kadgen and Vic Melville, League of Women Voters.

Legislator R. Parete called the meeting to order at 6:02 PM.

Motion No. 1: Motion to approve the April 14, 2014 meeting minutes
Motion Made By: Legislator Roberts
Motion Seconded By: Legislator Ronk
Discussion: None
Roll Call Vote: No
Voting In Favor: Legislators R. Parete, Archer, Donaldson, Roberts, Ronk and J. Parete
Voting Against: None
No. of Votes in Favor: 6
No. of Votes Against: 0
Disposition: Carried

Motion No. 2: Resolution No. 54.1 – June 17, 2014

Text of Motion: Resolution No. 54.1 - Amending The Rules Of Order To Require Participation On Standing Committees

Motion Made By: Legislator Ronk

Motion Seconded By: Legislator Roberts

Resolution No. 54.1 Summary: This Resolution would amend the Rules of Order to require all County Legislators to serve on Standing Committees to which they are appointed by the Legislative Chairman and established a time line for communication between the Chairman of the Legislature and the Majority and Minority Leaders

Discussion: Legislator R. Parete noted that this Resolution has been discussed at length by the committee and was referred back to them at the May Legislative Session.

Legislator Donaldson stated that he still feels this rule change is unnecessary. He felt that over regulating and micromanaging the process to this extent would lead to more problems than it will solve.

Legislator Ronk disagreed. He said many Legislators support these changes and this change deserved a vote by the full Legislature and he believes it has the votes to pass. It was referred back to this committee because members of the Democratic Caucus wanted changes but the few Legislators who do not support it made the referral in an effort to stall it hoping it will “die” in committee. He expressed disappointment that Legislators who expressed concerns and wanted changes last month when referring it back to committee didn’t take the time to come to this meeting or put their concerns in writing to anyone on the committee. He detailed special meetings held to discuss this rules change, outlined his openness to make changes and his efforts to insure everyone had an opportunity to weigh in. Legislator Ronk said if the Resolution fails in this committee tonight he was prepared to execute another Petition to Discharge and suggested the committee discuss any legitimate changes the Democratic Caucus wanted.

Legislator Bartels agreed that this rules change appeared to have the votes to pass and the Democratic Caucus came to a consensus that changes were needed. She shared Legislator Ronk’s frustration that the Legislators that proposed changes did not send those proposed changes to him or anyone on the committee. One suggested change she remembered and felt was important was that prior to the Majority and Minority Leaders submitting their suggestions for committee assignments to the Legislative Chairman they needed to know what the committees were and how many seats on each committee were available.

There was a discussion about the pros and cons of Legislator Bartels suggested change and other the proposed changes.

Amendment offered by: Legislator Ronk

Insert a new section G (b) moving the current sections (b) and (c) to sections (c) and (d) respectively. The new section (b) will read as follows - Within seven (7) days after the Legislature's Annual Organizational Meeting, the Chairperson shall inform the appropriate Majority and Minority Leader of the whole number of seats available on each standing committee.

Amendment seconded by: Legislator Archer

On the Amendment:

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

On Resolution No. 54.1 as Amended:

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

Motion No. 3: Resolution No. 124 – June 17, 2014

Text of Motion: Resolution No. 124 - Setting A Public Hearing On Proposed Local Law No. 2 of 2014 (A Local Law To Provide For The Collection Of Village Real Property Taxes) To Be Held On Tuesday, July 15, 2014 At 7:00 PM

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

Resolution No. 124 Summary: This Resolution will set a public hearing to receive comments on a proposed Local Law to make the Villages in Ulster County whole for unpaid property taxes in the same manner Ulster County makes Towns and School Districts whole for unpaid property taxes.

Discussion: Legislator Ronk stated that he always supported a Public Hearing because he feels it is important for the public to be heard but is not sure he can support the proposed local law.

Legislator Donaldson said he supports the concept of the villages being made whole. He believes the county currently has sufficient staffing to execute the additional work load adding three villages would require.

Legislator Ronk asked if the County would become the tax collector for the villages as well as making them whole for delinquent taxes.

Legislative Chairman John Parete said no. He pointed out that the villages have their own tax collectors just as the Towns and School Districts do.

Legislator Archer asked for clarification on two issues. First she wanted to insure this was for more than just foreclosures and auctioning process and would allow the county to reimburse the towns for unpaid taxes. She was told that was correct. Her second question was if the County reimbursement would be retroactive.

Legislative Chairman John Parete assured the committee that any reimbursement would not be retroactive and would only cover delinquent taxes from the date any contract was signed moving forward.

There was a discussion about how the transition to this local law will be implemented; what happens to the delinquent taxes incurred before the local law is implemented; how the process works in other counties; the specific needs and problems of each village; how the county may be at risk and/or protected: what the potential cost and revenue to the county will be and various other details.

Legislative Counsel Weiner pointed out that the Local Law authorizes the Legislative Chairman to enter into a contract with each individual Village to implement this local law and assured the committee that these details will be spelled out in each situation. The agreements will be written in such a way to address the situations specific to each Village.

Legislator Roberts reminded the committee that the question before them tonight was to set a public hearing. He suggested they move forward with public comment then discuss and additional changes after that input.

Amendment offered by: Legislator Ronk

To make the language consistent throughout the proposed local law – replace all references to delinquent taxes or tax liens with the language “delinquent taxes on real property” and strike “tax lein”

Amendment seconded by: Legislator R. Parete

On the Amendment:

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

On Resolution No. 124 as Amended:

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

Committee Chairman Richard Parete noted that Resolution Nos. 157 and 191 were both memorializing resolutions and moved them both to the end of the agenda.

Motion No. 4: Resolution No. 159 – June 17, 2014

Text of Motion: Resolution No. 159 - Setting A Public Hearing On Proposed Local Law No. 3 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 Require Certain Resolutions Approving The Execution Of Contracts And Contract Amendments In Excess Of \$50,000.00 Entered Into By The County For Public Services Be Supplemented With Standardized Information Upon Filing) To Be Held On Tuesday, July 15, 2014 At 7:05 PM

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

Resolution No. 159 Summary: This Resolution will set a public hearing to receive comments on Proposed Local Law No. 3 of 2014 which would establish a requirement for standard supplemental information to be provided with certain county contracts.

Discussion: Legislator Archer asked if Legislative Counsel had an opportunity to meet with the Finance Department to discuss their concerns.

Legislative Counsel Weiner said he had not had a meeting but had received several emails and written correspondence; received a “model” from County Attorney Bea Havranek she asked to be considered; and had spoken to several legislators about their concerns.

Legislative Chairman John Parete pointed out that the public hearing had been postponed to give everyone an opportunity to weigh in and all of their comments were taken into consideration.

There was a brief discussion about some of the details of the proposed local law including how and when the information would be received or distributed.

Deputy Executive Crannell stated that his office currently provides the Legislative Clerk with the same exact information being required in this local law with each and every resolution they submit. He was surprised to learn that the backup information was not being distributed to every legislator and was only given to the standing committee of jurisdiction. He questioned why the Legislature would not want this information on all resolutions.

Legislator Ronk assured Deputy Executive Crannell that the Legislature appreciates this effort on the part of the current County Executive but wants to insure the Legislature receives the appropriate information as well as any and all requested information in the event of a change in leadership at some future date.

Legislator Ronk pointed out that there have been instances this year where the Legislature wanted clarification, requested information and did not received it before voting due to it being time sensitive.

Legislative Counsel Weiner pointed out that the original draft of this proposal did require information on all resolutions and the County Executive’s staff reacted with alarm stating that it would cost the county thousands of dollars because new staff would be required to comply with it. At the request of the County Executive and the County Attorney, the

resolution was modified. Counsel Weiner said the Legislature would appreciate if the County Executive's staff didn't stop providing backup information on resolutions.

Legislator Bartels questioned why contracts for Professional Services from independent contractors were exempt from the requirements for providing information.

Counsel Weiner said that in the discussions with the County Executive's office and the County Attorney, they felt this level of detail on every contract would be cost prohibitive.

Legislator Ronk pointed out that this Local Law would not prohibit Legislators for asking for more information before approving a contract for professional services.

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

Motion No. 5: Resolution No. 188 – June 17, 2014
Text of Motion: Resolution No. 188 - Reappointing – Commissioner Of Elections
Motion Made By: Legislator Ronk
Motion Seconded By: Legislator Archer

Resolution No. 188 Summary: This resolution will reappoint Commissioner of Elections Thomas Turco.

Discussion: There was a brief discussion about how the parties make these appointments and the timing of such a resolution.

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

Motion No. 6: Resolution No. 216 – June 17, 2014

Text of Motion: Setting A Public Hearing On Proposed Local Law No. 5 of 2014 (A Local Law Known As The Ulster County Best Value Procurement Law) To Be Held On Tuesday, July 15, 2014 At 7:10 PM

Motion Made By: Legislator Ronk

Motion Seconded By: Legislator Archer

Resolution No. 216 Summary: This Resolution will set a public hearing to receive comments on Proposed Local Law No. 5 of 2014 which would authorize the use of Best Value criteria when awarding purchase and service contracts consistent with section 103 of the New York State General Municipal Law and section 163 of the New York State Finance Law. Use of Best Value criteria is intended to provide the County greater flexibility in awarding contracts and ensure that the County obtains the highest quality goods and services at a low cost.

Discussion: There was a brief discussion about a letter Ulster County Comptroller Elliot Auerbach sent out earlier that day but it came so late most committee members had not seen it.

Legislator R. Parete did not want to move forward with a public hearing at this time. He understood the desire to use local businesses even if they were a few cents higher than an out of county bidder, but he would hate to see this practice harm Ulster County bidders in a scenario where they were the low bidder in a neighboring county and that county decided to go with a higher vendor that was local to them. He felt this could harm as many businesses as it might help. He feels as long as the vendor with the lowest bid is responsible and capable of doing the work, the County should always go with the low bidder.

There was a brief discuss of committee procedures, which committee was the committee of origin to clarify the roll of the Laws and Rules Committee in relationship to this resolution.

Legislator Donaldson felt that such a rules change opened the bidding process to potential “shenanigans”.

Legislator Archer said she had not read the legislation herself, but it was her understanding that this policy change was in line with changes at the State level. Comptroller Auerbach confirmed that in his letter. She believes there is still a very finite process that would insure that a procedure is followed and would prevent abuse. She said the law requires that the parameters used to judge each bid would be in the request for proposals ahead of time.

Legislator Bartels quoted the actual law confirming Legislator Archer’s understanding.

Legislative Chairman J. Parete felt that this change would corrupt the bidding process.

Legislator Bartels felt that in some cases other factors in addition to price need to be considered. She used the example of considerations about the environmental impacts if one company used vehicles that were cleaner but more costly to run and the difference in price was minimal those environmental impacts should be considered when awarding the bid.

There was a discussion about various vendors and scenarios and how other considerations could be advantageous or detrimental to insuring taxpayers get the “best” value.

Legislator R. Parete suggested that the committee postpone setting a public hearing until they could get additional information. After a brief discussion, Legislator R. Parete suggested the committee invite the new Director of Purchasing Marc Rider and County Comptroller Auerbach to the next meeting to address concerns and elaborate on how the process would work.

Motion to hold Resolution No. 216 for the July meeting made by Legislator R. Parete, seconded by Legislator Ronk.

Vote on the Motion

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

Motion No. 7: Resolution No. 222 - June 17, 2014

Text of Motion: Setting A Public Hearing On Proposed Local Law No. 6 of 2014 (A Local Law To Establish A Sustainable Energy Loan Program In The County Of Ulster) To Be Held On Tuesday, July 15, 2014 At 7:15 PM.

Motion Made By: Legislator Donaldson
Motion Seconded By: Legislator Roberts

Resolution No. 222 Summary: This Resolution will set a public hearing to receive comments on Proposed Local Law No. 6 of 2014 which would establish a sustainable Energy Loan Program in the County of Ulster thru a community-based energy efficiency

program operating within the Energy Improvement Corp (EIC), a New York State local development corporation.

Discussion: Legislator Bartels explained that members of EIC would be making a presentation at a Special Informational Meeting the night of July 9th, 2014 after Caucus and this resolution would set the public hearing for Tuesday, July 15th 2014. She hopes that at the informational meeting, Legislators will be able to get answers to any questions or concerns. She noted that EIC is a Westchester based program and both Westchester and Orange Counties have passed Local Laws worded exactly like Proposed Local Law 6.

Legislator Ronk expressed concerns about this proposal. His first concern is that loans granted under the program will be subject to the tax cap. He noted that he met with EIC officials on three separate occasions and each time they assure him it is not, tell him they have an opinion in writing from the New York State Comptroller's Office they will give him that confirms this but to date they have not produced the documentation.

Legislative Chairman John Parete asked if this was exclusive with EIC or other programs would be allowed.

Legislator Bartels noted that at this time EIC is the only program available so, de facto, it was exclusive.

Legislator Ronk said his second concern it that it this an untested program and product. While EIC has been in existence for two or three years and other counties have Local Laws that allow the program for some time, to date EIC has not executed a single deal. Legislator Ronk said he would support a public hearing but not the Local Law.

Legislator Bartels said there are 60 contracts in the "pipeline".

Legislator Donaldson suggested that Legislator Bartels insure that the EIC provides the documentation Legislator Ronk requested.

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

Motion No. 8: Resolution No. 223 - June 17, 2014

Text of Motion: Setting A Public Hearing On Proposed Local Law No. 7 of 2014 (A Local Law Amending The Ulster County Charter, Local Law No. 2 Of 2006, To Modify Various Provisions Of The Ulster County Charter To Amend The Terms of the Ulster County Legislature) To Be Held On Tuesday, July 15, 2014 At 7:20 PM

Motion Made By: Legislator Roberts

Motion Seconded By: Legislator Ronk

Resolution No. 223 Summary: This Resolution will set a public hearing to receive comments on Proposed Local Law No. 7 of 2014 which would change the term of office of County Legislators from two years to four years and would establish a term limits for County Legislators moving forward.

Discussion: Legislator Ronk noted that he has discussed these proposed changes with fellow legislators and other political leaders for many years. He believes a four year term will provide constituents with better representation. He feels it takes a year to a year and a half for a new legislator to “get up to speed”, learn the county programs, department heads, and get an understanding necessary to be a high functioning Legislator. By that time new legislators are running for office again.

Legislator Ronk also feels that it is important to have term limits. He feels there is a problem in government in general when people are there so long they become part of the problem instead of part of the solution. The current proposal is for 4 terms or 16 years. Legislator Ronk would be comfortable with changing that to 3 terms or 12 years. If this Local Law should pass in this form, that term limit would not count past service. A Legislator who had already served 20 terms would be able to serve for 3 or 4 more terms - whatever number of terms is agreed upon.

There was a discussion about the pros and cons of such changes, including

- if terms should be staggered or the same,
- the importance of institutional knowledge,
- if both the change in term length from two to four years and term limits should be separated,
- every two years, voters set term limits by not supporting someone they feel is not doing a good job
- what past discussions have been on the topic at times when the County Charter was being adopted or changed,
- setting term limits for other offices,
- Orange County Legislature has four year terms.

Amendment offered by Legislator Ronk

In section 1B remove “for those in odd-numbered districts and even-year for those in even-numbered districts except for the Legislators elected the year two thousand and fifteen from even-numbered districts, who will serve for three years.”

In Section 2C change “16 consecutive years” to “12 years”.

Amendment seconded by Legislator Roberts

Legislative Chairman John Parete does not support any of the changes in Proposed Local Law No. 7. He feels it is healthy for the Legislature to be subject to change every two years. He also has a problem telling constituents that they can no longer vote for someone they like and think is doing a good job. He feels when you don't have legislators with experience the bureaucracy runs the government. He might have supported a more comprehensive overhaul looking at all elected officials.

Legislator R. Parete suggested they hold off setting a public hearing and take a look at doing something more comprehensive with the proposed Local Law, perhaps discussing the merits of adding term limits for other elected officials.

Legislator Archer felt that at the end of the day it is up to the constituents to determine if their representative is doing a good job and how long someone is in office. The decision the voter gets to make is are we doing the job or are we not doing the job.

On the Amendment:

Roll Call Vote:	No
Voting In Favor:	Legislators Roberts, Ronk and J. Parete
Voting Against:	Legislators R. Parete, Archer and Donaldson
No. of Votes in Favor:	3
No. of Votes Against:	3
Disposition:	Failed

Roll Call Vote:	No
Voting In Favor:	Legislators Roberts, Ronk and J. Parete.
Voting Against:	Legislators R. Parete, Archer, Donaldson
No. of Votes in Favor:	3
No. of Votes Against:	3
Disposition:	Failed

Legislator R. Parete noted that the committee had two memorializing resolutions to discuss - Resolution No. 157 and Resolution No. 191. Both of them related to the state takeover of all or part of the county's elections costs – one saying “pay for our ballots” and one saying “pay for everything” – He feels our state representatives will wonder if Ulster County knows what it wants. He feels if the committee wants to send a memorizing resolution they should only pass one.

Motion No. 9: Resolution No. 157 - June 17, 2014

Text of Motion: Calling On The Ulster County Senate And Assembly Delegation To Introduce And Ensure The Passage Of State Legislation To Require The State To Take Over The Total Expenses Associated With Conducting Elections

Motion Made By: Legislator Archer

Motion Seconded By: Legislator Ronk

Resolution No. 157 Summary: A memorializing resolution calling upon Ulster County's State officials to introduce and support the takeover of the total expense associated with election costs.

Discussion: Legislator Donaldson expressed concern that the State takeover of cost would mean the State control of policies such as how many polling places the county has, where they are located and when they are open. If they want to save money they would cut the number of sites.

Legislative Chairman John Parete told the committee that the State takeover could end up costing the county more. Currently Ulster County spends about \$2.37 per vote. New York City, with around 68 Assembly Districts, spends upwards of \$8.00 per vote. New York City spends over \$65 million per year and is budgeting more. If the State takes over this cost and spreads it over the entire state, Ulster County taxpayers could end up paying for New York City votes as part of the New York State taxes.

Legislative Chairman John Parete said he didn't support either of these resolutions and is confident the State will not take over these costs. If this resolution makes it to the floor he would offer an amendment that Ulster County take over the full cost of the elections if the State of New York does not.

Legislator Ronk reminded the committee that one of our State Assemblyman has already suggested he may make the County takeover of election costs a condition of renewing the extension of the additional 1% sales tax.

Legislative Chairman John Parete suggested the Legislature might want to preempt that demand.

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

Resolution No. 191 Resolution No. 191 - June 17, 2014 - Supporting The Passage Of New York State Senate Bill 7622, An Act To Amend The Election Law, In Relation To Requiring The State To Assume The Cost Of Purchasing Ballots For General Elections And Primaries

No action taken

Legislator R. Parete said Legislators Provenzano and Loughran, sponsor of Resolution Nos. 157 and 191 respectively, were welcome to come back to the committee to discuss these resolutions at some future time.

New Business

None

Old Business

None

Adjournment

Motion Made By: Legislator Donaldson
Motion Seconded By: Legislator R. Parete
No. of Votes in Favor: 6
No. of Votes Against: 0

TIME: 8.17 PM

Respectfully submitted this 23th day of June, 2014
Fawn A. Tantillo, Senior Legislative Employee
Minutes Approved on July 14, 2014