

Laws and Rules, Governmental Services Committee
Meeting Minutes

DATE & TIME: July 14, 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.
ABSENT: None
EXCUSED: None
QUORUM PRESENT: Yes
OTHER ATTENDEES: Ulster County Comptroller Elliot Auerbach, Director of Ulster County Purchasing Marc Rider
Legislator R. Parete called the meeting to order at 6:14 PM.

Motion No. 1: Motion to approve the June 16, 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 and Ronk
Voting Against: None
No. of Votes in Favor: 5
No. of Votes Against: 0
Disposition: Carried

Chairman R. Parete moved discussion of Resolution No. 216 to later in the meeting to allow Mr. Rider, Director of Purchasing, to set up a presentation.

Motion No. 2: **Resolution No. 226** – July 15, 2014
Text of Motion: **Resolution No. 226** - Reappointing – Commissioner Of Elections

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

Resolution No. 226 Summary: This resolution would reappoint Election Commissioner Victor Work.

Discussion: None

Roll Call Vote: No

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

Voting Against: None

No. of Votes in Favor: 5

No. of Votes Against: 0

Disposition: Carried

Motion No. 3: **Resolution No. 234** – July 15, 2014

Text of Motion: **Resolution No. 234** - Setting A Public Hearing On Proposed Local Law No. 8 of 2014, A Local Law Amending Local Law No. 5 of 1989 (A Local Law Requiring Regulations Regarding The Sale Of Motor Vehicle Fuels) To Establish Certain Consumer Protection Practices In Ulster County, To Be Held On Tuesday, August 19, 2014 At 7:10 PM

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

Resolution No. 234 Summary: This Resolution will set a public hearing to receive comments on Proposed Local Law No. 8.

Discussion:

Legislator Donaldson reminded the committee that a similar law was passed in Dutchess County last year and said there is currently a difference in price at some gas stations of 8 to 10 cents a gallon between the discounted prices posted on the large signs and the actual price for anyone using a credit card. He sees this is as deceptive practice. He attempted to address the issue last year but felt his efforts were “watered down”.

Legislator Donaldson said that customers paying with credit card could actual represent a cost savings to the business and observed many stations would require additional staffing if all customers were paying with cash.

Legislator Ronk took exception to the term “watered down” and felt the term “made better” was more accurate in describing the changes to the local law proposed last year. He also disagreed with Legislator Donaldson’s contention that credit cards customers save the station money. Legislator Ronk described his involvement and personal knowledge of this industry as a compliance inspector.

Legislator Ronk noted that State Law already established regulations that require all prices be visible at the point of sale. He asserted that most gas stations would prefer and want to encourage cash customers. He said stations only make 2 or 3 cents a gallon. He stated the sale of gasoline is a lost leader for many of them when you factor in the cost of compliance, fuel tanks, pumps, testing, swipe charges, credit card charges, taxes, etc. He observed the County of Ulster clears more tax per gallon than the stations make in profit per gallon. These businesses count on the sale of coffee, soda, snacks and other items to make enough profit to offset the cost of selling gasoline.

There was a discussion on the merits of Proposed Local Law No. 8 of 2014 that included Town laws regulating and limiting the large road signs, how many stations do not offer a cash discount, responsibility of consumers and business owners, advantages and disadvantages of using cash, debit cards and credit cards, other means for station owners to advertise they offer a cash discount and how other industries advertise their lowest prices.

Legislator Roberts noted that last year’s proposal included language that made it clear there was no requirement that businesses purchase new road signs. If their sign could only accommodate one price it needed to be the higher credit card price if they offered a discount for cash. He wanted to insure this proposed local law made that clear. He had no issue if any new signs were required to display both cash and credit prices.

A discussion ensued about road signs that display only one price.

It was Legislator Donaldson’s intention for the highest price for regular gas – usually the lowest price gas of the three grades of gasoline – to be displayed. He feels consumers understand that higher octane gas would be a higher price and anyone using a credit card would be able to purchase some kind of gasoline for that price.

Legislator Ronk believes this law will send a message that Ulster County is not business friendly and it is unfair not to allow a business to advertise their lowest price available to the consumer. He feels consumers understand that when a sign advertises a price for cash

that they may pay more to use a credit card. He said he may support the resolution for public hearing when it comes to the floor, but he will not support the proposed local law.

Legislator Roberts offered the following amendment to Proposed Local Law No. 8:

In Section 6 (c) add the words “If only one price is posted,” to the beginning of the 6th sentence that says “such signs must display in all instances the price of gasoline at the standard retail price available to all customers, without any discounts or special offers.”

Amendment seconded by: Legislator Archer

On the Amendment to Proposed Local Law No. 8 :

Roll Call Vote:	No
Voting In Favor:	Legislators R. Parete, Archer, Donaldson and Roberts
Voting Against:	Ronk
No. of Votes in Favor:	4
No. of Votes Against:	1
Disposition:	Carried

On Resolution No. 234 as Amended:

Roll Call Vote:	No
Voting In Favor:	Legislators R. Parete, Archer, Donaldson, and Roberts
Voting Against:	Ronk
No. of Votes in Favor:	4
No. of Votes Against:	1
Disposition:	Carried

Motion No. 4:	Resolution No. 270 – July 15, 2014
Text of Motion:	Resolution No. 270 - Establishing A Policy To Accept Bids In Electronic Format
Motion Made By:	Legislator Roberts
Motion Seconded By:	Legislator Ronk

Resolution No. 270 Summary: This resolution would set establish a policy for the county to accept bids in electronic format as allowed under state law.

Discussion: Mr. Rider explained that the bidding will comply with State Law. Bidding will be done through BidNet, a third party, to insure there are no questions about any insider advantage or other issues.

Roll Call Vote: No
Voting In Favor: Legislators R. Parete, Archer, Donaldson, Roberts and Ronk
Voting Against:
No. of Votes in Favor: 5
No. of Votes Against: 0
Disposition: Carried

Motion No. : **Resolution No. 271** – July 15, 2014

Text of Motion: **Resolution No. 271** - Approving The Memorandum of Agreement between the County of Ulster And The Ulster County Deputy Sheriff's Police Benevolent Association, Inc. For The Superior Officers Unit

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

Resolution No. 271 Summary: This resolution will approve a MOA for the contract for the Ulster County Sheriff's PBA.

Discussion: Chairman R. Parete expressed frustration that the agreement is for past years and does not include the current contract.

Legislator Ronk was frustrated that language was included by representatives of the County Executive's office that the Legislature would vote on this in July. He said the resolution does not qualify under the Rules of the Legislature as late resolution and because it doesn't make the contract current there is no reason it could not be held until next month. Because it was ratified and to hold it until next month would require another vote to ratify, he was willing to move ahead with it for July. He hoped in the future resolution deadlines would be respected.

Legislator Donaldson observed that in his experience in these intensive negotiations, often things come together suddenly and details like the Legislatures resolution deadline are sometimes inadvertently overlooked.

Legislator Roberts said this is why Legislative Counsel should be present at every standing committee meeting to advise the members on these technicalities.

It was noted that Legislative Counsel Weiner is out of town.

Roll Call Vote: No
Voting In Favor: Legislators R. Parete, Archer, Donaldson, Roberts and Ronk
Voting Against:
No. of Votes in Favor: 5
No. of Votes Against: 0
Disposition: Carried

Motion No. : **Resolution No. 216** – July 15, 2014

Text of Motion: **Resolution No. 216** - 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, August 19, 2014 At 7:00 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:

Mr. Rider, Director of Purchasing prepared a power point presentation.

He explained that “Best Value” allows county to consider overall cost, not just the initial purchase investment.

Bidding is required on all purchases of goods over \$20,000 and Public Works over \$35,000. In 2012, NYS Law was changed to allow the consideration of Best Value as long as the county passes a Local Law.

Considerations for Best Value include optimizing quality, cost and efficiency. Request for Bids will list what criteria will be used in making an award, explain the scoring that will be used and state that the award will be based on Best Value. For example, products with a better energy star rating or other environmental considerations may be included in determining Best Value.

A discussion ensued about the current bidding process, how bids are grieved if vendors question the process and the need for clarity from the beginning.

Legislators complemented Senior Buyer Carol Armstrong in assisting the Audit Committee with the choice of an independent auditor a few weeks ago.

Ulster County Comptroller Auerbach discussed the NYS Comptroller's support of using Best Value. He said Ulster County is not "reinventing the wheel" but adopting the best practices used elsewhere in the state.

Roll Call Vote:	No
Voting In Favor:	Legislators R. Parete, Archer, Donaldson, Roberts and Ronk
Voting Against:	
No. of Votes in Favor:	5
No. of Votes Against:	0
Disposition:	Carried

New Business

Charter Changes

Chairman R. Parete suggested the committee begin to discuss potential changes in the County Charter that have been talked about. He proposed beginning these discussions in earnest in August.

Legislator Donaldson said one issue he would like to be considered would be changing the size of the Legislature from 23 to either 21 or 25. This would make it easier to determine a two-thirds majority to override a veto.

Legislator Archer asked if an email could be put together to establish a starting point for this discussion.

Legislator Ronk reminded the committee of a recent report from Comptroller Auerbach's office about Salaries. Legislator Ronk asked Comptroller Auerbach to also look specifically at the salaries of the District Attorney's office. He noted that DA Carright has come before the Legislature requesting increased salaries for his Assistant District Attorneys (ADA). Legislator Ronk is troubled that a paralegal in the County Attorney's office has a higher salary than a full time ADA starting in the DA's office. Even with longevity, this seems unfair to him.

There was a brief discussion about other salary discrepancies the committee should discuss.

Old Business

None

There being no further business before the Committee, a motion was made by Legislator Donaldson, seconded by Legislator Archer and carried to adjourn the meeting at 7:03 PM.

Respectfully submitted this 23th day of July, 2014
Fawn A. Tantillo, Senior Legislative Employee
Minutes Approved on August 18, 2014

Attachment:
Best Practices Power Point Presentation from Marc Rider, Director of Purchasing