

**Laws & Rules, Governmental Services Committee
Regular Meeting Minutes**

DATE & TIME: March 19, 2018 – 6:30 PM
LOCATION: KL Binder Library, 6th Floor, County Office Building
PRESIDING OFFICER: Chairman Roberts
LEGISLATIVE STAFF: Jay Mahler, Deputy Clerk
PRESENT: Legislators Donaldson, Haynes, Heppner & James Maloney
ABSENT: None
QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislators Greene, Joseph Maloney & Nolan, Legislative Counsel Barnett, Deputy Comptroller Evan Gallo – Ulster County Comptroller’s Office, Commissioner Dittus and Deputy Commissioners Jacobsen & Klepeis – UC Board of Elections, Deputy County Executive Ken Crannell – Ulster County Executive’s Office, Tom Kadgen – League of Women Voters, Ilona Ross – member of the public

Chairman Roberts called the meeting to order at 6:32 PM.

Motion No. 1: Moved to **APPROVE** the Minutes of the February 12, 2018 meeting

Motion By: Legislator Donaldson
Motion Seconded By: Legislator James Maloney

Discussion: None

Voting In Favor: Legislators Donaldson, Haynes, Heppner, James Maloney & Roberts
Voting Against: None
Votes in Favor: 5
Votes Against: 0
Disposition: Minutes **APPROVED**

Resolutions for the March 20, 2018 Session of the Legislature

Chairman Roberts advised the members that he would be taking Resolution No. 97 out of order to allow Legislator Greene, sponsor of the Resolution, to speak before leaving to attend another meeting.

Resolution No. 97: Setting A Public Hearing On Proposed Local Law No. 8 Of 2018, A Local Law Amending Local Law 6 of 2014, To Improve And Strengthen The Sustainable Energy Loan Program, To Be Held On Tuesday, April 10, 2018 At 6:20 PM

Resolution Summary: This resolution sets a Public Hearing for Tuesday, April 10, 2018 at 6:20 PM to allow the public to offer comments on Proposed Local Law Number 8 of 2018.

Motion No. 2: Moved to ADOPT Resolution No. 97

Motion By: Legislator James Maloney

Motion Seconded By: Legislator Donaldson

Discussion:

Chairman Roberts recognized Legislator Greene who explained that state law had changed since the local law was adopted in 2014. She informed the members that the state change allows for more flexibility that will result in fewer failed applications. She added that it also permits off-site solar development and allows municipalities to participate.

Voting In Favor: Legislators Donaldson, Haynes, Heppner, James Maloney & Roberts

Voting Against: None

Votes in Favor: 5

Votes Against: 0

Disposition: Resolution ADOPTED

Chairman Roberts advised the members that he would be taking Resolution No. 73 out of order to accommodate representatives from the Board of Elections who were in attendance to answer questions.

Resolution No. 73: Authorizing The Chairman Of The Ulster County Legislature To Sign An Intergovernmental Agreement With Various School Districts In Ulster County For The Use Of Polling Equipment And Material – Ulster County Board of Elections

Resolution Summary: This resolution authorizes the Chairman to enter into agreements with school districts in Ulster County for the use of various polling equipment and materials for the May 15, 2018 school district elections.

Motion No. 3: Moved to ADOPT Resolution No. 73

Motion By: Legislator Donaldson

Motion Seconded By: Legislator James Maloney

Discussion:

Chairman Roberts thanked Commissioner Dittus and Deputy Commissioners Jacobsen and Klepeis for attending and asked the members if they had any questions. Hearing none he asked for a motion to adopt the Resolution.

Voting In Favor: Legislators Donaldson, Haynes, Heppner, James Maloney & Roberts

Voting Against: None

Votes in Favor: 5

Votes Against: 0

Disposition: Resolution ADOPTED

Resolution No. 10: Setting A Public Hearing On Proposed Local Law No. 2 Of 2018, A Local Law Amending Local Law No. 5 Of 1991 (A Local Law Adopting A Hotel And Motel Room Occupancy

Tax), To Update The Tax Law's Application To Short-Term And Vacation Rentals, To Be Held On Tuesday, April 10, 2018 At 6:10 PM

Resolution Summary: This resolution sets a public hearing for Tuesday, April 10, 2018 At 6:10 PM to allow the public to offer comments on Proposed Local Law Number 2 of 2018.

Motion No. 4: **Moved for DISCUSSION**
Motion By: Legislator Donaldson
Motion Seconded By: Legislator Heppner

Discussion:

Chairman Roberts recognized Legislator Joseph Maloney who advised the members that he had just seen a Press Release issued earlier in the day by the County Executive's Office announcing a plan to address short term vacation rentals. He suggested the members hold off on the Proposed Local Law and monitor the implementation of the Executive's plan and its effectiveness for a while. He added that if the plan does not appear to address the Legislature's concerns, the Proposed Local Law should be re-addressed.

Chairman Roberts asked Deputy County Executive Crannell if he would like to speak about the Executive's plan. Mr. Crannell advised the members that the Executive's Office has struggled with the concept of a voluntary tax collection agreement with Airbnb as they are only one of the many vacation rental platforms that people use. He added that the plan also aimed to address the issues that local municipalities were facing with code enforcement and health and safety concerns. He informed the members that the county was about to finalize a contract with a professional firm which specializes in data mining to provide a comprehensive database of all of the properties which offer short term rentals through more than one hundred platforms. He added that there would be an online portal available for individuals to search properties and an agreement is being drafted to provide towns with lists or databases of all of the rental properties in the town.

Legislator Joseph Maloney asked the members if they would be willing to postponed the resolution to allow time for the Executive's plan to be implemented.

Motion No. 5: **Moved to POSTPONE Resolution No. 10**
Motion By: Legislator Donaldson
Motion Seconded By: Legislator Heppner

Discussion: None

Voting In Favor: Legislators Donaldson, Haynes, Heppner, James Maloney & Roberts
Voting Against: None
Votes in Favor: 5
Votes Against: 0
Disposition: **Resolution POSTPONED**

Chairman Roberts advised the members that he would be taking Resolution No. 70 out of order to allow Legislator Nolan, sponsor of the Resolution, to speak before leaving to attend another meeting.

Resolution No. 70: Setting A Public Hearing On Proposed Local Law No. 7 Of 2018, A Local Law To Reduce Addiction To Tobacco Products By Raising The Minimum Age For Their Purchase To 21, To Be Held On Tuesday, April 10, 2018 At 6:15 PM

Resolution Summary: This resolution sets a public hearing for Tuesday, April 10, 2018 At 6:15 PM to allow the public to offer comments on Proposed Local Law Number 7 of 2018.

Motion No. 6: **Moved to ADOPT Resolution No. 70**

Motion By: Legislator James Maloney

Motion Seconded By: Legislator Donaldson

Discussion:

Chairman Roberts recognized Legislator Nolan who informed the members that they would be receiving more information on the justification for the law through Chairman Ronk's office within the next couple days. She added that the law aims to standardize the age for purchase of tobacco with the age to purchase alcohol. She informed the members that they should be receiving a survey from NYS Department of Health seeking their opinion on tobacco products.

Voting In Favor: Legislators Donaldson, Haynes, Heppner, James Maloney & Roberts

Voting Against: None

Votes in Favor: 5

Votes Against: 0

Disposition: **Resolution ADOPTED**

Resolution No. 26: Setting A Public Hearing On Proposed Local Law No. 5 Of 2018, A Local Law Amending The Ulster County Charter, (Local Law No. 2 Of 2006), And Amending The Administrative Code For the County Of Ulster, (Local Law No. 10 Of 2008), To Clarify Budget Modification After Adoption, To Be Held On Tuesday, April 10, 2018 At 6:05 PM

Resolution Summary: This resolution sets a public hearing for Tuesday, April 10, 2018 At 6:05 PM to allow the public to offer comments on Proposed Local Law Number 5 of 2018.

Motion No. 7: **Moved for DISCUSSION**

Motion By: Legislator Donaldson

Motion Seconded By: Legislator Heppner

Discussion:

Chairman Roberts recognized legislation sponsor Legislator Donaldson who explained that he was reintroducing the law which failed last year by one vote. He informed the members that he believed the law is simply clarifying charter language to reflect the original intent to prohibit reducing budget personnel lines to be used for non-personnel expenses. He added that most municipalities do not allow that type of transfer. Deputy County Executive stated that all of the County Charters he has worked with, or is familiar with, allow for inter-department transfers, including transfers to or from personnel lines. Legislator Joseph Maloney stated his support for the proposed law.

The members briefly discussed a controversial mailing to county residents regarding a ballot referendum question which was paid for by a transfer of funds from a personnel line into a postage account. Legislator Donaldson took issue with the mailing. Mr. Crannell informed the members that the mailer was discussed in the Ways & Means committee and was reviewed by leadership. Chairman Roberts asked if the mailing would have been sent if leadership did not approve. Mr. Crannell responded that it would not have. Legislator Haynes expressed concern with limiting the Legislature's ability to approve transfers. Legislator Donaldson stated that the law does not limit a department's ability to transfer funds between lines, it only restricts the use of personnel funds for non-personnel expenses. Legislator Joseph Donaldson encouraged the members to move forward with the Public Hearing.

Legislator Heppner stated that he believes the County Executive has administered and managed the budget well, but sees the legislation as a way of ensuring responsible budget management practices in the future. Legislative Counsel Barnett stated that it is the counsel's position that the legislation is a curtailment of the powers of the Executive and would therefore require a referendum which is not referenced in the law. Legislator Donaldson stated that Minority Counsel does not agree with that position. Chairman Roberts asked Counselor Barnett what Legislative Counsel Pascale's opinion was. Counselor Barnett responded that Counselor Pascale and County Attorney Havranek share the opinion that a referendum is required.

Chairman Roberts stated that he felt the Executive has been doing a fine job managing the budget without the Legislature's oversight and called the question.

Motion No. 8: **Moved to ADOPT Resolution No. 26**
Motion By: Legislator Donaldson
Motion Seconded By: Legislator Heppner

Discussion: None

Voting In Favor: Legislators Donaldson & Heppner
Voting Against: Legislators Haynes, James Maloney & Roberts
Votes in Favor: 2
Votes Against: 3
Disposition: **Resolution DEFEATED**

Resolution No. 60: Amending The 2018 Ulster County Budget To Restore Funding For The Position Of Confidential Secretary To The Office Of The Comptroller

Resolution Summary: This resolution amends the 2018 Ulster County Budget transferring \$63,751 from Contingency to reflect the restoration of the salary and benefits of the Comptroller's Confidential Secretary position at a 35 hour weekly work schedule effective April 1, 2018.

Motion No. 9: **Moved for DISCUSSION**
Motion By: Legislator Donaldson
Motion Seconded By: Legislator Heppner

Discussion:

Chairman Roberts recognized Deputy Comptroller Gallo to speak on the Resolution. Mr. Gallo stated that the proposal will restore integrity to the Comptroller's Office and will allow staff to return to their regular functions by alleviating the need assist with front office duties. He added that the Office is seeking to be treated on par with the other elected officials in the county who all have a confidential secretary. He distributed a November 2017 memo from Comptroller Auerbach to Chairman Ronk requesting the restoration of the position and detailing the salaries of other confidential secretaries in the county. Chairman Roberts asked how many employees currently work in the Comptroller's Office. Mr. Gallo responded that there are seven, including the Comptroller.

Legislator Joseph Maloney asked if there were any elected officials or department heads in the county who do not have a at least one confidential secretary. Mr. Gallo responded that all elected officials have one and all departments heads have one, although the title may differ. Legislator James Maloney stated that during the 2017 budget meetings the Comptroller described the person who held the job previously as a multi-tasking position. He added that a broader conversation about the tasks the position would be responsible for is needed. Legislator Joseph Maloney stated that he felt the same level of scrutiny should be equally applied to all confidential secretaries in the county. Legislator Donaldson stated that the responsibilities of a confidential secretary differ greatly from office to office depending on need and agreed with Legislator Joseph Maloney that each similar position in the county should be subject to the same evaluation. He added that the Charter created the Office of the Comptroller and requires it be funded properly which requires a confidential secretary. He continued by saying that the position was eliminated because of politics and the politics of the individual who held the job and said that it was not a good idea to have that level of political activity in the position.

Legislator James Maloney asked Mr. Gallo if the office can produce audits that meet general accounting standards and whether the CPA in the office is certified to complete audits. Mr. Gallo responded that she follows CPA guidelines and standards. The members briefly discussed the various responsibilities of a confidential secretary. Legislator Heppner said he would be supportive of the Legislature contracting with a third, independent party to conduct a county-wide study of staffing levels and needs analysis. He added that such a study would also allow the Legislature to evaluate additional issues like pay equity. He expressed his concern with the apparent hyper-focus on this one position and said that the responsibilities of an elected official's secretary should be left to the official to determine. Legislator Haynes asked who has been completing the duties since the position was eliminated. Mr. Gallo responded that the staff has been sharing the responsibilities.

Motion No. 10: **Moved to ADOPT Resolution No. 60**

Motion By: Legislator Donaldson

Motion Seconded By: Legislator Heppner

Discussion: None

Voting In Favor: Legislators Donaldson & Heppner

Voting Against: Legislators Haynes, James Maloney & Roberts

Votes in Favor: 2

Votes Against: 3

Disposition: **Resolution DEFEATED**

Resolution No. 71: Appointing Chairman Kenneth J. Ronk, Jr. As The Ulster County Legislature's Member To Serve On The County Jury Board

Resolution Summary: This resolution designates Chairman Kenneth J. Ronk, Jr. to serve on the Ulster County Jury Board pursuant to Section 503(a)(1) of the New York State Judiciary Law for a term to expire on December 31, 2018.

Motion No. 11: Moved to **ADOPT Resolution No. 71**

Motion By: Legislator Donaldson

Motion Seconded By: Legislator James Maloney

Discussion:

Legislator Donaldson explained that the position is traditionally held by the Chairman of the Legislature. He added that, in addition to the Chairman, the Jury Board is comprised of the Supreme Court Justice and the County Court Judge who are tasked with selecting the Commissioner of Jurors.

Voting In Favor: Legislators Donaldson, Haynes, Heppner, James Maloney & Roberts

Voting Against: None

Votes in Favor: 5

Votes Against: 0

Disposition: Resolution is **ADOPTED**

Resolution No. 78: Amending The Rules Of Order To Permit Memorializing Resolutions

Resolution Summary: This resolution amends the Rules of Order of the Ulster County Legislature to permit Memorializing Resolutions in certain circumstances.

Motion No. 12: Moved for **DISCUSSION**

Motion By: Legislator Heppner

Motion Seconded By: Legislator Donaldson

Discussion:

Chairman Roberts recognized Legislator Joseph Maloney, sponsor of the Resolution. Legislator Joseph Maloney said he understood the reasoning behind the prohibition of Memorializing Resolutions in the past, but stated that they would be brought back in one form or another. He added that he believes they are an effective tool if used appropriately which is why he included language stipulating that the matter must uniquely effect Ulster County. He said he was also open to requiring Memorializing Resolutions only be considered at a special meeting, or at the end of session, or requiring a certain number of sponsors.

Chairman Roberts said he liked some of the options, such as considering Memorializing Resolutions at the end of session and suggested a little more work be put into the resolution. Legislator Donaldson stated that he understood the value of Memorializing Resolutions but recognized that they have been abused in the past. He added that issues highlighted in Memorializing Resolutions

bring out a lot of people who want to know where their elected officials stand on issues. He suggested that a meeting on Memorializing Resolutions should be convened immediately following regular monthly session. Legislator Joseph Maloney said he would be amiable to postponing the resolution and would email the body for suggestions.

Legislative Counsel Barnett suggested that the language referring to issues uniquely effecting Ulster County is open to interpretation and recommended that it be reworked. Legislator Donaldson added that because the language is so vague the Chairman could simply rule the resolution out of order.

Motion No. 13: **Moved to POSTPONE Resolution No. 78**
Motion By: Legislator Donaldson
Motion Seconded By: Legislator James Maloney

Discussion: None

Voting In Favor: Legislators Donaldson, Haynes, Heppner, James Maloney & Roberts
Voting Against: None
Votes in Favor: 5
Votes Against: 0
Disposition: **Resolution POSTPONED**

Chairman Roberts asked the members if there was any new or old business, and hearing none;

Adjournment

Motion Made By: Legislator Donaldson
Motion Seconded By: Legislator James Maloney
No. of Votes in Favor: 5
No. of Votes Against: 0

TIME: 7:25 PM

Respectfully submitted: Jay Mahler, Deputy Clerk
Minutes Approved: April 16, 2018

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Deputy Comptroller

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Director, Internal Audit & Control

To: Kenneth J. Ronk, Jr., Chairman of the Legislature; Richard A. Gerentine,
Chairman of the Ways and Means Committee
Cc: Victoria A. Fabella, Clerk of the Legislature
From: Elliott Auerbach, Comptroller
Date: November 8, 2017
Re: Comptroller's Confidential Secretary Position

The 2017 Ulster County Budget had several effects on the Office of the Comptroller, including the complete defunding of the Comptroller's Confidential Secretary position, which has been an integral part of the Office since inception. After nearly a year's experience with one less staff member, I respectfully request that the position be restored with full funding as part of the 2018 Budget.

To that end, our budget amendment would set the position's salary at \$53,297. In total, we project that restoration would cost an additional \$31,595 due to associated benefits.

Please keep in mind that this salary level still falls below the proposed 2018 averages for Confidential Secretaries for elected officials (\$54,918) and department heads (\$59,026). For your reference, I have also attached a spreadsheet that breaks down the 2017 adopted and 2018 proposed salaries for each Confidential Secretary position we were able to identify.

As the only elected official currently without a Confidential Secretary, I urge Legislative leadership to fully consider and support this modest request. I welcome any suggestions you may have, and please let me know if you have any questions or concerns that may require my Office's assistance.

CONFIDENTIAL SECRETARY 2017 and 2018 BUDGETS

ELECTED OFFICIAL	CON-SECY	Adopted SALARY (2017)	Proposed SALARY (2018)
SHERIFF	1	\$ 54,746.00	52,471
COUNTY CLERK	1	\$ 55,929.00	57,258
DISTRICT ATTORNEY	1	\$ 53,945.00	55,230
COUNTY EXECUTIVE	1	\$ 53,089.00	54,353
Legislative Chairman	1	\$ 53,996.00	\$55,280 *Deputy Clerk/Conf Sec
Comptroller	0	-	-
Average:		\$54,427	\$54,918

DEPARTMENT HEAD	CON-SECY	SALARY (2017)	SALARY (2018)
Commisioner of Finance	1	\$ 61,534.00	63,927
Public Defender	1	\$ 64,938.00	66,265
Budget Director	1	\$ 53,089.00	54,353
County Attorney	1	\$ 48,266.00	49,420
Director of Personnel	1	\$ 44,408.00	55,705
Director of Emergency Mngt	1	\$ 51,925.00	53,166
Public Works Commissioner	1	\$ 62,626.00	63,267
Health Commissioner	1	\$ 69,285.00	69,551 *Sec Com Health
Social Services Commissioner	1	\$ 62,676.00	63,872 *Sec Com DSS
Planning Director - Bus Srv	1	\$ 43,519.00	50,736
Average:		\$56,226	\$59,026