

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

**DATE & TIME:** April 17, 2017 – 6:30 PM  
**LOCATION:** KL Binder Library, 6<sup>th</sup> Floor, County Office Building  
**PRESIDING OFFICER:** Chairman Roberts  
**LEGISLATIVE STAFF:** Jay Mahler, Deputy Clerk  
**PRESENT:** Legislators Belfiglio, Donaldson (arrived at 6:36 PM), Lopez, Loughran, R. Parete, Rodriguez and Ronk  
**ABSENT:** None  
**QUORUM PRESENT:** Yes

**OTHER ATTENDEES:** Legislative Counsel Pascale, County Attorney Beatrice Havranek, Planning Director Dennis Doyle, Deputy Director Don Quesnell – UCAT, Cindy Bell & Tom Kadgen – League of Women Voters, Lanny Walter – Saugerties Democratic Committee, Theresa Brandage – LPN, Candance Teetsel, Penny Coleman & Ilona Ross - Citizens

Chairman Roberts called the meeting to order at 6:30 PM.

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**Motion No. 1:** Moved to **APPROVE** the Minutes of the March 13, 2017 meeting

**Motion By:** Legislator Rodriguez  
**Motion Seconded By:** Legislator Ronk

**Discussion:** None

**Voting In Favor:** Legislators Belfiglio, Donaldson, Lopez, Loughran, R. Parete, Roberts, Rodriguez & Ronk

**Voting Against:** None

**Votes in Favor:** 8

**Votes Against:** 0

**Disposition:** Minutes **APPROVED**

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Resolutions for the April 18, 2017 Session of the Legislature

**Resolution No. 448 of 2016:** Setting A Public Hearing On Proposed Local Law No. 18 of 2016 (A Local Law Prohibiting Discrimination On The Basis Of Gender Identity At Places Of Public Accommodation, Resort Or Amusement) To Be Held On Tuesday, May 9, 2017 At 6:20 PM

**Resolution Summary:** This resolution sets a Public Hearing on Tuesday, May 9, 2017 at 6:20 PM for the purpose of hearing public comment of Proposed Local Law No. 18 of 2016.

**Discussion:**

Chairman Roberts commented that the law has been before the committee for months. Chairman Ronk added that he maintains that the county Human Rights Commission lacks the authority to carry out provisions on the law such as levying fines and acting as a tribunal. He stated that the commission currently has the ability to refer complaints to the state commission and added that there have only been 35 complaints statewide in the last three years.

Legislator Rodriguez stated that he felt the commission does have the ability to act within the provisions of the law and added that the sponsor asked multiple times for input. Legislator R. Parete asked if there were any rulings that spoke to the legality of the law and asked if they could get an opinion from the attorney general. He added that he did not want to open the county up to law suits. Chairman Ronk responded that Legislative Counsel has issued an opinion on the law and added that the attorney general is hesitant to issue opinions on proposed county laws.

Chairman Roberts recognized Legislative Counsel Pascale. Counselor Pascale commented that the issue was studied by Legislative Counsel over the past few months and he issued an opinion months ago, the general content of which was just summarized by Chairman Ronk. Chairman Ronk asked if Minority Counsel issued a written opinion as he and Legislative Counsel had not seen it. Legislator Loughran mentioned the lack of complaints statewide. Legislator Berky informed the members that there are more complaints being filed in the school districts which would be covered under their jurisdiction. She added that the LGBTQ community is in support of the measure. The members continued to discuss the legality of the law and its applicability in a school setting. Counselor Pascale commented that, although the intention may have been to exclude schools from the law, the law as written does not exclude a school. He added that this concern was communicated previously.

Legislator Donaldson commented that the law aims to discourage behavior and should be advanced. Legislator Loughran asked if the school districts have been consulted. Legislator Berky responded that she spoke to individuals in the Rondout system and Kingston. Loughran asked if there were documented issues in those schools and asked what the fiscal impact of the law is projected to be.

Chairman Roberts asked if there were any other comments before he calls the question. Chairman Ronk commented that at the very least a fiscal impact should reflect the hearing officer that will need to be hired by the County Attorney's Office. Legislator R. Parete added that he would like to see an amendment to the law requiring an annual report detailing the number of complaints filed and their outcomes.

**Motion No. 2:**                    **Moved to ADOPT Resolution No. 448 of 2016**  
**Motion By:**                     Legislator Rodriguez  
**Motion Seconded By:** Legislator Ronk

**Voting In Favor:**             Legislators Donaldson, Loughran, R. Parete, & Rodriguez  
**Voting Against:**             Legislators Belfiglio, Lopez, Roberts & Ronk  
**Votes in Favor:**                4  
**Votes Against:**                4  
**Disposition:**                 **Resolution is DEFEATED**

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Chairman Roberts informed the members he would be taking Resolution No. 179 out of order to accommodate those present from UCAT to speak on it.

**LATE Resolution No. 179:** Supporting A Grant Application To The Federal Transit Administration To Apply, Accept and Administer 5339(B) Funding For Building Improvements And Authorizing The Ulster County Executive To Execute Any Required Applications Or Agreements To Accept Funding- Department of Public Transportation (UCAT)

**Resolution Summary:** This resolution supports a grant application to the Federal Transit Administration's Bus and Bus Facilities Program and authorizes the County Executive to execute any required applications or agreements to accept funding.

**Motion No. 3:** Moved to ADOPT Resolution No. 179

**Motion By:** Legislator Rodriguez

**Motion Seconded By:** Legislator Belfiglio

**Discussion:**

Legislator Donaldson asked why the resolution was late. UCAT Deputy Director Quesnell responded that the award letter came in just the Friday before the meeting and the deadline to submit the application was April 24<sup>th</sup>.

**Voting In Favor:** Legislators Belfiglio, Donaldson, Lopez, Loughran, R. Parete, Roberts, Rodriguez & Ronk

**Voting Against:** None

**Votes in Favor:** 8

**Votes Against:** 0

**Disposition:** Resolution is ADOPTED

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**Resolution No. 95:** Setting A Public Hearing On Proposed Local Law No. 1 Of 2017 (A Local Law Prohibiting The Possession, Distribution, Or Use Of Tobacco Products By A Minor In Ulster County) To Be Held On Tuesday, May 9, 2017 At 6:00 PM

**Resolution Summary:** This resolution sets a Public Hearing on Tuesday, May 9, 2017 at 6:00 PM for the purpose of hearing public comment of Proposed Local Law No. 1 of 2017.

**Motion No. 4:** Moved Resolution No. 95 FOR DISCUSSION

**Motion By:** Legislator Ronk

**Motion Seconded By:** Legislator Belfiglio

**Discussion:**

Legislator R. Parete commented that the law had the potential to be a good law, but did not want to support it because of the provisions exempting individuals who work in retail establishments. Legislator Lopez mentioned that Legislator Briggs, the sponsor, was present when the law was considered in the Public Health Committee. At that meeting he asked Legislator Briggs if the Sheriff's Department was supportive of the law. He added that he wanted to make sure that Sheriff's resources wouldn't be diverted because of the enactment of the law. Legislator Belfiglio added that he discussed his concerns with the sponsor and stated that he was in favor of raising the age to purchase cigarettes to 21 yrs. He said he was not in favor of penalizing individuals for smoking.

Chairman Roberts recognized County Attorney Havranek who advised the members that the law can only apply to 16 and 17 year olds because of laws regarding the inability, to prosecute violations committed by minors.

Legislator R. Parete asked if the law could be postponed until Legislator Briggs could be present.

**Motion No. 5:**                    **Moved to POSTPONE Resolution No. 95**  
**Motion By:**                    Legislator Rodriguez  
**Motion Seconded By:** Legislator Ronk

**Discussion:**                    None

**Voting In Favor:**            Legislators Belfiglio, Donaldson, Lopez, Loughran, R. Parete, Roberts, Rodriguez & Ronk

**Voting Against:**              None

**Votes in Favor:**                8

**Votes Against:**                0

**Disposition:**                **Resolution is POSTPONED**

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**Resolution No. 96:** Setting A Public Hearing On Proposed Local Law No. 2 Of 2017, 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, May 9, 2017 At 6:05 PM

**Resolution Summary:** This resolution sets a Public Hearing on Tuesday, May 9, 2017 at 6:05 PM for the purpose of hearing public comment of Proposed Local Law No. 2 of 2017.

**Motion No. 6:**                    **Moved Resolution No. 96 FOR DISCUSSION**  
**Motion By:**                    Legislator Ronk  
**Motion Seconded By:** Legislator Loughran

**Discussion:**

Chairman Roberts Recognized County Attorney Havrenk who advised the members that she issued an opinion indicating that the law constitutes a transfer of powers and, according to the Charter, requires a ballot proposition. She added that the law makes no mention of a referendum. She also commented that she believed the law also impedes on the County Executive's ability to conduct the day to day operations of the county.

Legislator Donaldson commented that he received opinions from other attorneys that stated a ballot referendum would not be required because the law seeks to clarify the original intention of the Charter. Legislative Counsel was asked for his opinion on the question of a ballot referendum. He stated that he felt the law would be subject to challenge if passed without a referendum provision. Chairman Ronk stated that he shared the opinion of counsel. Legislator R. Parete stated that he understood the arguments surrounding a ballot referendum. He added that the Executive should not be able to take money out of the county budget to do a mailing to voters suggesting how they should vote a ballot proposition. He said he supported giving the voters a say on a law aimed at curtailing abuses of taxpayer dollars.

Legislator Rodriguez advised the members that he requested information from the Executive's Office on the number of times funds were transferred in this manner and in what amounts. He asked if Legislator Donaldson would be amiable to amending the law to provide for a ballot referendum. Legislator Donaldson responded that the threat of legal challenge does not discourage him as all laws are subject to challenge. He added that he was fine with the requirement of a referendum, but requested participation in the process of drafting the ballot language. Chairman Roberts asked Legislator Donaldson if this practice was used prior to the Charter form of government. He responded that it was, but with the legislature now specifically charged with the creation of the budget the law is required to maintain the separation of powers. Chairman Ronk commented that he was not against the law, but felt it was subject to referendum. He asked if the members would consider postponing the law and asked Legislator Donaldson if he would work with him to draft referendum language before next month.

**Motion No. 7:**                    **Moved to POSTPONE Resolution No. 96**  
**Motion By:**                     Legislator Ronk  
**Motion Seconded By:** Legislator Rodriguez

**Discussion:**                    None

**Voting In Favor:**             Legislators Belfiglio, Donaldson, Lopez, Loughran, R. Parete, Roberts, Rodriguez & Ronk

**Voting Against:**                None

**Votes in Favor:**                8

**Votes Against:**                 0

**Disposition:**                 **Resolution is POSTPONED**

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**Resolution No. 140:** Setting A Public Hearing On Proposed Local Law No. 3 Of 2017 (A Local Law Exempting From Taxation Real Property Improved Pursuant To The Federal Americans With Disabilities Act Of 1990) To Be Held On Tuesday, May 9, 2017 At 6:35 PM

**Resolution Summary:** This resolution sets a Public Hearing on Tuesday, May 9, 2017 at 6:35 PM for the purpose of hearing public comment of Proposed Local Law No. 3 of 2017.

**Motion No. 8:** Moved to ADOPT Resolution No. 140  
**Motion By:** Legislator Ronk  
**Motion Seconded By:** Legislator R. Parete

**Discussion:**

Legislator Lopez explained that the tax exemption applies to non-residential properties that make their properties more handicap accessible. He explained that the exemption is applied only to the value of the improvement. Chairman Ronk commended Legislator Lopez on introducing the law and mentioned that he recently read an article about ADA advocacy groups actively pursuing accessibility violations in public establishments. He added that this law will encourage and help businesses to make the necessary improvements.

**Voting In Favor:** Legislators Belfiglio, Donaldson, Lopez, Loughran, R. Parete, Roberts, Rodriguez & Ronk  
**Voting Against:** None  
**Votes in Favor:** 8  
**Votes Against:** 0  
**Disposition:** Resolution ADOPTED

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**Resolution No. 141:** Requesting The New York State Legislature Introduce Home Rule Legislation Amending General Municipal Law To Authorize A Permissive Referendum For The County Of Ulster’s Independent Re-Districting Plan

**Resolution Summary:** This resolution requests the introduction of home rule in order to give the county the authority to conduct a permissive referendum on a plan of reapportionment adopted pursuant to the procedures set forth in Ulster County Charter Section C-10.

**Motion No. 9:** Moved Resolution No. 141 FOR DISCUSSION  
**Motion By:** Legislator Belfiglio  
**Motion Seconded By:** Legislator Ronk

**Discussion:**

Chairman Ronk asked the members to postpone the resolution for a month. He said he wanted it introduced so the members would begin considering the choice between asking for the home rule request, and having the Charter Revision Commission reconvene in September.

**Motion No. 10:** Moved to POSTPONE Resolution No. 141  
**Motion By:** Legislator Rodriguez  
**Motion Seconded By:** Legislator Loughran

**Discussion:** None

**Voting In Favor:** Legislators Belfiglio, Donaldson, Lopez, Loughran, R. Parete, Roberts, Rodriguez & Ronk  
**Voting Against:** None  
**Votes in Favor:** 8  
**Votes Against:** 0  
**Disposition:** **Resolution is POSTPONED**

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**Resolution No. 142:** Appointing And Reappointing Members To The Periodic Compensation Review Committee

**Resolution Summary:** This resolution reappoints Gerald Benjamin to the Periodic Compensation Review Committee for a term commencing immediately and expiring on March 31, 2019 and appoints Alex Danon to the Periodic Compensation Review Committee for a term commencing immediately and expiring on March 31, 2020.

**Motion No. 11:** **Moved to ADOPT Resolution No. 142**  
**Motion By:** Legislator R. Parete  
**Motion Seconded By:** Legislator Rodriguez

**Discussion:** None

**Voting In Favor:** Legislators Belfiglio, Donaldson, Lopez, Loughran, R. Parete, Roberts, Rodriguez & Ronk  
**Voting Against:** None  
**Votes in Favor:** 8  
**Votes Against:** 0  
**Disposition:** **Resolution ADOPTED**

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**Resolution No. 175:** 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 sign an intergovernmental agreement with various school districts for the use of Board of Elections equipment for school board elections.

**Motion No. 12:** **Moved to ADOPT Resolution No. 175**  
**Motion By:** Legislator Ronk  
**Motion Seconded By:** Legislator Loughran

**Discussion:**

Legislator Rodriguez questioned what equipment the schools would be using. Chairman Ronk responded that the new voting systems would be used.

**Voting In Favor:** Legislators Belfiglio, Donaldson, Lopez, Loughran, R. Parete, Roberts,  
Rodriguez & Ronk  
**Voting Against:** None  
**Votes in Favor:** 8  
**Votes Against:** 0  
**Disposition:** **Resolution ADOPTED**

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Chairman Roberts asked if there was any other business, hearing none.

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**Adjournment**

**Motion Made By:** Legislator Loughran  
**Motion Seconded By:** Legislator Ronk  
**No. of Votes in Favor:** 8  
**No. of Votes Against:** 0

**TIME:** 7:30 PM

**Respectfully submitted: Jay Mahler, Deputy Clerk**  
**Minutes Approved: May 15, 2017**