

**ULSTER COUNTY LEGISLATURE  
LAWS & RULES COMMITTEE  
MEETING MINUTES – April 6, 2009  
LOCATION – Chambers, 6<sup>th</sup> Floor, COB**

COMMITTEE MEMBERS

PRESENT:

Legislator Gary Bischoff, Chair  
Legislator Sue Cummings, Deputy Chair  
Legislator Brian Cahill  
Legislator Jon Decker  
Legislator Robert Parete  
Legislator Hector Rodriguez

ABSENT:

Legislator Brian Shapiro (excused)  
Legislator James Maloney (excused)  
Legislator Kevin Roberts (excused)

OTHERS ATTENDING:

Dan Heppner, Counsel to Legislature  
Kathy Mihm, Commissioner, Board of Elections  
Jay Mahler, Deputy Commissioner, BOE  
Arthur Smith, Deputy County Executive  
Meg Dellay, Deputy Clerk, Legislature  
Tom Kadgen, LWV

Legislator Gary Bishcoff (Chair) called the meeting to order at 6:07 PM.

**1. Resolution for May – BOE Charge Back – *Adopting A Methodology To Charge Back The Towns And The City Of Kingston For The Costs OF Election Services – Board of Elections.***

**Art Smith** explained that the Charge Back Committee used multiple allocation formulas to create a fairer cost overall, and to reward for efficiencies (such as consolidating polling sites). August 15<sup>th</sup> is the date that towns will receive estimate for next year. Towns will receive actual bill for past election on December 15<sup>th</sup>.

**Gary Bischoff** reviewed letter received from Jason Cosenza, Ulster Town Clerk, who wrote to ask the County to assume the entire cost of the election process.

**Motion made by Legislator Rodriguez, seconded by Legislator Decker. Passed with one no, Legislator Cummings.**

**2. Resolution #134 – *Amending The List Of Titles Of County Officials And Employees Required To File Disclosure Statements Pursuant To Local Law Number 11 of 2008 (A Local Law Known As The Ulster County Ethics And Disclosure).***

**Moved by Legislator Cahill, seconded by Legislator Cummings for purposes of discussion:**

**Gary Bischoff** said list is amended to exclude the following: Fire Advisory Board Members, Board of Health Members, Community Services Board Members, and Members of the Environmental Management Council

**Rob Parete** opposes this resolution - said all resolutions from the County Executive should state it and recommends a public hearing, especially if amending a local law. This is a procedural issue, similar to protocol at state level with Governor's Program bills.

**Brian Cahill** asked if committee can amend it? Perhaps it should be presented as a Program bill at the request of County Executive.

**Hector Rodriguez** agreed with Rob and Brian.

**Dan Heppner** talked to Bea - members of several boards are reluctant to serve now. He read from Ethics & Disclosure Law/ LL #11 of 2008, Section 6: "...may be amended from time to time by the Chief Executive Officer...with the approval of the County Legislature so as to include all those titles that are applicable."

**Brian Cahill** pointed out this is time sensitive matter with a deadline of May 1<sup>st</sup>.

There was more discussion about amending it to set a public hearing, but determined not possible since a new resolution is needed to set up a public hearing.

**Call for the Vote: Yes (three) – Legislators Bischoff, Cahill, Decker. No (three) – Legislators Parete, Cummings, Rodriguez. DID NOT PASS. Will be voted on the floor.**

### **3. Late Resolutions:**

**A. Resolution #135** – *Authorizing The Chairman Of The Ulster County Legislature To Execute A License Agreement Or Memorandum Of Understanding With The New York State Division Of Parole For The Use Of Space In The Former County Jail On Golden Hill, Kingston, New York.*

Discussion involved several points:

- Criminal Justice Committee worked on this for two years.
- No mechanism for state to lease from the county, hence the resolution.
- Critical for SAVE THEM NOW program to utilize space.

**Moved by Legislator Parete, seconded by Legislator Cahill. Passed unanimously.**

**4. Resolution #84** – *Confirming Appointment Of Members To The Board Of Ethics (Suzanne F. Jordan and Jay Kaplan).*

**Motion made by Legislator Parete, seconded by Legislator Cahill. Passed unanimously.**

### **5. Public Hearings:**

**A. Resolution #99** – *Setting A Public Hearing On Introductory Local Law No. 4 of 2009 (Enacting "Lynette's Law" – A Local Law Establishing A Charge Of Aggravated Harassment For The Throwing, Tossing Or Expelling Of Bodily Fluids On Residents Of Ulster County) To Be Held On Wednesday, May 6, 2009 At 6:15 PM.*

**All Opposed. Sending back to Criminal Justice with the following notations:**

- Legislative Attorney researched and we cannot enact law with felony charge.
- Exclude saliva from list of bodily fluids.
- Objection by Jon Decker to naming law after victim out of concern for victim.

**B. Resolution #100** – *Adopting Introductory Local Law No. 2 of 2009 (A Local Law Requiring Chain Food Service Operators To Post Calorie Information On Menus), Hereinafter Known As Local Law No.1 Of 2009.*

**Moved by Legislator Parete, seconded by Legislator Cahill. Passed unanimously.**

**C. Resolution #98** – *Setting A Public Hearing On Introductory Local Law No. 3 of 2009 (A Local Law Establishing Plastic Bag Fee) To Be Held On Wednesday, May 6, 2009 At 6:00 PM.*

Discussion points:

- Get rid of plastics entirely or give fee money to someone other than the stores.
- Banning does not stand up in court.
- State needs to enact tax/revenue enhancer.
- Remarks from a public hearing are important in determining a case.

**Moved by Legislator Parete, seconded by Legislator Decker. Passed unanimously.**

## **6. Other business -**

**Legislator Bischoff** passed out the written text for “Proposed Policy on New Local Law Flow Through Legislature.” (See Attachment)

Discussion points:

- Proposal affects Rules of Order.
- Origination of laws: Legislature or member of Legislature, Executive?
- Laws submitted in a timely resolution OR 2/3 vote to suspend Rules & go to floor.
- Dan Heppner pointed out Rule 7 (E) which states committees may make rules as long as they don’t conflict with Legislative Rules of Order.
- Suggestion to wait for a month and see if anything else needs to be changed.
- Bring up in Caucus and to Committee Chairs.
- Do we want to put into Rules of Order a clear definition of Laws & Rules?

Meeting Adjourned at 7:37 PM

Respectfully submitted,  
Meg E. Dellay  
Deputy Clerk, UC Legislature