

**RULES, ENACTMENTS AND INTERGOVERNMENTAL RELATIONS COMMITTEE
MINUTES
WEDNESDAY, JANUARY 18, 2023
3:30 P.M.**

PRESENT: Paul Ruszkiewicz, Chairman
Michael Amo, Barry J. Cheney, Thomas J. Faggione, Kevin W. Hines, Michael D. Paduch,

ALSO

PRESENT: Katie Bonelli, Chairwoman
Betsy N. Abraham, Esq., Legislative Counsel
Harold J. Porr, III, Deputy County Executive
Richard B. Golden, Esq., County Attorney
Alan Sorensen, AICP, Commissioner of Planning
Martha Boulanger, Planner, Planning Department
Kerry Gallagher, Commissioner of Finance
Michael Schreiber, Deputy Commissioner of Finance
Erin Sztendor, Budget Analyst

Mr. Ruszkiewicz opened the meeting at 3:30 p.m. and requested everyone stand for the Pledge. All members were present with the exception of Legislators Sierra and Stegenga, who were absent.

Mr. Hines moved to request confirmation of reappointment to the Orange County Board of Ethics (D. Clarino), seconded by Mr. Amo.

Mr. Ruszkiewicz explained that due to a conflict he would be abstaining.

Mr. Porr explained that Mr. Clarino has been a member of the Board of Ethics for several years and has served with distinction.

Motion passed 5-1 with Legislators Amo, Cheney, Faggione, Hines and Paduch voting in favor and Legislator Ruszkiewicz who abstained.

Mr. Faggione moved request to authorize the County Executive of Orange County to sign the renewal sales tax agreement with the Cities of Newburgh, Middletown, and Port Jervis, seconded by Mr. Paduch.

Ms. Gallagher stated that the current agreement expires on February 28, 2023 with the new agreement starting on March 1, 2023 and expiring on February 28, 2026.

Mr. Cheney asked if there were any changes to the agreement. Ms. Gallagher replied yes, the main difference is that this agreement explicitly states that this is based on the percentage population of the 2020 Census.

Mr. Paduch asked if new census numbers are automatically put in. Mr. Porr replied that it was not in the last agreement but is in this agreement.

Chairwoman Bonelli and Majority Leader Faggione thanked everyone for their efforts in getting this accomplished in a very short time.

Motion carried. All in favor.

Mr. Cheney asked when the supplemental sales tax would go out. Ms. Gallagher replied mid-February.

Mr. Ruskiewicz read the following: that Orange County is planning the purchase “only” of an unused 10-mile, 101-acre section of the former Erie Railroad right-of-way in Orange County, which starts at the Moodna trestle, then heading south traverses the Town of Blooming Grove, Village of Washingtonville, and ends at Orange County’s Camp LaGuardia, in the Town/Village of Chester. The property consists of tax parcels: Cornwall SBL 1-1-64.1, 64.2 & 166.2 and 29-1-12, Blooming Grove SBL 5-4-5.2 & 8, 6-1-16, 9-1-17, 14-1-32, 18-1-4, 38-1-23, 43-1-18 & 52-1-1, Washingtonville SBL 113-3-11.22, 114-1-14, 117-1-1 & 120-1-14, Town of Chester SBL 3-1-3.1.

Mr. Cheney moved a resolution of the Orange County Legislature giving notice of intent to Assume Lead Agency status under State Environmental Quality Review Act (SEQRA) with respect to the purchase of a section of the former Erie Railroad Line from Open Space Institute, and making a preliminary determination that this project be classified as a Type I Action, seconded by Mr. Hines.

Mr. Sorensen explained that this was part of the actions to develop the Schunнемunk Rail Trail. One of the first steps is to acquire the property from the Open Space Institute; however, to do so the legislature needs to comply with SEQRA. This SEQRA action is specific to only the property purchase but when they get to the design phase and development that process will also be subject to its own SEQRA review. The reason the legislature needs to ask to assume lead agency is because there is another involved agency, the Federal Transit Administration.

Motion carried. All in favor.

Mr. Hines moved request to apply for and accept a Federal Transit Administration grant, the matching NYS grant and the local match. These funds are apportioned to Orange County via the Federal 5307 funding program. The additional FTA grant amount is \$8,216,598.00, the NYS match is \$1,027,075.00 and the local share is \$1,027,075. The local share includes a county share of \$1,027,075. This project consists of the creation of the Schunнемunk Rail Trail which once acquired by Orange County and permanently protected, would facilitate the creation of bicycle and pedestrian connections to the Salisbury Mills train station,

Chester Park & Ride and Dial-a-Bus service in the Village/Town of Chester. The proposed Schunne-munk Rail Trail would dramatically improve public transit use and services by providing pedestrian and bicyclist connections to existing transit facilities while also opening opportunities to expand service within this area of Orange County. The grant application for the use of 5307 funds will include ROW Incidentals, Engineering & Design, Construction, and Construction Review, seconded by Mr. Faggione.

Mr. Sorensen explained that when the initial application was made to the FTA they anticipated an overall project cost of \$18 million for the Schunne-munk Rail Trail. Cost estimates were done over two years ago and they have learned from other rail trails and their own experience with the Heritage Trail that it would be beneficial to include some enhancements into the development of the Schunne-munk Rail Trail. They originally anticipated a ten foot wide paved rail trail; however, they are now envisioning a sixteen foot wide trail for bicycle/pedestrian movements in a more efficient manner. It would be a split use trail with designated bike lanes so not to have bicyclist conflicting with pedestrians. It would not apply to the entire length of the trail but in areas where there would be more congestion. They have sufficient funding in their 5307 funds to close the gap with the county share at 10%. The county's share going into the project was \$1.8 million but if approved that would increase to \$2.8 million.

Mr. Paduch asked how the increase to 16 feet was determined and have they received complaints and/or has there been accidents with the current 10 feet of the Heritage Trail. Mr. Sorensen replied that a multitude of factors went into the decision. They have received some complaints regarding bicyclists and pedestrians and after speaking to colleagues in adjacent counties they felt it would be appropriate. In addition, the usage of e-bikes has increased and there is a great need to separate bicyclists from pedestrians. He reiterated that it would not be 16 feet for the entire length of the trail but only in areas where these bicycle and pedestrian conflicts could occur.

Mr. Ruskiewicz asked how the separation would occur. Mr. Sorensen replied that it would be one piece of paving separated on one side by two five-foot-wide striped lanes.

Mr. Hines asked when they anticipate starting construction. Mr. Sorensen replied they are coordinating with the Department of Public Works to get the RFP out for design and if they can stay on schedule with the design work it could be completed this year and in a perfect world they could conceivably start construction in 2024 and most likely take two construction seasons to complete.

Mr. Paduch asked if signage would be placed to indicate the lanes. Mr. Sorensen replied yes.

Motion carried. All in favor.

Mr. Faggione moved request to appropriate previously accepted 2023 NYSDOT Federal 5311 funds. The 5311 program provides formula funding for states for the purpose of supporting public transportation in areas

with non-urban population of less than 50,000. The current application is for Federal Fiscal Year 2023. Funds would be used for the operating assistance payments to municipal transit operators. The total application amount for FFY 2023 is \$337,000.00, seconded by Mr. Paduch.

Ms. Boulanger addressed the committee and explained that the 5311 Program is intended to support transit operators that provide public transportation in rural areas. They applied for the funds last month and are requesting that the funds be appropriated to the city of Port Jervis and Towns of Warwick, Goshen and Montgomery.

Motion carried. All in favor.

Mr. Paduch moved request to apply for, accept, and appropriate Empire State Development funds. Orange County Transportation Support for the city of Newburgh Local Asst 22-23 Legislative Initiative Funding Working Capital, Project No. 135,305 has been included in the Urban Development Corporation d/b/a/ Empire State Development 2022-2023 budget. Orange County's total apportionment of these funds is \$67,500.00. The funds would be used to cover the cost of the bus fares for the Newburgh Area Transit service. These funds are 100% state money, no County match is required, seconded by Mr. Amo.

Mr. Sorensen explained that the funding came about due to an inquiry made by the city of Newburgh and Senator Skoufis' Office to see what they could do to utilize this funding to provide free fares for bus riders in the city of Newburgh. They are before the committee requesting authorization to complete the application process through the Empire State Development Corporation on behalf of the city of Newburgh. The free bus services started on December 15, 2022, and they anticipate that these funds will allow the free fare service to continue through March and the program has been well received.

Mr. Cheney asked if the free ride service was dependent upon exhausting the money they receive. Mr. Sorensen replied that it will be based on ridership and once the funding from the Empire State Development Corporation runs out there needs to be a small local match to the fares. Based on past ridership and the anticipated increase in ridership their best estimate is that it will continue through March; however, they are exploring other opportunities to help carry this forward.

Mr. Cheney asked about the process if the \$67,500.00 does not go through March. Mr. Sorensen replied that once the funds are used the free fare will end unless they find another source.

Mr. Hines asked how much it cost to ride the bus. Ms. Boulanger replied \$1.50.

Motion carried. All in favor.

Mr. Cheney moved request to apply for, accept, and appropriate NYSDOT Public Transportation Modernization and Enhancement funds. The state apportions funding to counties, cities, and regional authorities to upgrade and enhance public transportation services. Orange County's total apportionment of these funds are \$2,592,943.00. The funds would be used to purchase Commuter Buses and Transit Buses (\$300,000 Commuter Buses, \$2,292,943 Transit Buses). The total application amount is \$2,592,943.00. These funds are 100% state money, no County match is required, seconded by Mr. Paduch.

Ms. Boulanger explained that that they are currently going through the Middletown system redesign, and they anticipate increasing the fleet by three buses. They are using 100% state funds for the expansion of that fleet. The \$300,000.00 is for a previously approved purchase of Commuter Buses and to cover the increased cost of the buses with the remaining \$2.3 million for Transit Buses. They have also built in the anticipated cost increase which is 50%.

Motion carried. All in favor.

Mr. Cheney moved resolution recognizing February as Black History Awareness Month, seconded by Mr. Paduch.

Motion carried. All in favor.

The meeting adjourned at 3:57 p.m.