

**RULES, ENACTMENTS AND INTERGOVERNMENTAL RELATIONS COMMITTEE  
MINUTES**

**FRIDAY, JANUARY 19, 2018  
3:30 P.M.**

PRESENT: Thomas J. Faggione, Chairman  
Katie Bonelli, Barry J. Cheney, Kevin W. Hines, James M. Kulisek, Michael D. Paduch,  
John S. Vero

ALSO

PRESENT: L. Stephen Brescia, Chairman  
James D. O'Donnell, Legislator  
Rob Sassi, Legislator  
Kathy A. Stegenga, Legislator  
Antoinette Reed, Legislative Counsel  
Harry Porr, Director, Operations and Cost Control  
Mary Pat Smith, Assistant to the County Executive  
Langdon Chapman, County Attorney  
Timothy Tucker, Budget Analyst  
Richard Golden, Esq., Burke, Miele & Golden, LLP  
John Xanthis, Superintendent of Schools, Valley Central School District

Mr. Faggione opened the meeting at 2:39 p.m. and requested everyone stand for the Pledge of Allegiance to the Flag. All members were present with the exception of Legislator Amo who was absent.

The first item on the agenda was an update on the Kiryas Joel Annexation litigation.

Mr. Golden explained that as a result of some court decisions the aspect concerning the 507 acre objection was separated from the rest of the litigation and stayed. The stay was challenged by the village of Kiryas Joel who wanted it overturned on appeal but that was denied by the Appellate Court and remains a segregated portion of the Supreme Court action. Included in that action was the remaining objections of the municipal petitioners who requested that the 164 acres be overturned on various grounds but it was denied by the lower court judge. It was appealed to the Appellate Division, briefed by the municipal petitioners and responded to by the Village of Kiryas Joel respondents and private annexation property owners and a reply submitted by the municipal group that Orange County partnered with. The appeal was done by outside counsel Philip Karmel and Bryan Cave and fully submitted to the court on June 29, 2017. The next step in the Appellate Division process is for the court to set a date for oral arguments; however, that date has not been set. They had asked for preference on the appeal in order to get it done quickly but the request was denied by the Appellate Division. Another piece of litigation is the Village of Kiryas Joel v. the Town of Monroe in which the Village of Kiryas Joel sued the Town of Monroe stating that the Town of Monroe should not have denied their petition for the 507 acre application with that type of proceeding starting in the Appellate Court and assigned to three referees to hear the case. The referees have not asked for a briefing schedule and/or appearance so it just sits there. Discussions were held between one of the petitioners Preserve Hudson Valley and the Village of Kiryas Joel who believed that they had come to an agreement on a settlement of the action and asked the lower court to approve that settlement and discontinue their action against the Village of Kiryas Joel and

other annexation petitioners. Presently, that is on hold because of objections from the other annexation petitioners that were not in favor of allowing that settlement to go forward and questioned whether it could go forward without their approval. However, the municipal groups including Orange County have not been part of these discussions. On January 24, 2018, a further court conference will occur on a status report on the settlement discussions between Preserve Hudson Valley and the Village of Kiryas Joel. In addition, the creation of the Town of Palm Tree is due to go into effect on January 1, 2020, unless state legislation is passed to accelerate that process.

Legislative Counsel Reed asked if that was for the election of the town board members. Mr. Golden replied that it was one of the main things that must happen.

Legislative Counsel Reed commented that the documentation was dually filed with the Secretary of State, County Clerk and the New York State Comptroller's Office in December 2017.

Mr. Golden pointed out that currently there is not in existence a new Town of Palm Tree as it is set to occur on January 1, 2020.

Ms. Bonelli asked for an update on invoices. Mr. Golden apologized for not having that information available but he would get the information and forward it to Legislative Counsel Reed.

Legislative Counsel Reed added that the \$200,000.00 allocated by the legislature has been dispersed by Deputy County Attorney Sharon Worthy-Spiegl and the Finance Department. However, she was unsure if it was dispersed to legal counsel.

Ms. Bonelli asked if Town of Woodbury Clerk, Desiree Potvin was still responsible for all deposits and expenses. Mr. Golden replied yes.

Ms. Bonelli asked if any meetings were conducted with the participating municipalities in the latter part of 2017 or early 2018 with respect to this litigation. Mr. Golden replied that there were a few meetings in December; however, he was not present during those meetings. There are ongoing meetings with representatives of each of the municipalities and they have generally discussed whether or not they would be going forward with the litigation or if they were going to settle but nothing has been finalized and no action taken.

Mr. Kulisek commented that a recent newspaper article indicated that a lawsuit was filed by individuals that were not included in the new Town of Palm Tree boundaries and was Mr. Golden privy to any pending discussions on that issue.

Mr. Golden replied that a new lawsuit may have been filed; however, he was not aware of it nor were the municipalities or the county. He understands that those are the parties that have objected to the settlement of the underlying lawsuit between the Village of Kiryas Joel and Preserve Hudson Valley.

Legislative Counsel Reed asked if they were also objecting to the settlement of the 164 acre annexation or just the 507 acre annexation. Mr. Golden replied indirectly it is everything as to Preserve Hudson Valley and village of Kiryas Joel. The municipal entities including the county started their lawsuit challenging both the 164 acre annexation and the 507 acre annexation with Preserve Hudson Valley starting their own lawsuit. While they are two separate lawsuits the actions were consolidated so that the judge could deal with the two lawsuits simultaneously. It is that lawsuit that

is proposed to be settled with Preserve Hudson Valley and is for both the 164 and 507 acres with Preserve Hudson Valley and Kiryas Joel apparently coming to terms on a settlement but it has yet to be awarded by the court. One of the issues with getting that awarded is that they must have the other petitioners that are objecting to it agree.

Mr. Cheney asked where the municipalities stand relative to the lawsuits around the 164 acres. Mr. Golden replied that they are objecting to the 164 acres on various basis with the main basis being that a proper SEQRA had not been completed. That was denied by Justice Walsh in the Supreme Court but they have appealed that and it is now before the Appellate Division.

Mr. Cheney asked if there was a reason that the municipalities should not proceed further. Mr. Golden replied that if they were to prevail in the Appellate Division they would be saying that the annexation of the 164 acres would be null and void.

Mr. Cheney asked if there would be an opportunity to "cure" that. Mr. Golden replied that the court would not tell them to "cure" it. It would be null and void and the creation of the new Town of Palm Tree does not affect the litigation.

Legislative Counsel Reed added that the annexation was to the village of Kiryas Joel with those lands still in the Town of Palm Tree. They were told that eventually the leadership in Kiryas Joel would want to make the boundaries of the village and the Town of Palm Tree coterminous and "cure" the issue of the annexation.

Mr. Golden replied yes, to the annexation, but if they wanted new zoning they could not use that SEQRA review if it was declared null and void.

Legislative Counsel Reed agreed.

Mr. Kulisek moved resolution of the Orange County Legislature requesting the New York State Department of Transportation install a traffic control device on State Route 17K in the Town of Montgomery, New York at the Valley Central High School entrance, seconded by Ms. Bonelli.

Chairman Brescia introduced John Xanthis, Superintendent at the Valley Central School District. He explained that he had received a letter from the superintendent who expressed concern with the increase of pedestrian traffic since the addition of the Dollar General Store across from the Valley Central High School. They are working on reconfiguring the exit from the school but this is a dire situation.

Mr. Xanthis thanked the committee for the opportunity to address this issue. The biggest complaints received have been with the issues on 17k. Senator William Larkin did come to Valley Central and meet with the DOT and helped to get the approval of the traffic light and they are in the queue. With the help of Senator Larkin's aid Brian Maher they were informed that while they were in the queue there is no funding for the traffic light. Because they are entering the budget season they have flooded the market with letters in order to receive funding for the light. They have begun the process of reconfiguring their campus as their board approved a resolution for \$138,000 to

study and design with Chazen Engineering to configure one way in and one way out so that buses do not co-mingle as they leave the campus; however, that is a lengthy process. Chazen Engineering is also working with the DOT as some highway enhancements will be needed. To keep the flow of traffic moving they have added staff but it still very difficult to get people off the highway. The students are not allowed to go to the Dollar General Store but kids are kids and there are times that they can get across and back. The most dangerous times are during school functions such as Friday night football games when kids are everywhere and they have had several close calls. They have received responses to their letters with Assemblyman Brian Miller coming to the campus in February. They expect Chazen Engineering to come back in February or March with a presentation to the board on the concept and cost and at that point they would then go out for a referendum.

Mr. Sassi echoed Mr. Xanthis' concerns as he worked for the Valley Central School District for 32 years and while it used to be a relatively quiet road over the last few years the traffic has increased drastically. Route 17k in Montgomery has become much more commercial and from his experience, when you come out in the afternoon and you are facing the road you have the sun glare, and speed limit of 45 mph which means people are really going 55 mph or 60 mph. There are buses coming in, students darting across the street and people coming in and going out of the Dollar General. With the amount of traffic coming out of the Dollar General Store, Valley Central School campus, pedestrians and the glare this is a nightmare waiting to happen with someone either seriously hurt or killed. He was also present at the meeting with Senator Larkin and he understands that that the request is in the queue but it needs to be moved up and if they as a legislature could support this it would be greatly appreciated.

Mr. Xanthis added that there are approximately 3000 people on the campus from 8:00 a.m. until 3:00 p.m.

Mr. Hines suggested the names of Senator Larkin and Assemblyman Miller be included in the last RESOLVED.

Chairman Brescia agreed that it should be included along with the other Senate and Assembly members in Orange County.

Mr. Hines asked if there were accidents in that location to date. Mr. Xanthis replied that there have been two with no serious injuries and enhancements were made to the blinking light and crosswalk. They had thought it would be easy to get a sign stating school zone at either ten or twenty miles an hour; however, they do not meet the requirements for it.

Mr. Paduch asked if the light would be done after the approval of the reconfiguration because in his opinion, it sounds like two lights are needed. Mr. Xanthis replied that he does not think Mr. Paduch was wrong and they are working with the engineers and DOT and two lights may be something that could be configured into the design.

Mr. Paduch commented that he sat on the Town of Walkkill Planning Board for years and he is unsure why the Town of Montgomery was not requiring Dollar General to make a donation toward the lights as they always required it in the Town of Walkkill.

Mr. Sassi agreed with Mr. Paduch.

Mr. Xanthis added that within a quarter of a mile there are three lights that were required.

Ms. Bonelli noted that the issue of the speed limit should also be addressed.

Motion carried. All in favor.

Ms. Bonelli moved resolution of the Orange County Legislature designating public locations for the posting of public notices, seconded by Mr. Kulisek.

Legislative Counsel Reed explained that they presently post their notices at the 1887 building and the post office in Goshen, New York. Because we have moved back to the government center we would like to change the posting requirements to the post office in Goshen, New York and the Orange County Government Center effective June 1, 2018.

Motion carried. All in favor.

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

Motion carried. All in favor.

On the agenda was an update on Proposed Right-of-Way Easements to Millenium Pipeline Company, LLC (Town of Deerpark and Town of Minisink).

Mr. Chapman explained that the Millenium Pipeline is seeking easements in the towns of Deerpark and Minisink. They were seeking the easements through the legislature but because of the time sensitivity of their project they went straight to federal court. They could go to federal court because it was over a certain threshold value and they did win the right in federal court and received the two easements. Appraisals were completed and John McCarey, Director of Real Property verified the appraisals which came back at about \$8,500.00 for the two easements. They have negotiated a price of \$56,000.00 for the two easements and last week Judge Karas of the United States District Court, Southern District granted those easements and they have been filed with the Orange County Clerk. Eventually, they will be compensated for the two easements and at that time they can decide what they would like done with those funds. The easements are located near Space Park in the Town of Deerpark and one crossing a railroad bed in the Town of Minisink.

Mr. Faggione commented that he and Legislator Ruszkiewicz have consulted with the County Attorney's office with respect to these matters. They did reach out to both the Supervisors in the towns of Deerpark and Minisink to ensure that they met all of the required specifications. At the appropriate time he and Legislator Ruszkiewicz will be asking that the money be used for playground equipment upgrades in the Town of Deerpark and Rail Trail improvements in the Town of Minisink.

The meeting adjourned at 3:20 p.m.