

**EDUCATION AND ECONOMIC DEVELOPMENT COMMITTEE
MINUTES**

**FRIDAY, JANUARY 20, 2023
4:00 P.M.**

PRESENT: Joseph J. Minuta, Chairman
Thomas J. Faggione, **Kevindaryán Luján**, James O'Donnell,
Genesis Ramos, Paul Ruszkiewicz, Robert C. Sassi

ALSO

PRESENT: Katherine E. Bonelli, Chairwoman
Barry Cheney, Legislator
Leigh J. Benton, Legislator
Betsy N. Abraham, Esq., Legislative Counsel
Langdon Chapman, Commissioner, Human Resources
Alison Tyack, Director of Personnel Management, Human Resources
Bill Fioravanti, CEO, Orange County Industrial Development Agency
Steven M. Gross, Director, Economic Development
Dr. Kristine Young, President, Orange County Community College
Paul Martland, Vice President of Admin., Orange County Community College
Gerianne Brusati, Vice President of Student Services, Orange County Community College
Dina Sena, Budget Analyst

Chairman Minuta opened the committee meeting at 4:00 p.m. by asking everyone to stand for the Pledge of Allegiance. All committee members were present with the exception of Legislator Stegenga who was absent.

Mr. Fioravanti provided a monthly update on the IDA (On file in Clerk, Legislative Office).

Mr. Sassi moved the request to create five (5) Building Maintenance Worker(s), Grade 8, position, to perform a variety of tasks in connection with the maintenance and repair of the college facilities, grounds and equipment, seconded by Mr. Lujan.

Dr. Young explained that this was not an addition to existing staff. They are positions being proposed, proactively anticipating vacancies in the near future.

Mr. Martland explained that they would like to create five positions with the same title. These positions are more flexible and would replace positions that are trade specific. Due to the restrictions in those jobs they sometimes need to send multiple people to get a task accomplished. If they have a job description with more flexibility and the person is properly trained, they can achieve more efficiently.

Motion carried. All in favor.

Mr. Sassi moved the request to create one (1) full-time and one (1) part-time Receptionist Spanish/English speaking, Grade 6, positions, seconded by Mr. Lujan.

Mr. Martland noted that this was a similar situation. They were not trying to fill the positions immediately, they will fill the positions as vacancies occur. The demographic of the county has an increased Spanish population, and they feel it will be helpful to have a more bilingual staff.

Motion carried. All in favor.

Mr. Lujan moved to discuss the request for supplemental appropriation for fiscal year 2022/2023 budget to fund the salary and benefits of a Vice President and General Counsel and to fund occasional outside counsel to provide legal services previously provided by the County Attorney's office, \$275,000.00, seconded by Ms. Ramos.

Dr. Young explained that over the summer she received a call from the County Attorney, Rick Golden, who informed them that the County Attorney's Office will no longer be providing services to the college. In the end of August or early September they had a meeting with herself, Paul Martland, Chairwoman Bonelli, Ms. Abraham, and Rick Golden to discuss what other options do they have and what do other community colleges do. It was agreed that an appropriation will be needed. She did not know why the county made this decision, but they feel that the college needs an in-house General Counsel and Vice President which is the executive title that seems most appropriate.

Mr. Ruskiewicz asked if there was a job description. He asked what legal counsel would entail, and are there any regulatory matters.

Mr. Martland explained that they developed a job description from two places, one was from the job description within the county for an Assistant County Attorney, and they also looked at job descriptions from other colleges that had this position. He read off a proposed draft job description (On file in Clerk, Legislative Office). He stated that they have multiple contracts that they sign off on and they presently do not have legal review. They felt that a base salary of \$150,000 was going to be needed to attract someone for this job. They added on the average benefit package at 57.2% which was another \$85,000 which brings the cost for the individual to \$235,000. They were told that it is customary that when you hire an attorney you need to provide database access and they included that in the cost in the amount of \$5,200. Whoever they hire they were sure would not be able to address all their legal issues. Knowing that they will need to hire outside counsel, they tacked on an additional \$34,000 which was an educated guess, resulting in a total of \$275,000.

Mr. Sassi mentioned that the state is supposed to provide one third of funding towards the college, would they be able to get one third back from this. He confirmed that the supplemental appropriation would become a part of the college's budget.

Mr. Martland confirmed yes, it would be ongoing in their budget.

Mr. Sassi asked if the college put any pressure on state officials since they continue to short change the county and the students. He noted that they have money to build new football stadiums, but they do not have the money for community colleges, it is shameful.

Dr. Young stated that they started today with the most cohesive message, very strong aggressive approach and she is hopeful it will be successful.

Mr. Sassi noted how generous the county has been, along with the full Legislature and they will continue to support the college, however, more pressure needs to be put on New York State by the college.

Mr. Faggione commented on the job description that Mr. Martland discussed earlier and asked what other colleges they referred to use as an example to develop the job description.

Mr. Martland advised Mr. Faggione they used the example of Suffolk County and Hudson Valley.

Mr. Faggione noted that in the immediate region, Sullivan, Dutchess, Rockland, Westchester, none of those colleges have a Vice President for legal services. He pointed out that there was none in this region, and 100% is to be funded by Orange County taxpayers, if they plan to appropriate \$275,000 from Orange County taxpayers.

Mr. Martland stated that was correct then it will be in their budget going forward.

Mr. O'Donnell asked what other colleges upstate do this.

Dr. Young responded that Hudson Valley does, however, she did not have a list readily available.

Mr. O'Donnell asked how many Vice Presidents are at the college and Dr. Young replied that there were three. He continued to state that he did not see a request in the proposed draft job description for support staff.

Dr. Young mentioned that they would probably share staff.

Mr. O'Donnell asked if they can elaborate as to the conversation they had with the County Attorney.

Dr. Young stated that it was mentioned that it had to do with the Charter.

Mr. Martland added that it was a different interpretation of the Orange County Charter. This is all based on the County Attorney's opinion of the Charter.

Mr. O'Donnell asked Mr. Chapman if he remembered how much money the county spent on outside counsel over the past few years with the college.

Mr. Chapman recalled that they did not spend money on outside counsel. They had different in-house counsel and there were very few cases. The college has a good insurance policy and the County Attorney's Office in the past has billed the college's carrier so the county was paid back by the college's carrier by some of that work. He did not disagree with Mr. Golden's

interpretation of the charter and he has a big disadvantage that he didn't when he was County Attorney, it is that Mr. Golden doesn't have the staffing and experience that he was lucky enough to have. He had long time experienced staff that were a big asset to him who have since left the County Attorney's Office.

Mr. Ruskiewicz stated that the county has some obligation to provide legal support for the college and in the past it was done through the County Attorney's Office.

Dr. Young pointed out that there was no dispute that the County must provide for representation.

Chairwoman Bonelli stated that when they had their meeting, it was noted that the county does have that responsibility to provide representation but how the County provides that, whether funds are put in their budget and whether they have in-house counsel or outside counsel. When they did meet, she was honest that she was not aware the request was going to be for both. She asked if they did a cost analysis comparing in-house counsel or outside counsel.

Mr. Martland explained that they looked at other colleges that had outside counsel model and what they were paying. It varied quite a bit. The variation of costs from other colleges was from \$80,000 to over \$300,000. It varied by the size of the institution and what they were doing. They do not know what they might encounter so the thought process was to put money in for outside counsel. The dollar amount for that was an educated guess and they might not use it at all.

Chairwoman Bonelli asked if the position, Vice President College General Counsel, is a position that is part of the college's list of titles or would the position need to be created.

Mr. Martland stated that it would be a management confidential position so there is no creation needed.

Mr. Cheney asked if there were previously chargebacks when they used services through the County Attorney and Dr. Young responded no there were not.

Mr. Cheney mentioned that the position for outside counsel would receive that.

Mr. Chapman added that it all depends on the nature of the case and what the coverage is.

Ms. Ramos shared that Mount Saint Mary's College is currently transitioning from outsourcing their counsel matters to an internal position and have a college counsel. It was financially driven, but it does not mean that all matters would be able to be handled in-house, it would then be outsourced so they have a similar model as to what the college is attempting to do. She mentioned that it would be beneficial for Mr. Golden to be present at the next meeting so he can address some questions.

Mr. Faggione suggested that they table the request for thirty days. The handout provided had fifteen bullet points that they should review further.

Mr. Faggione request to table the request for supplemental appropriation for fiscal year 2022/2023 budget to fund the salary and benefits of a Vice President and General Counsel and to fund occasional outside counsel to provide legal services

previously provided by the County Attorney's office, \$275,000.00, seconded by Mr. Minuta.

Mr. Minuta pointed out that he did not feel that he had enough information on the request. He asked if the college was okay with the additional thirty days for them to review.

Dr. Young responded that as long as the County Attorney is willing to assist them further.

Chairwoman Bonelli commented on the motion to table. She noted that they had their meeting and they are fully committed to the college and they will work everything out. She agreed that getting the information last minute was not very helpful. There were outstanding questions and since the County Attorney was not present, she would like to consult him. She added that they want to do this right and be able to review all of this and address it. She felt that thirty days was fair and she request that the committee table the item and everyone do their homework and be prepared next month.

Dr. Young commented to please ask them questions so they can be as helpful as they can be.

Mr. Faggione stated that he planned to work with Chairman Minuta and the college and they will find a resolution.

Mr. Minuta commented that the Charter has both of them, the Legislature and the College in this together and they plan to move forward together.

Motion carried. All in favor with the exception of Legislators Lujan, O'Donnell and Ramos.

Mr. O'Donnell commented on the previous meeting that took place. He noted that Mr. Faggione just mentioned to the Chairman of Education and Economic Development, Mr. Minuta, and the college along with himself be added into the conversation. He added that there are six other committee members that were not going to be part of the discussions. How would the information be relayed to them after thirty days.

Mr. Minuta stated that Ms. Ramos asked that Mr. Golden be present at the next meeting to answer questions.

Mr. O'Donnell stated that it sounded like there was going to be a meeting before that.

Mr. Minuta stated that if everyone was involved then they would have a quorum and then it would need to be a publicized meeting.

Mr. O'Donnell stated that if that is the case then they should just have the meeting when Mr. Golden is present and everyone will be present and they can all have a full discussion. If you have your own questions then you make your own phone calls.

Mr. Minuta stressed that it would be better moving forward as a collective group to understand this and he would rather move forward that way.

Dr. Young provided an update on the college. She announced that enrollment is up over last year and up from what they projected. They are up 4.5% from last year.

Ms. Brusati stated that since COVID they were on a downward slide but now enrollment is up which is accredited to a team of people. The number of first time students went up in the Spring. The Board of Trustees has an Enrollment Task Force and some of the goals are set up by them. They send letters to graduating students to encourage them to come to SUNY Orange. graduate high school. They try to use strategies to support the 24 and 25 year olds. They also try to attract students from underrepresented groups, not only to get them through the door, but keep them until graduation. Students have more opportunities today than they did ten or fifteen years ago. She added that enrollment was not a county problem, it is a state problem and they need to build the workforce which will take everyone to do that.

Mr. Lujan mentioned that his brother is on his second day at SUNY Orange. He saw firsthand that there was a lot of outreach that his brother received from the college. The Hispanic students fell off the grid, so to say, during COVID because many had to work because their parents were struggling. He asked what they felt worked the best.

Ms. Brusati stated that they have been connecting students with the academic department and it is important for them to have a relationship with the college.

Mr. Gross was added to the agenda to provide a brief update on Economic Development. He mentioned that the consolidated funding applications awards were given out a month ago and Orange County received \$4.1 million in awards for projects. He mentioned that there were some vacancies on the Foreign Trade Zone Board and some upcoming expiration dates. There are two companies interested in coming into the Foreign Trade Zone. They are preparing for the second Annual Summit late summer or early Fall. There is wonderful collaboration and support between the IDA and the Partnership.

On the motion of Mr. **Luján**, seconded by Ms. Ramos, the meeting adjourned at 5:24 p.m.