

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

**WEDNESDAY, JANUARY 22, 2020  
3:30 P.M.**

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

ALSO

PRESENT: L. Stephen Brescia, Chairman  
Kathy Stegenga, Legislator  
Peter V. Tuohy, Legislator  
Antoinette Reed, Legislative Counsel  
Jean M. Ramppen, Clerk, Orange County Legislature  
Harold J. Porr, III, Deputy County Executive  
Langdon Chapman, County Attorney  
Joseph Mahoney, Assistant County Attorney  
Steven M. Gross, Commissioner of Human Resources  
Donna McCarey, Deputy Commissioner, Human Resources  
Alison Tyack, Director of Personnel Management, Human Resources  
David Church, ACIP, Commissioner of Planning  
Julie Richmond, Deputy Commissioner of Planning  
Karin Hablow, Commissioner of Finance  
Kerry Gallagher, Deputy Commissioner of Finance  
Robert Gray, Deputy Commissioner, Dept. of Public Works/  
Environmental Facilities & Services  
Deborah Slesinski, Deputy Budget Director  
Deanna Crawford, Budget Analyst

Mr. Faggione opened the meeting at 3:30 p.m. and requested everyone stand for the Pledge of Allegiance to the Flag. All members were present.

On the agenda were the proposed Elected Officials Salaries.

Mr. Faggione explained that they would be discussing the salaries for Legislators, Chairpersons of the Statutory Committees, Chairperson of the Green Committee, Majority and Minority Leaders of the Legislature, Party Leader other than the Majority and Minority Leader, Chairman of the Legislature, Orange County Clerk and Orange County Executive.

Chairman Brescia addressed the committee stating that these salaries would be for the term of 2022 through 2025. They had eight years at zero and this new structure will follow the CSEA and other contracts of Orange County. They are seeking at 8% for legislators and the County Clerk in 2022, 3.25% in 2023, 2% in 2024 and 2% in 2025 which would equate and/or mirror what the CSEA has received over the eight-year period. In his opinion, it was best to present it now as opposed to waiting to the end of the term.

Mr. Vero moved a Local Law amending Local Law No. 8 of 2016, fixing the compensation for legislators of the Orange County Legislature to be effective for the term commencing on January 1, 2022, pursuant to Section 2.02(s) of the Orange County Charter, seconded by Mr. Amo.

Mr. Gross presented the committee with a handout on the salary rates for 2022-2025, comparisons from Rockland and Westchester Counties, New York State lawmakers and the city of Middletown who recently increased their Alderman's salary by 50%, along with recent articles and publications (see original minutes). He explained that Chairman Brescia requested the 8% which was based on previous years at zero with 2023 at 3.25% (same as the CSEA contract which runs through 2023). They then averaged out the entire CSEA contract from 2014 to 2021 at 2% for 2024 and 2025.

The proposed salary would be as follows: \$32,196.00 for 2022, \$33,242.00 for 2023, \$33,907.00 for 2024 and \$34,585.00 for 2025.

Motion carried 6-2 with Legislators Amo, Bonelli, Cheney, Kulisek, Paduch and Vero voting in favor and Legislators Hines and Faggione voting against.

Mr. Amo moved a Local Law amending Local Law No. 7 of 2016, fixing the compensation for Chairpersons of the Statutory Committees of the Orange County Legislature to be effective for the term commencing on January 1, 2022, pursuant to Section 2.02(s) of the Orange County Charter, seconded by Mr. Vero.

The proposed salary would be as follows: \$35,774.00 for 2022, \$36,937.00 for 2023, \$37,675.00 for 2024 and \$38,429.00 for 2025.

Motion carried 6-2 with Legislators Amo, Bonelli, Cheney, Kulisek, Paduch and Vero voting in favor and Legislators Hines and Faggione voting against.

Mr. Amo moved a Local Law amending Local Law No. 8 of 2018, fixing the compensation for the Chair of the Green Committee, a special committee of the Orange County Legislature, effective, January 1, 2022, pursuant to Section 2.02(s) of the Orange County Charter, second by Mr. Vero.

Chairman Brescia explained that compensation would remain at \$1,000.00, in addition to the annual salary received as a member of the Legislature, for the years 2022, 2023, 2024 and 2025. In addition, he plans on coming forward with the same compensation for the other special committees that will meet on a quarterly basis.

Legislative Counsel Reed clarified that to compensate those committees they would have to amend the Orange County Charter and once done they will initiate a local law to set those stipends.

Motion carried. All in favor.

Mr. Vero moved a Local Law amending Local Law No. 6 of 2016, fixing the compensation for the Majority and Minority Leaders of the Orange County Legislature to be effective for the term commencing on January 1, 2022, pursuant to Section 2.02(s) of the Orange County Charter, seconded by Mr. Faggione.

The proposed salary would be as follows: \$39,351.00 for 2022, \$40,630.00 for 2023, \$41,442.00 for 2024 and \$42,271.00 for 2025.

Motion carried 7-1 with Legislators Amo, Bonelli, Cheney, Kulisek, Paduch, Vero and Faggione voting in favor and Legislator Hines voting against.

Mr. Faggione moved a Local Law amending Local Law No. 7 of 2018, fixing the compensation of Party Leader, other than Majority or Minority Leader, of the Orange County Legislature, effective, January 1, 2022, pursuant to Section 2.02(s) of the Orange County Charter, seconded by Mr. Amo.

The proposed salary would be as follows: \$39,351.00 for 2022, \$40,630.00 for 2023, \$41,442.00 for 2024 and \$42,271.00 for 2025.

Motion carried 7-1 with Legislators Amo, Bonelli, Cheney, Kulisek, Paduch, Vero and Faggione voting in favor and Legislator Hines voting against.

Mr. Vero moved a Local Law amending Local Law No. 5 of 2016, fixing the compensation for the Chairperson of the Orange County Legislature to be effective for the term commencing on January 1, 2022, pursuant to Section 2.02(s) of the Orange County Charter, seconded by Mr. Amo.

The proposed salary would be as follows: \$53,659.00 for 2022, \$55,403.00 for 2023, \$56,511.00 for 2024 and \$57,641.00 for 2025.

Motion carried 7-1 with Legislators Amo, Bonelli, Cheney, Kulisek, Paduch, Vero and Faggione voting in favor and Legislator Hines voting against.

Mr. Faggione moved a Local Law amending Local Law No. 10 of 2016, fixing the compensation for the County Clerk of Orange County to be effective for the term commencing on January 1, 2022, pursuant to Section 2.02(g) of the Orange County Charter, seconded by Mr. Vero.

The proposed salary would be as follows: \$116,262.00 for 2022, \$120,041.00 for 2023, \$122,441.00 for 2024 and \$124,890.00 for 2025.

Mr. Cheney asked how the County Clerk's salary currently compares and going forward to similarly sized counties throughout New York State. Mr. Gross replied that he did not have that information, but he would get it to the committee.

Ms. Bonelli requested that Mr. Gross look at population and the number of satellite offices as not every County Clerk's office is the same. Mr. Gross replied that he would.

Mr. Cheney requested the information as soon as possible.

Motion carried 6-2 with Legislators Amo, Bonelli, Kulisek, Paduch, Vero and Faggione voting in favor and Legislators Cheney and Hines voting against.

Mr. Faggione moved a Local Law amending Local Law No. 9 of 2016, fixing the compensation for the County Executive of Orange County to be effective for the term commencing on January 1, 2022, pursuant to Section 2.02(g) of the Orange County Charter, seconded by Mr. Vero.

Mr. Gross explained that based on input from the legislature they are seeking 2.25% in 2022 and 2% in 2023, 2024 and 2025.

The proposed salary would be as follows: \$186,276.00 for 2022, \$190,002.00 for 2023, \$193,802.00 for 2024 and \$197,678.00 for 2025.

Motion carried 7-1 with Legislators Amo, Bonelli, Cheney, Kulisek, Paduch, Vero and Faggione voting in favor and Legislator Hines voting against.

Ms. Bonelli moved to request resolution to have **the ¾% increase to the sales tax** extended for the period beginning December 1, 2020 and ending November 30, 2022, seconded by Mr. Kulisek.

Ms. Hablow explained that this is the first part of a three-part process and normally done every two years. This would maintain the current rate which is critical for county and municipal

services as the  $\frac{3}{4}\%$  represents approximately \$60 million in revenue with \$45 million retained by the county and \$15 million dispersed to the municipalities.

Chairman Brescia asked for clarification that this did not pertain to the additional  $\frac{3}{4}\%$ . Ms. Hablow reiterated that it was just to maintain the current rate.

Chairman Brescia stated that County Executive Neuhaus has alluded to the fact that a county does it for 5%.

Ms. Hablow clarified that discussions are being held on a potential  $\frac{1}{4}\%$  increase but the county is currently at 3.75% of which .75% is considered an increase over the standard 3%. Based on this level every  $\frac{1}{4}\%$  represents \$20 million in revenue.

Legislative Counsel Reed noted that last time the state legislature approved it for three years and would they want to request three years in their Home Rule request versus two years.

Ms. Hablow replied that it would be at the legislature's discretion.

Mr. Faggione asked if the committee would like to put it forth for three years.

Discussion ensued on staying at two years as opposed to three years and the possible impact.

The committee decided to vote on the request as originally presented.

Mr. Kulisek suggested they talk to their local representatives to see if it could be done indefinitely.

Motion carried. All in favor.

On the agenda was an update on the Shared Services Plan for 2020.

Mr. Church explained that on behalf of Orange County a County-Wide Shared Service Property Tax Savings Plan was submitted in late 2018 to the Director of the New York State Division of Budget and they have an invitation to update and submit a new plan. They have agreed to refresh and submit a new Orange County County-Wide Shared Service Property Tax Savings Plan; however, it will be similar to the one that was previously reviewed and submitted. The schedule and protocol are similar in that they must conduct some research and convene a panel of chief elected officials from the municipalities with the County Executive as Chairman. The panel will meet and review the previously submitted plan and determine if the seventeen projects are still valid and, if not, to what degree should they put them back in or refresh them and/or add new projects. The panel will be meeting on Thursday, January 30, 2020 at a classroom at the Emergency Services Center, Goshen, New York. He and his staff are working on creating the updated plan with the County Executive and while there is a required review approval by the legislature is not required. The plan can be distributed to the full legislature with comments coming to them informally or they can wait for the February committee meeting.

Mr. Faggione asked that the plan be emailed and printed upon request.

Mr. Church added that the county is lead and they are submitting projects where at least two and/or more municipalities are collaborating and saving property taxes. Governor Cuomo and the state legislature have offered up reimbursement of the evident property tax savings on each project. In addition, those counties that submitted in the first round of plans have received payments.

Mr. Church explained that of the seventeen projects submitted the two lead projects were: The county-wide Public Safety Radio project and the expansion of the Crisis Service Center into a 24/7 hotline for mental health services.

Mr. Faggione asked for clarification that these had to be new projects, not preexisting. Mr. Church replied yes; however, they could be activities that were previously done but a formal or written agreement was not in place.

Mr. Kulisek asked when the updated plan had to be submitted. Mr. Church replied that they were advised to get it to them as quickly as possible.

Mr. Kulisek asked if they communicated with their local municipalities that they are looking for shared service projects and are there any water projects being presented. Mr. Church replied that notices were sent to all municipalities and the fleet wash was presented as a water saving and cost saving project; however, they could receive some in this go around.

Mr. Kulisek asked for the figure that was presented last time. Mr. Church replied that the potential property tax savings was approximately \$8 million.

Mr. Amo asked if funding for the Shared Services plan was included in Governor Cuomo's proposed budget. Mr. Church replied that he was unsure; however, they are submitting against the 2020 budget year and they will soon be documenting the savings they achieved on the existing projects in 2019.

Mr. Tuohy asked about the cumulative savings. Mr. Church replied no, as he only has figures for two of the seventeen projects submitted but he would get the committee those figures once they have been compiled.

Mr. Kulisek asked who the contact person would be in the future as Mr. Church will be retiring. Mr. Church replied that it would be him through the month of February and the contacts for the County Executive's office would be Harold J. Porr, III, Deputy County Executive or Mary Pat Smith, Assistant to the County Executive.

On the agenda was an update on the Plan for Orange County Complete Census Count Committee.

Mr. Church addressed the committee and presented them with a handout entitled: January 21, 2020, 2020 Census Briefing (see original minutes). Mr. Church stated that the Orange County Complete Count committee is co-chaired by Rachel Wilson, Director of the Orange County Youth Bureau; Megan Tennermann, AICP, Planner for the Orange County Planning Department and Grace Riario, Executive Director, Ramapo Catskill Library System. They continue to conduct outreach and support to members of the public as the only individuals allowed to assist in filling out the Census are trained, approved and qualified by the Census Bureau, informing them of Census job

opportunities, reassuring them about safety and education on the Census. They are coordinating with federal and state partners for events and with the local Complete Count Committees in Newburgh, Walden, Middletown and possibly Kiryas Joel, distribution of information through all means regarding the importance of the Census, upcoming announcements, posting information on the department website, Youth Bureau's Facebook page and multiple texts and alerts. In addition, if legislators are aware of a community that would like to form a local Complete Count Committee contact the Planning Department.

Mr. Church added that with respect to the New York State funding of \$433,981.00 they are still waiting on guidance from New York State since submitting their letter of intent in December 2019 which was acknowledged and received. The staff recently attended the New York Counts 2020 Training on January 15, 2020 and they are expected to attend the New York State Census Conference on January 28, 2020 in Albany. The training on January 15, 2020 was more informational as opposed to guidance. The items being considered for the \$433,981.00 are: a Census Coordinator to serve as a project manager of the 2020 Census for approximately six months, re-grants/subgrants aimed at local 501(c)(3) organizations who are trusted in the community, county-wide outreach with a focus on the 14 hard-to-count (HTC) areas and populations (children, African-Americans, Hispanics, over 65, poverty, renters, single parents, foreign born, and those with no internet), hosting events, home visits, distribution of brochures, farmers markets, community events, fairs, Census events, hard-to-count (HTC) canvassing neighborhoods with door hangers, tablets and hot spots for internet access in homes, libraries and at Census events, informational brochures for distribution by Senior Dining Program drivers and Department of Health staff located in hard-to-count (HTC) areas, media campaigns such as billboard rentals, bus magnets, bus signs, street banners, posters, potential radio and/or TV PSA, advertising supplies, table cloths, back drops, pens, stickers, buttons, etcetera. However, until they receive guidance and/or direction they do not know if these items will be eligible. In addition, the Census count officially ends in July, so the money situation needs to be rectified as soon as possible.

Mr. Faggione asked that Mr. Church provide the committee with a brief synopsis of the meeting that will be held on January 28, 2020. Mr. Church replied that he would.

Mr. Cheney asked how the Census tract was defined. Mr. Church replied that it is defined by population, but they do honor applicable boundaries.

Mr. Amo asked why social media was not listed as one of the items being considered. Mr. Church replied that the intent was there.

Mr. Faggione interjected that during the webinar in December social media was to be handled from the state level down but it had not yet been defined. Hopefully at the January 28<sup>th</sup> meeting they will have more answers.

Mr. Church added that because the Census count will be digital for the first time there are concerns in certain populations that are not as "savvy" with the internet as others. In addition, Governor Cuomo has added additional funds for the Census based on his budget address, yet they have not seen the funds nor guidance.

Mr. Kulisek commented that the State of New York knows of the importance of a correct Census count and will do as much as they can to assist.

Mr. Kulisek asked for a defined map indicating the Census tracts that are in question, particularly in the city of Newburgh. Mr. Church replied that they could provide a map with streets and landmark references.

Mr. Paduch suggested it be provided for all the areas.

Mr. Faggione thanked Mr. Church for his years of service and congratulated him on his upcoming retirement.

On the agenda was a discussion on a local law establishing a limited reservation of treatment capacity at the Harriman Wastewater Treatment Plan and authorizing the Administrative Head of Orange County Sewer District No. 1 to enter into Reservation of Treatment Capacity Agreements.

Mr. Faggione explained that due to a multitude of questions this local law would be for discussion only.

Mr. Chapman explained that the capacity at the Harriman Wastewater Treatment Plant is reducing daily and is down to plus or minus 500,000 left. The reality is that much of Orange County Sewer District No. 1 is built out and what is not built out requires extensive new piping and some requires upgrades of the existing piping. They have found particularly in the Village of Kiryas Joel/Town of Palm Tree area that there is a push for development but the existing pipes to serve those new developments is not there at this time. They also have the cost to make those pipes ready to serve that new development which is fairly extensive and expensive. Historically, they have seen developers pay the cost associated with various infrastructure projects such as pipe sizing. Due to the shrinking capacity developers do not want to make the capital investment to widen, put in or reconstruct pipes unless they know they will get the capacity associated with it. In their view it is an economic disincentive to layout money to make capital improvements to the sewer system. They have tried to set a process so if they were to make these investments, they will know that they will get the return on the investment and would be essentially a reservation of capacity agreement. This local law was crafted in collaboration with the County Attorney's office and the sewer district staff and has been presented to this committee and it will ultimately be at the discretion of the legislature whether this would be a mechanism that they see fit to advance into law.

Mr. Faggione clarified that because it's a local law it comes before the Rules, Enactments and Intergovernmental Relations committee; however, both Physical Services and Orange County Sewer District No. 1 Advisory committees are tasked with a great deal pertaining to this agenda item. If the information being discussed becomes more technical, he would ask that they defer this topic to the Physical Services committee as it would be on their agenda for Monday, January 27, 2020. He would also suggest it be discussed at the Orange County Sewer District No. 1 Advisory Committee meeting as they bring the appropriate experts to the table as well.

Mr. Hines asked if each town and/or village currently has capacity reserved. Mr. Chapman replied that there are two things: district capacity and the Moodna capacity; however, they are talking about the capacity of the district not the Moodna capacity.

Mr. Hines asked that the district be defined. Mr. Mahoney replied that the district is the geographical boundaries as established in 1970.

Mr. Hines asked if someone wanted to build a subdivision in Harriman would they know if they have sewer capacity or could it be possible that they would not. Mr. Chapman replied that if they were currently in the district, they would but there could come a point when no one will have capacity. This local law would not affect someone who would not be affected by the infrastructure improvements, Harriman is in the district and where the plant is located it would have plenty of hydraulic capacity and they would not be affected by this local law.

Mr. Hines asked about first-come, first-served. Mr. Chapman replied that if someone makes capital improvements that benefit their project, they will get capacity over someone else who would use that capital improvement.

Mr. Hines asked if a new builder could use a line that someone else paid for without reimbursing that builder. Mr. Chapman replied yes, that is how it works.

Mr. Hines commented that the Orange County Sewer District No. 1 Advisory Committee should review this with the County Attorney and then make recommendations to this committee. Many communities attend the Orange County Sewer District No. 1 Advisory Committee meetings and they need their input.

Mr. Chapman responded that the Orange County Sewer District No. 1 Advisory Committee has been doing yeoman's work on long-term growth capacity; however, this local law is about how to manage the last bit of capacity that exists and utilize it in a manner that is fair to the people making the capital improvements.

Mr. Faggione agreed with Mr. Hines that they need input from the Orange County Sewer District No. 1 Advisory Committee.

Mr. Amo stated that he would be more comfortable having the Orange County Sewer District No. 1 Advisory Committee for discussion and recommendation. He recalls that when the sewer committee was formed there were a number of issues that would be discussed, not just capacity. That committee reflects the legislative representatives from the sewer district area and many supervisors and administrators from those districts come to the Orange County Sewer District No. 1 Advisory Committee meetings.

Mr. Cheney asked Legislative Counsel Reed if this local law was in the pervue of what the Orange County Sewer District No. 1 Advisory Committee was established for and he agrees that they need the municipalities input and hear what they have to say.

Mr. Tuohy stated that he would welcome this discussion at the Orange County Sewer District No. 1 Advisory Committee as it is definitely something they must look into. He expressed his concerns with people paying to make a reservation but what would happen if further development happens and they no longer have the capacity for those people. In addition, they must remain focused on their original task of longevity, fixing the Harriman Wastewater Treatment Plant capacity, and possibly going to the Hudson River and he understands what Mr. Chapman has stated on managing what they have left.

Mr. Chapman replied that if someone in Harriman wants to hook up while someone else has reserved capacity on another side using different pipes that reservation of capacity agreement

would not affect someone’s right to hookup in Harriman. The person who enters into the reservation and capacity agreement runs and understands the risk of that upfront. The reality is that there is no risk of that development challenging the need for capacity in any other portion of that district right now other than in Kiryas Joel as that is where the growth is. To Mr. Mahoney’s credit he structured this local law so that it would not inhibit someone with a vacant lot in Harriman that wants to hook up.

Ms. Bonelli noted that Mr. Chaney asked Legislative Counsel Reed about the scope of the Orange County Sewer District No. 1 Advisory Committee and their duties and responsibilities. Legislative Counsel Reed replied that they do have the authority to review the local law as the committee has two purposes: efficiency at the plant and the questions is whether or not that encompasses the main going to the plant, and a problem that Mr. Grey has identified and brought to the attention of the legislature. She thanked Mr. Gray, County Executive Neuhaus and Mr. Chapman for bringing this policy issue before them for deliberation as it also addresses Mr. Amo’s concerns about policy being established by the legislature and not by department heads. The second part is capacity as they will have developers lining up to enter into these agreements which in essence are a three year term plus two additional extensions and they must provide the capacity, and in the sixth WHEREAS it states...“that such additional capacity will not be available for years”... but how many years. Legislator Tuohy’s committee has oversight over that, they are looking at additional capacity possibly at the Harriman Wastewater Treatment Plant and/or a long-term solution into the Hudson River. This committee has the expertise, are bringing municipalities forward to hear their issues and concerns and how it would affect the rate payers.

Ms. Bonelli added that the Orange County Sewer District No. 1 Advisory Committee that was created this past year has met twice a month and they have delved into everything. She respects the duties and assignments that the Physical Services committee deals with, but they will not drill down to the various little questions and she would formally request that the Orange County Sewer District No. 1 Advisory Committee review this local law.

Ms. Bonelli motioned to refer the local law to the Orange County Sewer District No. 1 Advisory Committee for review, seconded by Mr. Amo.

Motion carried. All in favor.

On the agenda was a discussion on the public comments received from the (Public Hearing on November 7, 2019 – Proposal to amend Local Law No. 4 of 2008 Orange County Sewer Use Law).

Mr. Mahoney stated that they received public hearing comments from the following: Village of Harriman, Arnold & Porter Kaye Scholer LLP who represents the Kiryas Joel Meat Market, Inc. and the Kiryas Joel Poultry Processing Plant, Inc., Whiteman Osterman & Hanna LLP and Sharon Scheer from Environmental Watchdogs (see original minutes). Mr. Mahoney stated that most of the comments are based on the position that amendment to the Orange County Sewer Use Law was intended to apply to the Kiryas Joel Wastewater Treatment Plant or the Kiryas Joel Poultry Plant; however, that was not the intent of the amendment. He would request they amend the local law and to properly draft it so that it is clear that the amendments to the local law only apply to the Harriman Wastewater Treatment Plant.

Legislative Counsel Reed stated that after initial conversations with Mr. Chapman this discussion would solely address the public hearing comments and any amendments would be presented next month.

Mr. Chapman added that there were also questions on the completed SEQRA and they would be recommending to the EF&S engineer that parts of the SEQRA be tweaked to address those concerns.

Mr. Mahoney explained that the public comments addressed the following: that the notice was misleading and insufficient, the county's position that the proposed limits will not achieve water quality goals and costs to sewer users would far exceed the anticipated benefits, consider costs to all users, proposed effective date of the amendment to the local law is unreasonable and should allow use of compliance schedules, Orange County failed to properly and timely comply with 40 CFR 403.18, adoption of the Sewer Law amendments are premature, questionable motive for Sewer Law amendments, improper notice, wildlife preservation, Harriman Wastewater Treatment Plant at 85% capacity, pollution, water discharge of chlorides, water quality goals and the negative effects of the Kiryas Joel Poultry Processing Plant, Inc.

Mr. Mahoney responded to the comments stating that the EPA is very serious with issues such as this and they closely monitor pretreatment programs with New York State not involved in pretreatment programs and one of the few states that have not taken over the program. The goals of the pretreatment program designed to rehabilitate a water body and they are required with the Clean Water Act (CWA) to reevaluate their pretreatment program to ensure its consistency every five years and if they are not then they shall modify their pretreatment program. The intent of the pretreatment program is to prevent potential problems on a going forward basis and to ensure continued compliance with the SPEDES permit and regulatory standards for that water body. For chlorides it is 250 milligrams per liter and 500 milligrams per liter for TDS and at the plant they are bumping up against that, so it is important that they remain in compliance with TDS and Chloride water quality standards. If costs are an issue they should have been brought to the county prior to when they submitted this to the EPA for approval as public notice was provided and any concerns should have been brought forward at that time. The issue of the affective date does not apply as it was never intended for the Kiryas Joel Poultry Processing Plant, Inc. and the issue of chloride discharge will be addressed within the SPEDES permit for the Kiryas Joel Wastewater Treatment Plant. Any modification to their Sewer Use Law cannot be implemented less than 45 days after approval; however, there is not a ceiling. In addition, any discharge into the Hudson River is a number of years into the future. In addition, there are six businesses but two that that could be affected by this modification, but it would be relatively easy to modify the programs going forward and that their business continues.

Mr. Hines asked about the easy modification for the two businesses. Mr. Mahoney replied that they would need to modify their manufacturing process which would reduce the amount of chlorides in the discharge to below the amendment standard 650 milligrams per liter that was proposed in the local law.

Mr. Hines noted that some of the comments thought that this was in reference to the Kiryas Joel Wastewater Treatment Plant and are they not one in the same. He understands that the Kiryas Joel sewer plant can either keep it with their sewer plant or send it to Orange County Sewer District No. 1 with the flip of a switch.

Mr. Gray responded that there is a pump station that pumps wastewater and it can bypass flow to Harriman or pump wastewater to the Kiryas Joel Treatment Plant.

Mr. Hines commented that he could understand why they would think that they were one in the same.

Mr. Gray replied that the Kiryas Joel Poultry Processing Plant, Inc. has a direct discharge to the Kiryas Joel Treatment Plant and does not go to the pump station.

Mr. Hines asked if it would ultimately come to the Harriman Wastewater Treatment Plant. Mr. Gray replied no.

Mr. Chapman clarified that there is no direct discharge from the Kiryas Joel Poultry Processing Plant to the Harriman Wastewater Treatment Plant.

Mr. Mahoney explained that there are two main pipes within Kiryas Joel that come to a pump station and then discharge into an interceptor. That pump station pumps part of the waste from the two main pipes to the Kiryas Joel Treatment Plant but there is a second direct pipe to the Kiryas Joel Treatment Plant from the Kiryas Joel Poultry Processing Plant and then to the unnamed tributary of the Ramapo River.

Mr. Hines reiterated that he could understand why those attorneys have raised that issue.

Mr. Mahoney agrees that there was a basis for their interpretation in the Sewer Use Law and why he would like to have it addressed to ensure all issues are included.

Mr. Mahoney clarified that the discharge from the Kiryas Joel Treatment Plant is significantly high in chloride and TDS and they are absorbed back into the aquifers which is utilized to pump water as a water producer. The chlorides are still there and are then distributed to homes, discharged and then into one of the two pipes and then can discharge to Harriman Wastewater Treatment Plant and to be clear, yes, there is contamination indirectly.

Mr. Kulisek asked if the contamination was from groundwater and not from the Kiryas Joel Poultry Processing Plant. Mr. Mahoney replied that it was chlorides from the poultry plant contaminating the groundwater and then pumped up and utilized.

Mr. Mahoney added that they hope that the mini-pretreatment program contained in the SPEDES permit that was recently issued by the DEC will address the issue.

Mr. Mahoney added that the DEC does not issue a permit to the poultry plant but the DEC issues a SPEDES permit to the Kiryas Joel Treatment Plant and the Harriman Wastewater Treatment Plant. Part of the SPEDES permit for the Kiryas Joel Treatment Plant imposes a requirement that a mini-pretreatment program be imposed on all users of the plant.

Mr. Amo asked if the sources of chloride have been defined and where they come from. Mr. Mahoney replied that a Headworks analysis was done years ago that evaluated every source.

Mr. Amo asked if domestic users are tested because if they have a water softener, they are adding bags of salt crystals.

Ms. Bonelli asked if they would be able to come back next month with the issues they have discussed. Mr. Chapman replied that he was unsure.

Mr. Kulisek asked if there was currently pretreatment at the poultry plant. Mr. Mahoney replied yes, but it is insufficient if the goal is to reach a certain level such as 250 milligrams per liter.

Mr. Paduch moved request supplemental appropriation of Legal Aid state funds from New York State Indigent Legal Services Grant Distributions 3, 4, 5 and 6, \$109,464.00, seconded by Ms. Bonelli.

Motion carried. All in favor.

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

Motion carried. All in favor.

The meeting adjourned at 5:17 p.m.