

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

**WEDNESDAY, JANUARY 23, 2019
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
Kevindaryán Luján, Legislator
Joseph J. Minuta, Legislator
James D. O'Donnell, Legislator
Paul Ruskiewicz, Legislator
Rob Sassi, Legislator
Kathy Stegenga, Legislator
Laurie R. Tautel, Legislator
Peter V. Tuohy, Legislator
Antoinette Reed, Legislative Counsel
Wayne Booth, Director, Operations and Cost Control
Langdon Chapman, County Attorney
David Church, ACIP, Commissioner of Planning
Julie Richmond, Deputy Commissioner of Planning
Louise Vandemark, Commissioner, Board of Elections
David C. Green, Commissioner, Board of Elections
John McCarey, Director, Real Property Tax Service Agency
Tim Tucker, Budget Analyst
Elaine McClung, Chair, Orange County Planning Board

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 with the exception of Legislator Amo who was absent.

Mr. Paduch moved to re-introduce resolution calling for New York State Legislative action to classify as controlled substances certain Fentanyl "Analogues" that are responsible for opioid overdose deaths (Resolution No. 330 of 2018 Dated: December 20, 2018), seconded by Ms. Bonelli.

Mr. Sassi explained that on the advice of Legislative Counsel Reed this was being reintroduced for the calendar year of 2019. The purpose behind this request is to have it be "fresh" on the calendar of the incoming state legislature. He thanked both Legislators Amo and Stegenga for bringing this resolution to NYSAC as it would be presented this Monday for discussion.

Motion carried. All in favor.

Mr. Cheney moved resolution calling upon the New York State Legislature to grant Orange, and other Hudson Valley counties within the metropolitan commuter transportation district, each a whole vote in the management of the Metropolitan Transportation Authority, seconded by Ms. Bonelli.

Mr. Chapman explained that Orange County shares a total vote with Rockland, Dutchess and Putnam counties (quarter-pounder counties) on the 17-member Metropolitan Transportation Authority (MTA) board. County Executive Neuhaus has called for legislation that would give Orange County and its neighboring counties each a full vote.

Ms. Bonelli thanked Mr. Chapman for bringing it forward as it is more than appropriate.

Chairman Brescia recalled doing this several times over the years and was pleased to see it being presented again.

Mr. Hines asked if the payroll tax was associated with the Metropolitan Transportation Authority (MTA). Mr. Chapman replied they have a payroll, sales and car rental tax.

Mr. Hines expressed concern that it is taxation without full representation.

Motion carried. All in favor.

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

Mr. Faggione read the following: Since 1976, February has been recognized in America as Black History Month to celebrate the contributions of African Americans in our society and the world. Originally established in 1926 by Dr. Carter G. Woodson, the celebration began in order to bring national attention to the contributions of African Americans throughout American History. Woodson, whose parents were former slaves in the South, changed the consciousness of people regarding the true and positive place of "Black Americans" in history books.

Mr. Kulisek commented that in the Newburgh area there are some elders that are old enough to have lived on slave plantations and/or their parents served as slaves. While they recognize this annually it can be personal to the people they know.

Motion carried. All in Favor.

Mr. Kulisek moved request to amend County Local Law and Energy Improvement Corporation Municipal Agreement (EIC) to support new provisions of Property Assessed Clean Energy programming (PACE2.0). Amended local law and amended Municipal agreement that EIC allows offering to County businesses and property owner's new products like Pay When Received PACE, seconded by Ms. Bonelli.

Mr. Church stated that by legislative action Orange County was the first county to join the Energy Improvement Corporation (EIC) which was formed in New York State to offer assistance for energy efficiency and renewable energy projects. One of the primary financing instruments is Property Assessed Clean Energy Financing (PACE) which allows private commercial property owners to borrow money for such improvements and pay it back as a lean on their property tax bill and authorized by New York State. The state has further amended the provisions with an addendum to the EIC Municipal Agreement.

Motion carried. All in favor.

Ms. Bonelli moved the Planning Department, in cooperation with the County Planning Board and County Executive, requests Legislative review and approval of updates to the adopted County Comprehensive Plan. These updates are made consistent with NYS General Municipal Law 199-u as well as the County Charter and Administrative Code, seconded by Mr. Hines.

Mr. Church explained that the primary focus of this Comprehensive Plan was on transportation which was lightly addressed in previous versions. This is a two-step procedural process in declaring themselves as agency under SEQRA and setting public hearing.

Ms. Richmond added that at one time the Comprehensive Plan was a single document, but it has evolved into updates by chapter and subject matter. They worked in conjunction with the Orange County Planning Board and public participation process with three public hearings and social media platform (coUrbanize). They reviewed chapters, reaffirmed and summarized the Open Space Plan, Water Master Plan, Greenway Compact, Agriculture and Farmland Protection Plan and the Economic Development Strategy. They also looked at areas of the Comprehensive Plan that were not addressed previously such as housing which will be addressed as their own individual chapter in the future. It became abundantly clear from the public participation process that they needed to take a closer look at transportation issues which resulted in the newly created supplemental chapter 6 which focuses on transportation policy and recommendations. This was not intended to be a site-specific document but merely a snapshot of the current state of the county and the long-range transportation plan that they are required to do as part of their federal designation as a Metropolitan Planning Organization (MPO). In addition, one public hearing was held with the Orange County Planning Board.

Mr. Church added that New York State statute requires that if a Planning Board is involved in the preparation, they must hold their own public hearing prior to the presentation of the Comprehensive Plan to the Legislature.

Mr. Hines asked about attendance at the public hearing and their comments. Ms. McClung replied that 30 people attended.

Mr. Kulisek asked about additional outreach. Mr. Church replied that a series of focus groups were held prior to development, discussions were held at Transportation Council meetings and conversations with the Orange County Citizens Foundation.

Mr. Kulisek expressed concerns that a majority of the general public would not know that they are focusing on transportation.

Mr. Faggione asked for clarification that upon announcement of the public hearing that a notice would be provided. Legislative Counsel Reed replied that the official public hearing notice will be posted and published in the official newspapers.

Mr. Kulisek pointed out that the general public would not go to the legal index of the newspaper.

Mr. Church noted that they were open to any suggestions and would go before any group to discuss the Comprehensive Plan and they tried to use social media as much as possible with some success.

Ms. Bonelli suggested Mr. Church contact Office for the Aging with respect to the senior population and the Association of Towns, Villages and Cities.

Motion carried. All in favor.

Ms. Bonelli moved request designation of Orange County Legislature as Lead Agency under State Environmental Quality Review Act (SEQRA), seconded by Mr. Hines.

Motion carried. All in favor.

Mr. Kulisek moved to request a Public Hearing(s) as required prior to adoption (tentative dates:
 (1) Feb. 20, 2019 at 5 p.m. in Legislative Chambers;
 (2) Feb. 27, 2019 at 3 p.m. at OCCC-Newburgh Campus;
 (alternative date/snowdate Mar. 13, 2019 at 3 p.m
 at OCCC-Newburgh campus), seconded by Ms. Bonelli.

Mr. Paduch recommended they reach out to their local municipalities and provide them with signage to post.

Mr. Church replied that typically, supervisors and mayors are briefed.

Ms. Stegenga suggested they distribute information to senior centers and libraries.

Mr. Church replied that the draft Comprehensive Plan is being circulated through the Ramapo Catskill Library System with a copy in the Goshen Library.

Mr. Luján added that 90 Grand Street (Hudson Pointe Senior Apartments) has approximately 65 residents and is across from OCCC and a perfect example of having a flyer distributed to tenants by management. He expressed concerns with the time of public hearing and suggested the committee consider changing the time to 4:00 p.m. in order for the City of Newburgh Mayor and the Transportation Advisory Committee to attend.

Mr. Faggione appreciates Mr. Luján concerns and the times of the meetings were taken into consideration along with the time needed for office staff to arrive and set-up for the public hearing.

Motion carried. All in favor.

On the agenda was a discussion on new changes associated with state election laws 2019.

Mr. Green addressed the committee and presented them with a handout out on the 2019 Election Law Reform and projected costs for early voting (see original minutes). At the recent Election Commissioners conference, they were informed of the 2019 Election Law Reform which is still in draft format until signed by the governor. The proposed reform would move the September primary to June 25, 2019 and in the future, eliminate the federal primary as it would be consolidated with the state and local primary in June and still comply with the 45-day absentee voting requirements for military and overseas voters. The new bill would affect the entire political calendar by moving everything three months ahead. He then listed a few of those changes: February 26, 2019, first day to circulate Designating Petitions; April 1, 2019 through April 4, 2019, filing for Designating Petitions; March 19, 2019, first day to circulate Opportunity To Ballot Petitions; April 11, 2019, last day to file Opportunity To Ballot Petitions; April 16, 2019, first day to circulate Independent Nominating Petitions and May 2, 2019 through May 28, 2019 to file Independent Nominating Petitions.

Mr. Green highlighted the following changes in the 2019 Election Law Reform. EARLY VOTING: The major impact on how they do business would be with the establishment of early voting which will go into effect for the 2019 General Election. At least one polling location would have to be available for each 50,000 registered voters, up to seven sites in each county. In Orange County that would require a minimum of four poll sites available for early voting with Orange County looking to do a total of five with one including Board of Elections office. Early voting must cover two full weekends prior to any special, primary or general election and conclude the second day (Sunday) prior to any election. Polls would have to be open for at least eight hours between 7:00 a.m. and 8:00 p.m. each weekday during early voting. One polling place shall remain open until 8:00 p.m. on at least two weekdays in each calendar week during voting. Polls would be required to remain open on weekends for at least 5 hours between 9:00 a.m. and 6:00 p.m. on each Saturday, Sunday and legal holiday during early voting. NO EXCUSE VOTER BY MAIL: which refers to absentee voting with certain requirements in election law that states who is eligible for an absentee ballot. This would eliminate those requirements but would not go into effect until 2020 due to New York State Constitution provisions on receiving an absentee ballot. The legislature has voted once and will have to vote again next year and if it passes a second time it would then go to a statewide voter referendum and on the ballot if approved by the voters in the State of New York. PRE-REGISTRATION OF 16 AND 17 YEAR OLDS: currently under New York State Election Law they pre-register 18-year olds and once eligible in their eighteenth year their registration records become active and they are eligible to vote. This reform would allow 16-year olds and/or older to pre-register to vote; however, they cannot vote until they are 18 years of age. This would have the potential of increased registrations at the Board of Elections. SAME DAY VOTER REGISTRATION: would eliminate the 10-day registration requirement in the New York State Constitution; however, New York State Election Law takes that further with the 25-day registration requirement prior to any primary, general or special election and will not go into effect until 2022, if passed. UNIVERSAL TRANSFER OF VOTER REGISTRATION RECORDS: would allow a voter who moves anywhere within the state to vote in his or her new election districts effective 60 days after signed into law. CLOSING "LLC LOOPHOLE:" would cap aggregate LLC contributions to \$5,000.00 in aggregate effective 7 days after signed into law. This will consist of a great deal of change and how they administer elections in 331 election districts and 121 polling sites, daily operations and the handling of voter registrations.

Ms. Vandemark explained that they have received no direction from New York State at this juncture with respect to early voting, and electronic pollbooks have not been certified and/or approved. Two electronic pollbook vendors attended the conference and they are in the process of arranging an appointment with one. The projected costs for early voting are high as they are anticipating the unknown; however, they are hopeful that the costs being presented can be reduced. The five sites being considered for early voting are the cities of Port Jervis, Middletown and Newburgh, Town of Monroe and the Board of Elections office.

Mr. Faggione expressed the need to be continually informed on this issue and to know what changes are coming, when they are coming, how they will impact the county and the financial implications to the county.

Ms. Vandemark replied that she has spoken to several assembly members and stressed to them the need for funding especially with the electronic pollbooks because without electronic pollbooks she does not know how they will be able to do this. If they do not have electronic pollbooks they would have to go through all 334 pollbooks for the county, mark those that have voted in one day and return the pollbooks back to the districts for election day. In her opinion, the most important reason for electronic pollbooks is to eliminate the possibility of a voter voting in two locations. Voter notification could be very costly because it must be done individually as opposed to by household, but other avenues are also being looked at.

Mr. Kulisek asked for the number of electronic pollbooks needed. Ms. Vandemark replied 334, at an approximate cost of \$1,065,600.00 if the state requires one in each district but they are still waiting on direction from New York State. However, they may indicate that a polling site with multiple districts may not need an electronic pollbook for every district.

Ms. Bonelli asked if there were three different districts with three different ballots at one polling site how would it be handled. Ms. Vandemark replied that the electronic pollbook vendors indicated that a voter would be provided with numbered ticket stating the district in order for the voter to get the correct ballot.

Mr. Paduch emphasized that it could put a lot more pressure on poll workers. Ms. Vandemark replied that it could actually reduce the number of poll workers needed.

Mr. Green added that there will definitely be a learning curve.

Mr. Faggione asked if electronic pollbooks were being used in any other county in New York State. Ms. Vandemark replied no, but they are used in a few other states.

Mr. Faggione asked about the estimated cost for training at \$750.00. Ms. Vandemark replied that the training for the electronic pollbooks is very simple.

Mr. Green added that the electronic pollbooks need to communicate.

Mr. Faggione asked if he was referring to a wireless and/or wi-fi network. Mr. Green replied possibly.

Mr. Faggone asked if these decisions would be coming from New York State soon. Ms. Vandemark replied that their plan must be in place by May 1, 2019; however, they are waiting on direction from the state on what they can and/or cannot do.

Mr. Faggione added that he has approached Chairman Brescia who is willing to discuss forming an adhoc committee to look into the new election laws and the impacts they would have financially and on the workforce in the Board of Elections. April 1, 2019 is the budget date for New York State, and they have indicated that the plan must be in place by May 1, 2019 and a great deal of legwork must be done between now and then.

Ms. Vandemark clarified that they would not be doing this until October 2019 as it would not be in place for the June primary.

Mr. Kulisek asked if this was included in their budget. Mr. Green replied no, it was not being considered at that time.

Mr. Hines expressed concerns that every county will be trying to purchase these electronic pollbooks at the same time and the company will not be able to supply them.

Mr. Green clarified that there are other companies and they are used in quite a few states.

Mr. Hines commented that they must decide what they prefer so that when the committee is formed, they will be ready to make the purchase. In his opinion, it sounds like another unfunded mandate, and was there any discussions on this during the conference from those that voted for this and how it would be paid for.

Ms. Vandemark replied that the Democratic Election Commissioners caucus was very vocal and stressed to both the lieutenant governor and head of the Senate Election Committee that funds would be needed to support these changes and that it was unfair to put this burden on the counties.

Mr. Kulisek asked if there was any indication that it was included in the state budget. Ms. Vandemark replied that it was included last year.

Mr. Green commented that from what they understand it was \$7 million.

Messrs. Hines and Cheney agreed that \$7 million would not be sufficient.

Mr. Faggione thanked both commissioners for coming before the committee with this information. The projected costs for early voting were shocking at \$1.3 million in additional costs with zero funding from the state so far and in the end, this could be very costly for the county.

Ms. Vandemark added that they may see a slight savings in the price of the pollbooks and voter history as they have three or four per-diem workers come in after the election to do voter history which takes around a month. However, the electronic pollbooks would eliminate that.

Mr. Green emphasized that they need to be prepared that the cost could be on the county. They have 334 election districts and each ballot is a unique ballot style with its own number but there will be another component that would make this work, "Ballots on Demand." The voter

would go to the site and the electronic pollbook would determine the voter's election district and they would be provided with a card indicating that district and they would then go to a ballot printer on demand and print their ballot. This would be much cheaper than purchasing the excess ballots they would need for early voting.

Mr. Cheney asked if any recommendations were made by Election Commissioners Association to the state to ensure an easier transition. Mr. Green replied that the legislative bill repetitively states that the State Board of Elections wants to approve certain procedures and in turn then send guidance to the local boards.

Ms. Vandemark explained that since election night the Democratic caucus has been meeting via-telephone once a week and that is where she has gotten some of the ideas. In addition, their caucus leader has spoken to some elected officials in Albany about consolidation, therefore reducing the need for an electronic pollbook in every election district.

Mr. Cheney stated that in his opinion, a statewide single procurement would be the better solution than every county trying to purchase the pollbooks.

Ms. Vandemark replied that she would contact her Assembly person tonight with that recommendation.

The meeting adjourned at 4:45 p.m.