

**WAYS AND MEANS COMMITTEE
MINUTES**

**TUESDAY, JANUARY 24, 2023
3:30 P.M.**

PRESENT: Leigh J. Benton, Chairman
Mike Anagnostakis, L. Stephen Brescia, Thomas J. Faggione,
Kevin W. Hines, Michael D. Paduch, Barry J. Cheney

ALSO

PRESENT: Katie Bonelli, Chairwoman
Betsy N. Abraham, Esq., Legislative Counsel
Richard B. Golden, County Attorney
Matthew Nothnagle, Chief Assistant County Attorney
Alicia D'Amico, Director of Operations and Cost Control
Langdon Chapman, Commissioner, Human Resources
Kerry Gallagher, Commissioner of Finance
Michael Schreiber, Deputy Commissioner of Finance
Andrea Concannon, Deputy Commissioner of Finance
Samantha Sweikata, Acting Commissioner of General Services
Daniel G. Castricone, Risk Manager
Travis Ewald, Deputy Commissioner, Dept. of Public Works/Engineering Div.
James S. Brooks, Commissioner, Dept. of Parks, Recreation and Conservation
Deanna Crawford, Deputy Commissioner, Dept. of Parks, Recreation and Conservation
Brendan R. Casey, Commissioner, Dept. of Emergency Services
Timothy A. Davidian, Director, Probation Department
Paul Wiley, Director, Real Property Tax Service
Deborah Slesinski, Budget Director
Gretchen Riordan, Deputy Budget Director
Liz Matis, Budget Analyst
Dr. Kristine Young, President, Orange County Community College
Paul G. Martland, Vice President of Admin./Finance, Orange County Community College

Chairman Benton opened the committee meeting at 3:31 p.m. by asking everyone to stand for the Pledge of Allegiance. All committee members were present with the exception of Legislator O'Donnell who was absent and Legislator Sierra who was excused.

Mr. Faggione moved to approve the request to confirm the appointment of Samantha Sweikata as Commissioner of the Department of General Services, seconded by Mr. Brescia.

Ms. D'Amico stated that she is here to recommend Ms. Sweikata as a very dedicated civil servant who has been working with the county for over 16 years. She began at Valley View as a supervisor, then joined the Department of General Services in December 2011 and will be starting her 12th year this year. Furthermore, she has risen through the ranks and is a respected leader amongst her peers.

Ms. Sweikata commented that she is looking forward to working with everyone and thanked everyone for this opportunity.

Motion carried. All in favor with the exception of Legislator Cheney who abstained.

Mr. Hines moved to approve the request to accept and appropriate federal grant funds under the FY2020 Cyber Security Grant Program. The performance period covered under this grant is October 1, 2022 through August 31, 2023, \$50,000.00, seconded by Mr. Faggione.

Ms. Sweikata explained this is a \$50,000.00 grant from Homeland Security New York to bolster the county's security profile as a small layer of many that are needed for cyber security.

Mr. Benton asked what this would do.

Ms. Sweikata replied that the definition is on page 25 of the handout (see legislative request), but it is a real time monitor for events.

Mr. Anagnostakis asked if Suffolk County has recouped from their incident.

Ms. D'Amico replied they are operational but not 100%. It is still under investigation and there are a lot of issues as it is difficult to get back to fully operational.

Mr. Anagnostakis further asked if we are learning from them, so we do not do the same thing.

Ms. D'Amico replied that it is under criminal investigation, so we are not privy to any details.

Motion carried. All in favor.

Mr. Faggione moved to approve the request for supplemental appropriation for ongoing technology updates. This is proposed Capital Project No. 76 in the 2023 Capital Plan. Upon approval, a new capital project will be created, \$10,830,000.00 (bonding), seconded by Mr. Benton.

Ms. Sweikata stated this is a continuation of the discussion they just had. There is a technological debt they must catch up with. It is not a matter of putting one thing in place, it is a matter of putting several layers in place. These funds represent the layers.

Motion carried. All in favor.

Mr. Cheney 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 Mr. Benton.

Mr. Benton pointed out that this request was discussed at the Education and Economic Development Committee meeting last week and since there a lot of questions were raised, it was tabled for 30 days. He reiterated that there will not be a vote today.

Dr. Young stated that it is a requirement for a sponsor of a New York public community college, such as the County of Orange, to provide for the legal representation of that community college. The three ways that can be done are that the legal services are provided in-house through the County Attorney's Office, or funds are provided to the college to get outside legal counsel, or funds are provided to the college to hire a general counsel. As everyone is aware, the college has enjoyed the representation of the County Attorney's Office. This summer she was notified by the present County Attorney that the partnership was no longer going to continue and that the college should seek another one of the two methods of having representation provided. After that, a meeting was held between herself, Mr. Martland, Mr. Golden, Chairwoman Bonelli, and Legislative Counsel Abraham in late August/early September to confirm this decision was in fact that case and supplemental appropriations would be made to execute what the college determines as their representation. After consideration, they are before the committee today asking to seek representation for the college.

Mr. Martland explained that to come up with the amount of \$275,000.00, they researched a few "sister" colleges, and it was a mix. Some were represented by their counties, some used outside counsel, and others used in-house representation. The cost for those using the third parties was anywhere from \$80,000.00 to over \$300,000.00 a year depending on the activities at the schools. The amount for legal work that the college needs varies greatly, depending on what is going on such as contract negotiations. Furthermore, there are a lot of areas they would benefit from when having legal advice that they currently do not have such as contract reviews because there is no formal mechanism. He referred to the draft job description (see original committee packet) and briefly reviewed it with the committee so they can further understand the amount requested.

Mr. Benton asked if the college has any legal database.

Mr. Martland replied no, the college does not.

Mr. Anagnostakis clarified that the County Attorney's Office handled the college's legal requirements last year and asked if they have an estimate of how many hours' worth of service was provided.

Mr. Martland responded that is correct and the County Attorney's Office will be researching the hours worked in anticipation of the next meeting in February. Last year was a bit of an anomaly because nothing occurred from September 1st on. If they needed legal service during that time they would have needed to get outside counsel as the Notice of Cessation of Service was effective on September 1st.

Mr. Anagnostakis further clarified that the college was not billed for the services the county provided.

Mr. Martland stated that is correct.

Mr. Brescia commented that he is hoping before they vote on this, that they can get the extent of what legal services were provided by the County Attorney's Office.

Mr. Golden stated that cannot be provided because they did not keep track of the work hours. It is also not true that the County Attorney's Office has always provided this service to the college. It is a much more recent development and there is a legal impediment for them doing it which the college was advised about. He further stated they are only able to give advice to executive units in this government and the college is not an executive unit. The legislature administers the sponsorship, not the executive branch.

Mr. Brescia emphasized the fact that \$275,000.00 is too much money and there is no need for full-time counsel.

Mr. Hines asked if this will be funded by the legislature or are there funds in the existing budget to offset some of it.

Dr. Young replied they are asking for replacement of services that had been provided by the County Attorney's Office.

Mr. Hines then clarified that this would change their contribution.

Chairwoman Bonelli stated if it is worded as a "supplemental appropriation," it will not go against anything, and they would start fresh for the 2023-2024 budget.

Mr. Hines requested further research be done to clarify the possible change of contribution.

Chairwoman Bonelli responded that is a part of their research within the next 30 days.

Mr. Hines further asked if this position will be graded.

Dr. Young replied it is an administrative position and will serve at the pleasure of the trustees and herself.

Mr. Hines asked if this position would have a two-year contract.

Dr. Young responded that management/confidential positions are one-year contracts.

Mr. Benton clarified that Mr. Martland is the Vice President of Finance and his term is one-year, every year.

Mr. Martland stated that is correct.

Mr. Benton then asked who the settlement committee for the college would be.

Mr. Martland replied he does not have a formal answer because it depends on the situation, but if it were a major situation, the county would be involved.

Mr. Anagnostakis asked the salaries of the County Attorney and Legislative Counsel.

Mr. Golden responded that he makes \$185,000.00 a year.

Legislative Counsel Abraham replied that her salary is \$131,000.00 a year.

Mr. Anagnostakis commented that a salary in-between would be appropriate for the position being requested.

Mr. Cheney moved to approve the request to create the position of Deputy Risk Management Officer, Management Grade 24, to assist and support the Risk Management Officer in all aspects of the department's operations, seconded by Mr. Brescia.

Mr. Castricone stated this was presented during the budget process. The department is small but senior and a main concern is a succession plan. They also need backfill to cover various people while they are out. Furthermore, this person could back him up and/or take over down the road.

Mr. Anagnostakis asked if he is looking for someone within or from the outside.

Mr. Castricone replied he is unsure.

Motion carried. All in favor.

Mr. Brescia moved to approve the request for supplemental appropriation to existing approved Capital Project No. 373 CRAC (Computer Room Air Conditioning) Units replacement due to increased cost of equipment to replace Units with more reliable and efficient units, \$180,000.00 (bonding), seconded by Mr. Hines.

Mr. Casey stated this is reoccurring due to the increase in price. These are two critical pieces of equipment that are essential.

Motion carried. All in favor.

Mr. Paduch moved to approve the request to close Capital Project No. 310 which was created under Resolution No. 126 of 2022 and increase the amount of Capital Project No. 323 by \$126,107.46. The increase in funding in Capital Project No. 323 will be offset by \$126,107.46 in unallocated State Aid which has already been accepted, seconded by Mr. Faggione.

Mr. Davidian explained this is a housekeeping issue and the resolution was passed regarding Raise the Age funding that would be applied to the body cameras instead. The capital project had to be closed and the funds had to be reallocated.

Motion carried. All in favor.

Mr. Faggione moved to approve the request for supplemental appropriation to the capital projects budget in the amount of \$2,600,000.00 for Highway Paving. This project has been approved under the 2023 Capital Plan as Project No. 42 for \$1,300,000.00 bonding. The balance of \$1,300,000.00 is from the State Consolidated Local Street and Highway Improvement Program (CHIPS). Upon approval, a new capital project will be created, \$1,300,000.00 (bonding), seconded by Mr. Cheney.

Mr. Ewald stated this is an annual request for strength paving in the amount of \$1.3 million to resurface 15 miles of road. Last year they came to the committee for supplemental funds to utilize CHIPS funding for additional roadway miles. This year, they are hoping to pave and resurface 25 miles.

Motion carried. All in favor.

Mr. Cheney moved to approve the request for supplemental appropriation to the capital projects budget for the Parks equipment replacement. Upon approval, a new capital project will be created, \$100,000.00 (bonding), seconded by Mr. Faggione.

Ms. Crawford referred to the summary sheet (see legislative request) and stated this request is primarily to replace kitchen equipment in both lodges.

Motion carried. All in favor.

Mr. Hines moved to approve the request for supplemental appropriation to the capital projects budget for the construction of pickleball courts at Thomas Bull Memorial Park. This project has been approved under the 2023 Capital Project Plan as Project No. 116. Upon approval, a new project will be created, \$250,000.00 (bonding), seconded by Mr. Cheney.

Mr. Benton mentioned that there was a lot of discussion at yesterday's committee meeting about the final dollar amount.

Mr. Brooks stated this request is for six pickleball courts that will include lighting and passed around pictures so the committee members can see where the courts will be located.

Mr. Cheney asked how much of the lighting component was the estimate.

Mr. Brooks replied it costs around \$100,000.00.

Mr. Cheney then clarified that it is part of the \$250,000.00.

Mr. Brooks stated that is correct.

Mr. Brescia expressed his concern for the price and how much of the work can be done in-house. Even though he supported this yesterday, he cannot do the same today because the cost is overwhelming.

Discussion ensued between Mr. Brooks and Legislator Brescia pertaining to the cost of the pickleball court, how it can be done for a lower price and in-house.

Mr. Anagnostakis agreed with Legislator Brescia that it can be done for a lower price. He suggested the committee reduce the bonding amount to \$150,000.00.

Mr. Brescia moved to amend the original bonding amount of \$250,000.00 to \$150,000.00, seconded by Mr. Paduch.

Mr. Paduch also agreed with Legislator Brescia and stated they need to do more research.

Mr. Brooks stated he does not have a problem with reducing the cost to \$150,000.00 and they will do more research.

Motion carried. All in favor of the resolution as amended.

Mr. Brescia moved to approve the request for supplemental appropriation to the capital projects budget for the construction of a pole barn for Stony Ford Course maintenance. This project has been approved under the 2023 Capital Project Plan as Project No. 115. Upon approval, a new project will be created, \$135,000.00 (bonding), seconded by Mr. Faggione.

Mr. Brooks pointed out that the estimate and information regarding the request is in the packet (see legislative request). He added that the pole barn will house additional equipment and personnel for their golf operations.

Motion carried. All in favor.

Mr. Paduch moved to approve the request for supplemental appropriation to the capital projects budget for Parks Historical Structures Initiative. This project has been approved under the 2023 Capital Project Plan as Project No. 114. Upon approval, a new project will be created, \$300,000.00 (bonding), seconded by Mr. Benton.

Mr. Brooks stated this was a multi-year request for certain projects that needed to be done throughout the county. The buildings that are at Algonquin Park are part of the Powder Mill Historical Buildings and has been on the agenda before he was commissioner. All the engineering and prep work is done, so this is to secure the buildings to move to the next phase of refurbishing.

Motion carried. All in favor.

Mr. Cheney moved to approve the request for supplemental appropriation to the capital projects budget for Parks equipment. This project has been approved under the 2023 Capital Project Plan as Project No. 110. Upon approval, a new project will be created, \$167,463.00 (bonding), seconded by Mr. Faggione.

Mr. Brooks referred to the summary sheet (see legislative request) and stated this is the last year of their 5-year plan to stage replacement.

Motion carried. All in favor.

Mr. Cheney moved to approve the request for supplemental appropriation to the capital projects budget for Hickory Hill Golf equipment. This project has been approved under the 2023 Capital Project Plan as Project No. 112. Upon approval, a new project will be created, \$312,180.00 (bonding), seconded by Mr. Faggione.

Mr. Brooks stated this is also the last year of their 5-year plan to stage replacement as a lot of equipment is over 20 years old.

Motion carried. All in favor.

Mr. Faggione moved to approve the request for supplemental appropriation to the capital projects budget for Stony Ford Golf equipment. This project has been approved under the 2023 Capital Project Plan as Project No. 111. Upon approval, a new project will be created, \$197,224.00 (bonding), seconded by Mr. Benton.

Motion carried. All in favor.

Mr. Faggione moved to approve the request for supplemental appropriation to the capital projects budget for Golf equipment due to an increase in the price for two (2) new Reelmaster 5010H Fairway Mowers. The model originally ordered is no longer manufactured. Upon approval, funds will be added to existing Capital Project No. 795, \$18,337.00 (bonding), seconded by Mr. Brescia.

Ms. Crawford explained that they recently found out from the manufacturer that what they ordered last year is no longer being made, so they must go with the newer model which is an increase in cost in the amount of \$18,000.00. She added that it is easier to add the funds to the existing capital instead of starting over.

Motion carried. All in favor.

Mr. Paduch moved to approve the request to authorize the County Executive of Orange County to sign the renewal sales tax agreement (The County of Orange Sales & Compensating Use Tax Sharing Agreement) with the Cities of Newburgh, Middletown, and Port Jervis, seconded by Mr. Faggione.

Ms. Gallagher stated that this request is for renewal of the sales tax agreement with the three cities. The current agreement will expire on the 28th of February and the term of this new agreement upon approval shall commence on March 1, 2023, and terminate on February 28, 2026.

Motion carried. All in favor.

Mr. Benton moved to approve the request to adopt the Deferred Compensation Plan for Employees of the State of New York and Other Participating Public Jurisdictions (the "Plan") for voluntary participation of all eligible employees, seconded by Mr. Paduch.

Ms. Gallagher referred to the handout (see original legislative packet) and explained that the Deferred Compensation Committee voted to terminate the existing plan and go with the New York State Deferred Compensation Plan. At the request of Chairwoman Bonelli, she is before the committee today to put this on public record.

Motion carried. All in favor.

Mr. Faggione moved to approve the request for supplemental appropriation for the 2022 budget to increase the Distribution of Sales Tax line by \$16,029,091.88 due to sales tax collections coming in higher than budgeted. Once appropriated these funds will be distributed to the cities, towns, and villages, seconded by Mr. Paduch.

Ms. Gallagher stated that this is surplus of sales tax payments that will be distributed amongst the municipalities. A letter went out today to various municipalities with the anticipation that it would be approved by the legislature so they know what the dollar amount would be. She highly encourages the municipalities to use ACH instead of getting a check in the mail because it is a lot of quicker.

Motion carried. All in favor.

The next agenda item was a Sales Tax Update which included County of Orange Sales Tax Received Year-To-Date (County Portion Only) and a 4-Year Gross Sales Tax Comparison (see original legislative request).

Mr. Cheney moved to approve the request for supplemental appropriation for budget adjustments necessary for 2022 for various departments, seconded by Mr. Paduch.

Ms. Slesinski stated this is done annually, but preliminarily because there are some departments that are short. She will come back to the committee in May for any other adjustments that are needed.

Motion carried. All in favor.

The next agenda item was an update regarding the General Fund Status Report as of December 2022 (see original minutes).

Mr. Brescia moved to discuss deed sale parcels, seconded by Mr. Benton.

The first two deed sale parcels are located in the Town of Blooming Grove (22-10-54.1, 33-2-14) and meet the minimum bids, therefore, Mr. Wiley recommends they be approved. Parcel 3A/3B (36-3-17) is also in the Town of Blooming Grove. It is the same piece of property with two bidders and Mr. Wiley recommends the committee approve 3B because it is an adjoining property owner. The fourth parcel in the Town of Goshen (4-1-11.1) has a minimum bid of \$400.00 and amount bid of \$600.00, so he recommends it be approved. Parcel 5A/5B in the Town of Minisink (14-1-104) is another piece of property that has two bidders and being one has an adjoining property owner. Mr. Wiley recommends that 5B be approved because it has the higher bid. The last parcel is in the Town of Newburgh (11-1-122.2) and has a minimum bid of \$30,000.00 and amount bid of \$10,000.00, therefore, he recommends it be denied.

Motion carried. All in favor of accepting Mr. Wiley's recommendation to approve deed sale parcels Nos. 1, 2, 3B, 4, and 5B and deny parcels Nos. 3A, 5A and 6.

Mr. Paduch moved to approve a resolution authorizing the County Executive to enter into an agreement with certain orange county municipalities providing for the exemption from county taxation of lands owned and used by them for water supply and related purposes, seconded by Mr. Benton.

Mr. Benton pointed out that this is a yearly request.

Mr. Wiley explained that the parcels are properties that are owned by other municipalities outside of the property it is located in, and he asks the assessors for their opinions on each one. These are similar from the year before, with a few changes.

Motion carried. All in favor.

The meeting adjourned at 5:16 p.m.