

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

**WEDNESDAY, FEBRUARY 20, 2019  
3:30 P.M.**

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

ALSO

PRESENT: L. Stephen Brescia, Chairman  
Peter V. Tuohy, Legislator  
Antoinette Reed, Legislative Counsel  
Harold J. Porr, Deputy County Executive  
Langdon Chapman, County Attorney  
Joseph Mahoney, Assistant County Attorney  
David Church, ACIP, 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  
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.

Mr. Paduch request confirmation of reappointments and appointments to the Orange County Board of Ethics (J. Berry, C. Dillard), seconded by Ms. Bonelli.

Mr. Porr explained that Mr. Berry would be a reappointment and Mr. Dillard would be appointed to fill the vacancy of Frederick Witt who passed away.

Mr. Hines commented that he recently spoke to Mr. Dillard who stated that he was looking forward to serving in this position and hopes he has their support.

Motion carried. All in favor.

Mr. Cheney moved request confirmation of reappointments and appointments to the Orange County Planning Board (J. Wolfe, M. Guinchard, S. Turner), seconded by Mr. Paduch.

Mr. Kulisek noted that he was acquainted with Mr. Turner from past boards and was a great choice.

Mr. Cheney asked for clarification that Messrs. Papaleo and Zuckerman were no longer serving. Mr. Porr replied that they were not.

Chairman Brescia agreed with Mr. Kulisek's statement on Mr. Turner.

Motion carried. All in favor.

Mr. Paduch moved request to accept and appropriate NYS Department of State Climate Resiliency Grant in the amount of \$250,000.00 and authorize the County Executive to enter into any and all agreements or contracts necessary to secure and implement this grant, seconded by Ms. Bonelli.

Mr. Church explained that they are one of five counties with this grant with the intent being to supplement Hazard Mitigation Plan that was completed by the county and approved by Homeland Security.

Mr. Cheney asked if all municipalities were included in the plan. Mr. Church replied yes, but the recommendations are focused on county assets and/or what they control.

Mr. Cheney asked if this would provide the opportunity to create a document that would show other assets and the needs associated with those assets. Mr. Church replied yes.

Mr. Cheney asked if it would also provide funding. Mr. Church replied that it was a path to other state funding and with a completed plan they would be eligible for certain programming with the CFA application process.

Motion carried. All in favor.

Mr. Hines moved request to accept and appropriate \$1,000,000.00 first instance Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) planning funds made available on a reimbursement basis through the New York State Department of Transportation (NYSDOT) 2019-2020 budget for the Orange County Transportation Council (OCTC) Unified Planning Work Program (UPWP). Nominal shares: Federal 80%, State in-kind 15%, County 5% share. Given in-kind, non-cash State share, effective Federal reimbursement share is 94.12% (=80/85) and County share is 5.88% (=5/85), seconded by Mr. Kulisek.

Mr. Church explained that this a recurring request related to their transportation and transit planning function. The county is a designated recipient for certain federal and state aid with the funds used toward various functions outlined in the Unified Planning Work Program (UPWP).

Motion carried. All in favor.

Mr. Faggione stated the public hearing for the Comprehensive Plan has been rescheduled for March 20, 2019 at 5:00 p.m. due to inclement weather.

Mr. Church addressed the concerns expressed at last month's meeting with respect to outreach. Since the meeting they have contributed to an article in the Times Herald Record, directed the media notice to SUNY Orange, New York State Planning Federation, County Federation and elected and appointed officials and staff. A hard copy of the plan was posted on the Orange County website and Facebook page and distributed to every library in the county, Planning Boards with postings in their jurisdictions, emails were sent to all municipal clerks to post in their town, village and city halls and media outlets. They worked with the Office for the Aging and acquired a list of all senior groups in Orange County and offers were made for presentations. In addition, a hard copy is now available at the city hall in Newburgh.

Ms. Bonelli request to accept salary schedule for Election Inspectors, Voting Machine Technicians, Voting Machine Operators, Poll Clerks for the Nursing Homes, Poll Clerks for Court Orders, Polling Place Information Clerks, Polling Place Interpreter, Post-Election Audit Clerks, Polling Place VRA Clerks, Inspector Training, Green Bag Pick-Up, Early Voting Inspectors and Per Diem Election Workers including, but not limited to those working in the warehouse, Delivery and Machine Pre-Lat, seconded by Mr. Amo.

Motion carried. All in favor.

Mr. Hines moved request supplemental appropriation under proposed Capital Plan Project No. 31 of 2019 for replacement of thirty-one (31) Dominion ImageCast voting machines, \$338,285.00 (bonding), seconded by Mr. Kulisek.

Mr. Green explained that in May or June of 2018 they submitted a capital project to the capital committee to replace 155 Ballot Marking Devices (BMD) which was approved on the condition that it be done over five years. They are requesting that 31 Dominion Image Cast machines be replaced.

Mr. Faggione asked for the current number of machines. Mr. Green replied that they have 155 Ballot Marking Devices (BMD) and an additional 50 scanners in case an additional scanner is needed in a polling place due to the number of voters; however, they are not replacing them as they are newer. The difference in the machines is that the Ballot Marking Device (BMD) can assist a handicap voter but the other cannot as it is strictly a ballot scanner.

Mr. Faggione asked if the 31 new machines would be added to the current 155. Ms. Vandemark replied yes.

Mr. Paduch asked if the 31 machines were being replaced because of issues. Ms. Vandemark replied yes, they are starting to see problems

Mr. Paduch asked about the problems and if there was a maintenance contract. Mr. Green replied that the machines are eleven years old and they have stopped making parts for them and by the time this project is completed they will be looking at sixteen year old machines. These are paper based systems and occasionally they have to replace a machine at a polling place. In 2018, they had a machine at a school election go bad and the election inspectors had to hand count every ballot.

Mr. Paduch asked if all 155 machines were used during an election. Mr. Green replied that they do have a few spares; however, they have increased the number of polling places in the Towns of New Windsor and Woodbury, the new Town of Palm Tree and the city of Port Jervis and require additional Ballot Marking Devices (BMD). After the next census is completed and redistricting is done, they will see an increase in districts as many polling places are already at capacity.

Ms. Vandemark added that they are already looking for new polling places in order to be proactive.

Mr. Paduch asked if they were buying the same machine or a new machine. Ms. Vandemark replied that it is the same type of machine just a newer model.

Mr. Paduch asked if they would have a warranty. Mr. Green replied yes, five-year ICE Tabulator hardware warranty and firmware maintenance are included.

Mr. Faggione asked if they are seeing more problems this year than in the past. Ms. Vandemark replied that they are seeing more and more problems every year.

Mr. Green clarified that manufacturer Dominion Voting would be taking 10 machines back for parts.

Mr. Faggione asked if they would receive credit. Ms. Vandemark replied yes.

Mr. Kulisek added that this was to be expected and the reason for a five-year plan being to take one-fifth out of service and replacing them. However, if they see that the machines are going bad at an accelerated rate, they would have to buy more in a shorter time frame.

Mr. Chaney asked if they were using the same manufacturer. Mr. Green replied yes, there are only two certified manufacturers in the State of New York; Dominion Voting and Election Systems and Software (ES&S). It behooves them to stay with Dominion Voting as the Election Management System and various other programs can simultaneously program both machines without issue.

Mr. Cheney asked if it was a state bid contract. Mr. Green replied yes.

Ms. Vandemark added that the manufacturer would be at the Board of Elections on Wednesday, March 6, 2019 at 2:00 p.m. for a presentation along with one of the electronic pollbook vendors.

Motion carried. All in favor.

Mr. Hines moved resolution creating the "Orange County Sewer District No. 1 Advisory Committee", a special committee of the Orange County Legislature, seconded by Mr. Faggione.

Mr. Chapman explained that he endorses the creation of this special committee as the Harriman Treatment Plant is getting closer and closer to capacity. Delaware Engineering has recommended one potential option for them to consider and he would respectfully suggest that the legislature appoint a special committee due to the extensive detail and work involved in order to make a final recommendation to the Physical Services committee.

Mr. Faggione added that the following legislators have been recommended for appointment to the committee: Peter V. Tuohy, Katie Bonelli, Barry J. Cheney, John S. Vero, Laurie R. Tautel and Michael Amo as their districts are impacted by this issue.

Mr. Chapman added that he would be going before the Physical Services committee next week with Erik Denega, Commissioner of Public Works with a more detailed discussion on the Harriman Treatment Plant.

Ms. Bonelli thanked Mr. Chapman for providing the foundation for this committee. This is long overdue and it's time for them to look at the information that has been provided. The second to last "RESOLVED" states that they would be relying on the professional expertise of various individuals with five of the legislators in the resolution meeting previously as a group to brainstorm. In addition, the handout from Delaware Engineering and the Executive Summary that was presented in September 2016 has been placed in the mailboxes of the proposed committee members.

Mr. Amo stated that this issue was broached around a year ago and to bring together the individuals that represent that part of the county to look at this issue. He thanked Mr. Chapman and the Law Department for their input and for looking to the future because they do not want to be in another lawsuit because they cannot provide the capacity needed.

Mr. Kulisek asked about the deletion of the "Harriman Waste Water Treatment facility by expansion or retrofit" and the insertion of the "Orange County Sewer District No. 1." Mr. Chapman replied that he did not make that change; however, it could be either way.

Mr. Kulisek asked if the expansion of treatment facility would not be at the Harriman plant. Mr. Chapman replied that there are different ways to look at it. The Delaware Engineering report has recommended they do longevity improvements at the Harriman Waste Water Treatment plant and that they take a hard look at going to Goshen as an alternative for some of the Town of Chester properties. In his opinion, there are four options on the table: longevity improvements, increase the size of the Harriman Plant, go to the Town of Goshen, a combination of all three or a back system.

Ms. Bonelli clarified that the change that Mr. Kulisek was referring to was from the 2014 resolution with the resolution being presented consistent in that it is an advisory committee for the sewer district and Harriman Waste Water Treatment Plant.

Mr. Paduch asked for clarification on who formed the special committee. A few months ago, a legislator tried to form a special committee at a legislative session but was stopped because it was stated that the Chairman of the Legislature was the only person who could form a special committee which was confirmed by legislative Counsel Reed. Legislative Counsel Reed replied that the Legislative Manual states that the Chairman can make recommendations but ultimately, and in this situation, the Legislature would create the special committee.

Mr. Paduch expressed his confusion as to why it was being done now when it could not be done previously.

Legislative Counsel Reed replied that it was a legislator who stated that information, not her.

Mr. Paduch expressed his concern that the precedence and/or rules have changed as a similar resolution was proposed for a special committee but was prevented because they were informed that a legislator could not form a special committee. The Legislative Manual states that the Legislature can create a special committee before the Chairman of Legislature can; however, they were denied.

Legislative Counsel Reed replied that this was being done in accordance with the Legislative Manual.

Mr. Paduch reiterated that he is concerned that it was always in the Legislative Manual but was not approved.

Legislative Counsel Reed clarified that it was prevented by an individual.

Chairman Brescia noted that he wholeheartedly endorses this committee and agrees with its formation.

Mr. Paduch clarified that he does not have an issue with this committee and supports it, but he does question the process.

Ms. Bonelli apologized if the resolution was misleading because she and Legislator Amo were on as the presenters, but it could have been under Mr. Chapman or Chairman Brescia. However, when asked about who would be presenting it, she put herself and Legislator Amo.

Mr. Paduch reiterated that he does not have an issue with the committee but the actual process. Both Legislators Bonelli and Amo's names are on the resolution but because Chairman Brescia supports it, it should have had his name on it.

Mr. Faggione added that the committee will prepare and present its findings and recommendations to the Physical Services committee at the September 2019 statutory committee meeting.

Mr. Hines asked if the supervisors and mayors of those municipalities would be invited to the meetings for their input. Ms. Bonelli replied yes, eventually.

Mr. Hines pointed out that it would make sense as he represented people in that district during his first term and it always seemed that 21 people should not be voting with only five or six people having any real representation. While they would not have the ability to vote they would have some input into the process because it is their money.

Chairman Brescia added that this has been discussed previously and they did indicate that this would be done then.

Ms. Bonelli commented that subsequent meetings have been held with local municipalities sending representatives if they could not attend and as Mr. Hines indicated at the end of the day it is their money.

Mr. Amo agreed that the legislators representing the sewer district have some say on this issue because the people representing these individuals cannot come up with the recommendation.

Mr. Kulisek commented that they have been discussing the governance of Sewer District No. 1 since his first term in 2006. It is now 2019 and the only recourse the people in that district have are the legislators representing them and the rest of the legislature.

Mr. Cheney pointed out that they have not been forthcoming with asking for a change.

Mr. Kulisek noted that it was important for them to come to the table earlier, rather than later.

Ms. Bonelli agreed; however, the first task for the committee will be to look at the recommendations that were made and any supporting documentation that speaks to the increase in capacity. The governance is another issue that deserves discussion but first and foremost the urgency lies with the capacity issue and what direction they will choose to go in.

Mr. Vero added that he has spoken to the Mayor in the village of Chester and Supervisor in the Town of Chester and they are optimistic that with the change of administration in the area and have offered to come to meetings.

Motion carried. All in favor.

Mr. Paduch addressed the Pay-To-Play local law which was not on the agenda. He explained that at the last legislative session in 2018 he spoke with Mr. Faggione about reintroducing discussions on adding LLC's to the Pay-To-Play local law since the state has passed the law. He was wondering on the status of that request since Mr. Faggione indicated that he would review it over the weekend and if would or would not be addressed.

Mr. Faggione stated that they would adjourn the meeting and he would discuss it with Mr. Paduch.

Mr. Paduch expressed his displeasure as he wanted it discussed with the Rules, Enactments and Intergovernmental Relations committee.

Mr. Faggione asked for a motion to adjourn.

Mr. Hines motioned to adjourn the meeting at 4:15 p.m., seconded by Mr. Faggione.

The meeting adjourned at 4:15 p.m.