

**PERSONNEL AND COMPENSATION COMMITTEE  
MINUTES**

**MONDAY, MARCH 16, 2020  
3:30 P.M.**

PRESENT: John S. Vero, Chairman  
Leigh J. Benton, Thomas Faggione,  
Paul Ruszkiewicz, Kathy A. Stegenga, Laurie Tautel

ALSO

PRESENT: L. Stephen Brescia, Chairman  
Katie Bonelli, Majority Leader  
Michael Paduch, Minority Leader  
Peter Tuohy, Legislator  
James O'Donnell, Legislator  
Barry Cheney, Legislator, via teleconference  
Kevin W. Hines, Legislator, via teleconference  
Joseph Minuta, Legislator  
Rob Sassi, Legislator  
Harold Porr, Deputy County Executive  
Damian Brady, Senior Assistant County Attorney, via teleconference  
Carol Pierce, Chief Assistant County Attorney  
Steven M. Gross, Commissioner, Human Resources, via teleconference  
Donna McCarey, Deputy Commissioner, Human Resources, via teleconference  
Christopher Ericson, Deputy Commissioner, Health Department  
Dr. Kristine Young, President, Orange County Community College  
Erica Hackman, Vice President for Academic Affairs, Orange County Community College  
Edward Magryta, Director, Airport, via teleconference  
Eric Ruscher, Director, Real Property Tax Services, via teleconference  
Bill Fioravanti, Director, Economic Development  
Deborah Slesinski, Budget Director  
Deanna Crawford, Budget Analyst  
Gretchen Riordan, Budget Analyst

Mr. Vero called the meeting to order at 3:34 p.m. and asked everyone to stand for the Pledge of Allegiance to the Flag. All committee members were present with the exception of Legislators Lujan and Sierra who participated via teleconference. Mr. Vero announced that all agenda items with an expenditure will be put on hold as they will proceed with priority issues only, due to the coronavirus.

Ms. Tautel moved the request for confirmation of reappointments and appointment to the Orange County Human Rights Commission (C. Ashman, R. White, S. Wohl) seconded by Ms. Stegenga.

Mr. Porr stated that Chris Ashman and Robin White are reappointments and Scott Wohl is the new appointment to the Human Rights Commission.

Mr. Benton request the Human Rights Commission change the date and time of their meetings so they would not conflict with Legislative Sessions.

Mr. Porr recalled that request being made in the past and said he would follow up with the Chair of the Commission, Mr. Cook.

Motion carried. All in favor.

Ms. Stegenga moved the request for confirmation of appointment of Alan Sorensen as Commissioner of the Orange County Planning Department, seconded by Mr. Ruskiewicz.

Mr. Porr stated that Alan Sorensen is an outstanding gentlemen with the appropriate background and he will be the replacement for Mr. Church. They received a number of resumes and after review, they reached out to Mr. Sorensen and negotiated an arrangement with him.

Mr. Vero thought Mr. Sorensen was an excellent choice. He mentioned that he worked with Mr. Sorensen in the Town of Chester when they were doing their comprehensive plan years ago. He is also completing the comprehensive plan for the Village of Chester.

Chairman Brescia agreed with Mr. Vero's remarks and added that Mr. Sorensen comes with high qualifications. He was a previous applicant when they hired David Church. They had an ethics opinion to determine if there was a conflict since Mr. Sorensen is doing work in other municipalities which he has done. He updated the master plan in the Village of Montgomery twice.

Mr. Porr stated that Mr. Sorensen agreed not to have any outside clients.

Ms. Tautel asked what the salary range was for the position.

Mr. Porr responded that he was hired at the top because he is not taking health benefits which saves the county about \$30,000.

Mr. Paduch commented that he was sure most everyone read the article in the Times Herald Record about Mr. Sorensen. He was concerned because Mr. Sorensen planned to keep his position as a Sullivan County Legislator. He did research regarding the Hatch Act and read from an article titled, "Applicability of the Hatch Act to Municipal Officers and Employees." "To determine if he or she is subject to the Hatch Act, a municipal employee must assess whether he or she performs duties in connection with the program financed by federal monies. State and local programs that typically receive federal funding include for example, public welfare, housing, transportation, and law enforcement. If a municipal employee performs duties in connection with an activity financed in whole or in part by a federal loan or grant, it will not matter that he or she receives his or her salary from non-federal monies; that he or she has no authority or discretion on how those federal funds are spent; or that the federal monies fund only a small portion of the program; he or she will be subject to the Hatch Act." His concern was the Hatch Act and the Planning Department is substantially funded with federal transportation aid which includes many positions and expenses. The Planning Commissioner is responsible for the oversight of how the federal funding is used and that alone bars him from holding elected office. Why was he not requested to either take this job or stay on as a Legislator, not both. By not addressing the Hatch Act, it could jeopardize our federal aid funding. He did not support that. Mr. Sorensen has a great resume and he was sure he was a good

fit, but he was not okay with Mr. Sorensen sitting on the Sullivan County Legislature as the Majority Leader of the Republican Party and being the Orange County Planning Commissioner. Mr. Paduch also asked if Mr. Sorensen closed his private business because the article said he was going to be winding down.

Mr. Porr explained that as far as winding down the business, they did agree that by June he would be done which Mr. Sorensen agreed to. In regard to the Hatch Act issue, they also had the same concern so they asked the County Attorney's office to look into that and if there was a violation with the Hatch Act and the answer was no.

Mr. Paduch asked how that was possible because he is in charge of the Federal Aid and the transportation funding. He further asked why was he hired at the cap. He did not think they were doing the right thing for the county by hiring him at the cap and the fact that he is still involved as a Legislator in Sullivan County. He thought the Hatch Act was very clear.

Mr. Porr responded that he is not a lawyer, that is why he asked one and was given his opinion and advised there is no violation.

Ms. Tautel stated that she has experience with the Hatch Act and no offense to our County Attorney, she would like to put this on hold pending an opinion from the Attorney General's office because this is a serious implication with a conflict of interest with a job when it comes to federal funding and our transportation department. If we were to lose our federal funding because of a person we appointed is not able to administer that funding, that would be devastating to the county. Ms. Tautel suggested to postpone this for one month and have the County Executive's office have a ruling from the Attorney General's Office who has the utmost experience with dealing with the Hatch Act.

Mr. Porr did not believe that was necessary. He felt that the opinion from the County Attorney is sufficient and he did not think they needed to delay the confirmation.

Ms. Tautel made the motion to table the request for confirmation of appointment of Alan Sorensen as Commissioner of the Orange County Planning Department pending the ruling from the Attorney General's Office regarding the Hatch Act, seconded by Mr. Lujan.

Mr. Lujan agreed with Minority Leader Paduch and Ms. Tautel. He agreed that Mr. Sorensen has a remarkable resume and a lot of experience, however his concern is about the Hatch Act. He would not want to put funding in jeopardy.

Mr. Benton pointed out that usually the Hatch Act applies to those in a federal position. He asked Mr. Paduch for copies of the Hatch Act so everyone can review it and Mr. Paduch complied.

Chairman Brescia suggested they approve the request today and if there was anything that confirms what Mr. Paduch said then they can look at it differently. Mr. Sorensen is presently in the position right now and he is in two separate counties, he could understand if he was an Orange County Legislator taking this position being a conflict, but he is not. The County Attorney received an opinion from the Board of Ethics.

Ms. Stegenga asked what the outcome would be if they were wrong and what if someone complained or the federal government had an issue, what would be the end result.

Mr. Porr replied that Mr. Sorensen would probably have to step down.

Ms. Stegenga further asked if the county would lose funding and Mr. Porr responded that he did not think that would happen.

Ms. Stegenga asked if there could be any conflict of interest with Sullivan County and Mr. Sorensen's position there and Mr. Porr replied that according to the Board of Ethics, there was no conflict of interest.

Mr. Sierra stated that he experienced a clearance check through the Office of Special Counsel out of Washington when he took the position as firefighter in the City of Middletown and he was still an Alderman for the City of Middletown. He had to resign as Alderman in order to take the firefighter position. He had to be cleared through the office of Special Counsel. He has information that he can forward to everyone as they are the agency that oversees the Hatch Act.

Mr. Vero stated that if this gets approved today, they can approve it upon the condition that they get a better opinion from either the Office of Special Counsel or the Attorney General, whoever it may be.

Ms. Tautel withdrew her original motion, seconded by Mr. Lujan.

Ms. Tautel made the motion to approve the request for confirmation of the appointment of Alan Sorensen as Commissioner of the Orange County Planning Department pending confirmation from either the Office of Special Counsel or the Attorney General's Office on any conflict of interest with the Hatch Act on the Federal Transportation funds, seconded by Mr. Lujan.

Motion carried. All in favor with the exception of Legislators Faggione and Ruskiewicz who voted no.

Ms. Stegenga moved the request to create one (1) Director of Epidemiology and Public Health Planning, Grade 25 position, seconded by Mr. Faggione.

Mr. Ericson stated that the Health Department has been transforming into more of an infectious disease epidemiological type of department with tracing and keeping track of diseases as they get reported to his office. This idea has been in place for awhile but the coronavirus has made this priority so they would like to get the position filled quickly. They have one epidemiologist who works very hard. To be more prepared in the future on how to deal with epidemiological outbreaks, they would like to have another person to help with the work. This is not a result of coronavirus, there are outbreaks all the time.

Ms. Tautel stated that regardless of the current COVID-19 outbreak, they would need this position anyway. Ms. Tautel requested an update on COVID-19.

Mr. Ericson stated that there have been some positive cases in Orange County. There are quite a few people in isolation and quarantined in their own houses. They provide a daily visit to these people's residence to ensure they are in their homes, they pull in the driveway and call the individual, they come to the front door to ensure they are in their home. That is as close as they can get. They get many calls a day so they transitioned their nursing phone number to a call center. It is staffed by employees and volunteers. Test kits are hard to get, hospitals get a few but most are down to about one hundred. There were discussions on having testing sites within the county but they cannot do that until they have the test kits.

Ms. Tautel asked how many confirmed cases are in Orange County.

Mr. Ericson responded they have seven confirmed cases.

Ms. Tautel made a suggestion for the Health department to change their website around to make the important information appear right away rather than scrolling around. She added that she received calls from constituents regarding Saint Patrick's Day events being cancelled and new orders from the Governor, restaurant owners are panicking.

Mr. Brady commented on the Governor's Executive Order and noted that it has not been posted yet, they only have the press release.

Mr. Tuohy asked how much staff is designated to the drive-by visits to check in on those quarantined.

Mr. Ericson stated that yesterday there were two people, they may be up to four as of today, he was not sure.

Mr. Lujan asked if there is enough equipment for hospital staff regarding facemasks, if not what are they doing to address that. He also asked how the county was addressing the non-English speaking community regarding awareness of the coronavirus. He further asked what they were doing to prepare for worse case scenario.

Mr. Ericson stated that isolation is the most important thing to do and not gather in large groups. Some challenges they had were now that schools are closed and colleges have left people at home, they are having parties, going bowling, things they do not want them to do. In regard to equipment and having enough, he responded that they do not have enough. They are working with General Services to find what they can. They have a bilingual staff member in their call center and they have a language line. The ICU in the medical facilities are getting maxed out and their ventilators are being maxed out too. They are preparing for less people to die.

Motion carried. All in favor.

Ms. Stegenga request to remove the stipulation from one (1) Criminal Investigator within the District Attorney's Office that was previously grant funded, seconded by Ruszkiewicz.

Mr. Conflitti explained that in 2017 they launched their Non-Fatal Shooting Grant using additional investigative resources to solve the shooting cases that do not result in a death where victims do not want to cooperate. It has worked well but the grant funding ran out and the Division

of Criminal Justice Services is not appropriating money for it. It was original grant only and now they would like to remove that stipulation. There is no immediate budget impact because of vacancies and with a few retirements they will be able to easily absorb the position.

Mr. Vero asked what is the cost of the position.

Mr. Conflitti responded that the total grant funding was \$113,280.00 which includes benefits.

Motion carried. All in favor.

Ms. Tautel moved the request to create one (1)  
Chief Assistant County Attorney (Indigent Defense),  
Management Grade 27, seconded by Ms. Stegenga.

Ms. Pierce explained that it was a state funded grant position. The state wants the county to establish a position to manage the Legal Aid 18b Program as a result of a recent decision. The program is very complex. The Ulster County Public Defender recently had to resign because he failed to properly manage which cost the county millions of dollars. They want to make sure they have the right person for the county. This is not a county taxation, it is a state grant funded position.

Mr. Paduch asked what the starting salary is and Ms. Pierce responded that she did not know.

Mr. Paduch commented that they seem to hire people at the top and that is why there is always discussion about the cap and who is at the cap and the reason is because the county hires people at top of the salary range. He asked how long the grant was for and he was advised it was a five-year program.

Mr. Vero noted that after five years it can either go away or it will be renewed.

Motion carried. All in favor.

Mr. Vero stated that the other items on the agenda are tabled until next month.

**\*\*\*\*\* JOINT PERSONNEL AND COMPENSATION, LABOR RELATIONS ADVISORY AND  
EDUCATION AND ECONOMIC DEVELOPMENT COMMITTEES\*\*\*\*\***

PRESENT: John S. Vero, Chairman (Personnel and Compensation)  
Paul Ruszkiewicz, Kathy A. Stegenga, Laurie Tautel

John S. Vero, Chairman (Labor Relations Advisory)  
Leigh J. Benton, Kevin W. Hines, Michael D. Paduch

Paul Ruszkiewicz, Chairman (Education and Economic Development)  
Joseph Minuta, Rob Sassi, Kathy A. Stegenga, Laurie Tautel

Chairmen Ruszkiewicz and Vero called to order the JOINT Personnel and Compensation, Labor Relations Advisory and Education and Economic Development Committees at 4:25 p.m. with all

members present with the exception of Legislators Lujan, O'Donnell and Sierra who participated via teleconference and Legislator Faggione who left the meeting at 4:09 p.m. and Legislator Benton who left the meeting at 4:15 p.m.

Ms. Stegenga moved the request to approve and execute the proposed contract with Staff and Chair Association for Orange County Community College, seconded by Ms. Tautel. (Personnel and Compensation Committee)

Mr. Sierra moved the request to approve and execute the proposed contract with Staff and Chair Association for Orange County Community College, seconded by Mr. Paduch. (Labor Relations Advisory Committee)

Ms. Tautel moved the request to approve and execute the proposed contract with Staff and Chair Association for Orange County Community College, seconded by Ms. Stegenga.

Dr. Young stated that they have a memorandum of agreement moving into contract agreement with the Staff and Chairman's Association. It is a six-year agreement and the previous agreement expired on August 31, 2017. During the negotiations a mediator came in and was a big asset during the process. She pointed out the compensation and the health insurance. The compensation for the six-year contract, the average cost is 2.4%. In the previous contract, one third of the union was not paying into health insurance but by the end of this six-year contract, every union member will pay towards their health insurance. The agreement was voted on unanimously and has very good support.

Mr. Paduch asked about the contribution towards the health insurance.

Dr. Young explained that some members are already paying into the health insurance, depending on when they were hired. In the beginning many members will immediately be paying 10% this year and the members who have been paying nothing will now be walked up the scale, starting at 3% this year, next year 6%, then 9% and finally 10%.

Mr. Tuohy asked roughly how many members represented one third.

Dr. Young stated it was about forty members.

Motion carried. All in favor with the exception of Mr. Lujan who abstained. (Personnel and Compensation)

Motion carried. All in favor. (Labor Relations Advisory)

Motion carried. All in favor. (Education and Economic Development)

On the motion of Ms. Tautel, seconded by Ms. Stegenga, (Personnel and Compensation) and on the motion of Mr. Paduch, seconded by Mr. Vero (Labor Relations Advisory), the meeting adjourned at 4:46 p.m.

