

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

**WEDNESDAY, APRIL 17, 2019
3:30 P.M.**

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

ALSO

PRESENT: L. Stephen Brescia, Chairman
Kathy Stegenga, Legislator
Antoinette Reed, Legislative Counsel
Harold J. Porr, Deputy County Executive
Dan Bloomer, Director, Operations and Cost Control
Langdon Chapman, County Attorney
David Church, ACIP, Commissioner of Planning
Julie Richmond, Deputy Commissioner of Planning
Deanna Crawford, Budget Analyst
Lucy T. Joyce, Executive Director, Cornell Cooperative Ext.
James Delaune, Executive Director, Orange County Land Trust
Sarah McKay, Executive Director, Orange County, New York, Arts Council
William O'Keeffe, Board Member, Orange County, New York, Arts Council
Ginny Neidermier, Treasurer, Orange County Library Association

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 exception of Legislator Bonelli who was absent.

Mr. Vero moved confirmation of reappointment to the Orange County Board of Ethics (M. Horrego), seconded by Mr. Hines.

Mr. Porr stated that the reappointment was based on the recommendation of the Chairman of the Legislature to the County Executive.

Mr. Porr added that Curlie Dillard was recently appointed to the Board of Ethics; however, due to illness he will be unable to serve. They will come back to the Legislature for confirmation once a replacement has been chosen.

Motion carried. All in favor.

Mr. Kulisek moved resolution approving the consolidation of New York State Vital Statistics Registration Districts 3560 and 3526 into one district, seconded by Mr. Amo.

Mr. Chapman explained that he was contacted by Ms. Beams the Town Clerk in Monroe who supplied resolutions from both the Town and Village of Monroe requesting the consolidation of the New York State Vital Statistics Registration Districts 3560 and 3526 into one district. Under New York State law the Legislature must provide consent as Ms. Beams currently serves as Registrar of Vital Statistics for both the town and village.

Mr. Hines asked if the individual was not the registrar of Vital Statistics for both municipalities would the town automatically control it, or would it be problematic. Mr. Chapman replied that they could have their own districts, but they have shared the same individual in both municipalities for years.

Motion carried. All in favor.

Mr. Amo moved request to reclassify one (1) position, Assistant County Attorney, grade 24, to Senior Assistant County Attorney, grade 25, seconded by Mr. Kulisek.

Mr. Chapman explained that the individual currently in the position requested a reclassification to Senior Assistant County Attorney as she is currently an Assistant County Attorney with a capped salary. She has nineteen years of experience as an attorney and he along with the County Executive and Assistant County Attorney agree it is merit worthy.

Mr. Vero added that this passed unanimously at Monday's Personnel and Compensation committee meeting.

Mr. Kulisek asked if she were to leave the county would the position revert to Assistant County Attorney. Mr. Chapman replied yes.

Mr. Paduch asked how long the individual has been at the cap. Mr. Chapman replied, this year.

Motion carried. All in favor.

Mr. Paduch moved request authorization to apply for and to accept a Federal Transit Administration grant which will be apportioned to Orange County via Federal 5307 and 5339 funding programs. Total FTA grant \$26,905,051, NYS match \$2,240,391, local share \$2,240,391. Local share consists of \$1,871,700 which will be provided by the municipalities and local operators of service and \$368,691 county share of which \$318,291 is in-kind county work force and \$50,400 proceeds from previous bus sales, seconded by Mr. Kulisek.

Ms. Richmond explained that these are federal funds for transit operations and used toward four categories. Operating Assistance: FTA funds totaling \$7,096,931.00 with local

municipalities providing the local match through municipal funding of public transit service; ADA Paratransit Service: FTA funds totaling \$1,884,995.00 with the local share paid by the county to the contractor who operates the service which has been budgeted with no additional county match required. Purchasing Replacement Transit Vehicles: FTA funds totaling \$15,376,800.00 for buses that are past their useful life with 18 Coach buses, 2 Mainline buses and 2 Newburgh Area Transit Buses being replaced. The proceeds of resale of those buses would be used toward the county match of \$50,400.00 which has not been done previously. Program Administration: FTA funds totaling \$2,546,325.00 with county match covering staff and consults salaries.

Mr. Kulisek asked if these funds could be used for drivers. Ms. Richmond replied yes, through operating assistance.

Mr. Kulisek commented that the Newburgh Area Transit buses are very large with few riders and the cost for running a large bus must be considerably higher than a smaller bus. In his opinion, the funds they could save by purchasing a smaller bus could be used for an additional bus route and driver.

Mr. Church responded that the buses in Newburgh are slightly bigger than the Middletown and/or Kiryas Joel bus service but still smaller than a Coach bus. They have seen more robust service and they did conduct the "no fare" experiment during the holiday season.

Mr. Kulisek pointed out that at the public hearing on the Comprehensive Plan in Newburgh the primary topic was inter-county transportation.

Mr. Hines asked about the previous procedure as Ms. Richmond's comment that proceeds from the resale of the buses would be used toward the county match of \$50,400.00 which had not been done previously.

Mr. Church replied that they were first offered to local municipalities and then put through the Department of Public Works. If a municipality did not purchase a bus, it was sold through equipment bid; however, that has become an eBay-based approach. Normally, funds must be reinvested into transportation but in this case, it was not specific.

Mr. Hines asked how the money was used previously. Mr. Church replied that the funds had to be reinvested into something related to transportation such as staff hours and operations.

Ms. Richmond clarified that this would be the first time they are replacing the Coach buses.

Mr. Church stated that they would look into Mr. Kulisek's rightsizing question with respect to Newburgh Area Transit Service; however, they are looking to grow ridership in the greater Newburgh area.

Mr. Kulisek pointed out that a rider in Newburgh can take the Ulster County Area Transit (UCAT) which is an approximately 20 passenger bus to SUNY New Paltz with one transfer in Gardiner for \$1.50. If they were to rightsize in the Newburgh area, they could see substantial savings.

Mr. Paduch asked if there was a requirement for the bigger buses. Mr. Church replied that when they upgraded the service in the Newburgh area, they anticipated an increase in ridership with a third bus route added.

Mr. Kulisek expressed concern that he has seen Coach buses on side streets in the city of Newburgh. Mr. Church replied that they could be there for a few reasons such as a charter service and/or if one of the local transit buses is not working.

Chairman Brescia commented that at a recent roundtable meeting Legislator Luján questioned the possibility of having smaller buses that go from Newburgh to Goshen and Newburgh to Middletown.

Mr. Paduch asked about the \$50,400.00 and do they use the international auction site. Mr. Church replied that it is the required match for that component of the grant, and they anticipate receiving at least that much if not more with the \$50,400.00 being applied to the required match of the grant.

Mr. Paduch asked who determines the price they will be sold for and if they use the international auction site as well as eBay. Mr. Church replied that the Department of General Services disposes of surplus equipment with the difference being that these proceeds cannot go to the general fund and must be reclaimed for transportation purposes.

Ms. Stegenga asked for the term of the grant. Ms. Richmond replied that she did not have the term available but would get the information to the committee.

Mr. Church emphasized that they are seeking to apply for the grant.

Motion carried. All in favor.

Mr. Cheney moved the Comprehensive Plan and to review public comment and review final document, seconded by Mr. Amo.

Mr. Church explained that both the Planning Department and the County Planning Board are recommending the updated Comprehensive Plan be adopted. They have included a summary of the comments from the two-part public hearing conducted by the legislature and written comments. In anticipation of the update they used social media to post items and track comments through CoUrbanize which led to the addition of the transportation chapter. In addition, the Orange County Planning Board held a public hearing. They also received comments that were addressed in the document on open space, parkland preservation, surge in warehouse development and its impacts, modification to references related to the expansion of village of Kiryas Joel, clarifying how this plan supersedes the previous plan and numerous transportation comments on the lack of service.

Mr. Church presented the committee with an updated map depicting Priority Growth Areas in Orange County (see original minutes). The map highlights amendments to growth areas in Blooming Grove and Schunnemunk Mountain/Gonzaga Park that have been subtracted and the expansion of Fort Montgomery, Pine Bush business expansion at the request of the Town of Crawford and the Warwick Industrial Park.

Mr. Kulisek asked about the possibility of rails at Stewart Airport. Mr. Church replied that the yellow dot above New Windsor on the map indicates a transit center at Stewart Airport. It has been described to anticipate intermodal connection which is yet to be determined by MTA and the Port Authority as to whether it would be rail or bus.

Chairman Brescia was pleased to hear that the Warwick Industrial Park was added. The Orange County Industrial Development Agency (IDA) is committed and it will be a great development once completed. He thanked Mr. Church for his handling of the public hearing as many comments were geared toward zoning and as a home rule state, they do not control zoning.

Mr. Church commented that any local governments comprehensive plan land use regulations must be in accordance with the plan because counties do not have zoning authority. That function of a comprehensive plan is limited to a component of General Municipal Law Section 239 where planning and zoning permits are referred to the Orange County Planning Department for review and comment.

Motion carried. All in favor.

Mr. Hines moved SEQRA confirming findings of Resolution No. 43 of 2019 on SEQRA as to determination of Type I Action and that the "Project" (Comprehensive Plan Updates) will have no significant adverse environmental impacts and that all documents will be filed and published in accordance with 6 NYCRR 617.12, seconded by Mr. Amo.

Motion carried. All in favor.

Mr. Amo moved request authorization to create one (1) Seasonal Paid Intern position to provide support on transportation projects, seconded by Mr. Cheney.

Ms. Richmond explained that the individual would be a third intern at the Planning Department with their salary paid out of transportation funding.

Motion carried. All in favor.

On the agenda was a presentation on funding to outside organizations.

Mr. Church presented the committee with an overview on funding to outside organizations, breakdown on what they do, how funding is tracked and their interaction with the organizations. Since 2008, they have provided funding on and off to nearly a dozen organizations: The Orange County Library Association, Orange County Land Trust, The Orange County Historical Society, The Orange County Partnership under "promotion of Orange County," two scenic byways, various museums, paramount theater and other miscellaneous organizations. These were often driven by requests from the Legislature or County Executive's office with the level of funding fluctuating. In 2014, that funding with the exception of the Orange County Library Association and

the Orange County, New York, Arts Council to outside entities was bundled with an arrangement with the Budget Department and County Executive's office into line 7901 or 7182 (grant payments) with separate lines for the previously referenced groups no longer existing with the exception of the Arts Council. Many of the grants were under \$10,000.00 and in most cases under \$5,000.00. They currently have one small grant with approval from the Orange County Agricultural Farmland and Protection Board at the request of the County Executive and Legislative leadership to contribute \$3,500.00 to the historic track for the rebuilding of the building on behalf of the County and Legislature.

Mr. Church introduced James Delaune, Executive Director, Orange County Land Trust; Sarah McKay, Executive Director, Orange County, New York, Arts Council; William O'Keeffe, Board Member, Orange County, New York, Arts Council; Ginny Neidermeir, Treasurer, Orange County Library Association.

Mr. Church stated that the Orange County Land Trust, Orange County, New York, Arts Council and Orange County Library Association are distinctly different entities and treated differently.

Mr. Church explained that the Orange County Library Association has received funding annually with the legislature often increasing, was allocated and in the 2019 budget they received \$115,000.00. They have a contractual agreement based on their membership and the distribution of the funds are prorated to all the library members in Orange County. The funds are primarily applied to outside costs for automation or technology needs. In addition, the funds are awarded to them non-competitively as they meet two exemptions in the procurement policy.

Mr. Paduch commented that he along with Chairman Brescia, Legislator Bonelli and Legislative Counsel Reed are looking at creating a form for entities requesting funding from the county. He has not supported funding the Library Association as many are in taxing districts and receive money from taxpayers and in his opinion, they are double taxing taxpayers by using county tax to fund libraries. They have never received a report on development in library districts, so they have no idea if they have received an increase due to any development in the district. He expressed concern with funding libraries that are already in taxing districts.

Ms. Neidermier explained that there are seventeen libraries in Orange County and not all are able to tax themselves as it depends on their charter and there are four different types of library charters; School District, Municipal, Association and Special District. In the late 1990's a law was enacted that allowed municipal libraries to put their budget out for a vote. Once they do that they can tax and it is then up to the community to approve or disapprove a budget; however, once a budget is put out there under Education Law Chapter 414 the budget that was approved originally does not decrease and stays at the original amount.

Mr. Paduch asked out of the seventeen libraries which are in taxing districts. Ms. Neidermier replied a little more than half.

Mr. Paduch asked if any increases or revenues received are reflected in their budget remarks before they request county funds.

Mr. Church presented two reports from the Orange County Library Association; Orange County Grant Report 2018 and Orange County Grant Report 2019 (see original minutes). He receives

a report from the association on the population and the fees they are required to pay and how they propose to distribute whatever level of funding the legislature agrees to budget for that year.

Chairman Brescia commented that several years ago a form was submitted by Legislator Michael Amo which could be expanded on with respect to the libraries. He would suggest they keep the libraries at \$115,000.00 and ask that the County Executive also keep it at \$115,000.00. He agrees that Mr. Paduch had some good points and they spend a great deal of time during the budget process discussing the \$115,000.00 but they do have some legislators that would like to add more funds, and some that would like it decreased.

Mr. Kulisek asked about the tax rate needed to meet the budget. Ms. Neidermier replied that most libraries try to stay under the 2% tax cap. If they go above the 2% tax cap the public does not respond well.

Mr. Church added that in the last 10 years the funding to the Library Association had a lull of \$81,000.00 in 2015, and a high of \$120,000.00 in 2008.

Mr. Church added that the Orange County Land Trust has been funded continuously with amounts fluctuating. Based on a comprehensive review of funding to outside organizations the Land Trust replies to a competitive request for land conservation services. They as the awarded vendor provide professional assistance and cover transaction costs for land conservation, parkland and trail related projects, farmland protection projects that are consistent with county policies and comprehensive plan including the open space plan. They meet monthly to review priorities and provide the Planning Department with a quarterly report and invoice. They were awarded a second three-year contract but the contract for this year is pending as it is with the law department for review and their funding can be found under grant payments line 7901 at \$80,300.00 with this line also fluctuating with a high in 2017 of \$151,500.00. The Land Trust handles various transactions for the county are they are reimbursed through this contract. There is a not to exceed amount, so they try to prioritize items in the contract and on a monthly basis and supported by a quarterly report and they discuss the priorities with the Planning Department and Land Trust staff and track expenditures through quarterly invoicing and reporting.

Mr. Paduch emphasized that they should be looking at the report as they are the decision-making body.

Legislative Counsel Reed referred to the Orange County Library Associations Grant Report 2019 and of the \$115,000.00 received, how much did each of the public libraries receive.

Mr. Church responded that the reports explain the fees that are charged and where their funding goes.

Legislative Counsel Reed noted that the report states that \$44,914.00 was paid for service fees which also supports the interlibrary system but how do they reconcile the \$115,000.00.

Ms. Neidermier replied that the figures in the report are fees that the seventeen libraries paid to the Ramapo Catskill Library System with the \$115,000.00 provided by the county offsetting some of those costs. They received two payments this year, one was distributed equally among the seventeen libraries in the amount of \$3,382.00 and the second payment was distributed per capita.

Legislative Counsel Reed requested a report showing the breakdown of how the \$115,000.00 was dispersed amongst the seventeen libraries and how each library is chartered.

Mr. Church replied that he would work with Ms. Neidermier to create a spreadsheet.

Mr. Church presented the committee with a copy of the Orange County New York Arts Council Annual Report (see original minutes). Previously they awarded them general operating funds and while there is a line in his budget for the Arts Council it does not all go to the Arts Council. It is split annually with different percentages and amounts depending on the year. Since 2015, the amount in the split has been \$59,400.00 to the council itself through a competitive award for services to the arts community in Orange County, and \$40,000.00 is held for a small arts grants program that is administered by the Planning Department, a staffer in the Tourism Office with an arts background and the County Executive's office. In 2019, the budget awarded them the same funds. They are in the second year of a competitive award with their contract for 2019 fully completed with quarterly invoices submitted. He attends the Art Council's monthly meetings and they are just getting to the small arts contracts for the 2018 term due to a lag and they have not decided how they will proceed with the small arts grants for 2019 as they need to talk to county leadership to see if or when they want to proceed.

Mr. Amo agrees with Mr. Paduch that a form should be created as it would assist them as a county. He is a fan of zero-based budgeting to ensure that they know why they want to do, and not just because it was done in a previous year. They have eight statutory committees that look at various things for the county but how do these organizations help the county to accomplish their goals and how do they align with the county.

Mr. Church responded that the Land Trust is clearly aligned with county policy and described in the Open Space Plan. The Arts Council is somewhat elusive, and the Library Association is something they have funded annually with a strong majority of the legislature and the County Executive who want to support the libraries.

Ms. Neidermier clarified that the libraries conduct job help sessions, resume building, online literacy training and their goals are also Orange County's goals. Every two years the libraries come together with a countywide project that promotes Orange County. In 2019, they are focusing on three books for adults, children and the very young to highlight Orange County Agriculture such as apple trees, bees and the environment.

Mr. Cheney moved resolution of the Orange County Legislature seeking a Home Rule Request to amend New York State Agriculture and Markets Law Section 286 to provide that Cornell Cooperative Extension Orange County be eligible to qualify for State funding reimbursements and grant programs for the promotion of Agriculture and Domestic Arts, seconded by Mr. Paduch.

Ms. Joyce addressed the committee stating that they are seeking a New York State Law change become eligible to receive New York State Agriculture Fairgrounds Infrastructure grants. They are currently unable to receive the funds because the money allocated goes the Orange County Agriculture Society the receiving entity that hosts the Orange County Fair and Speedway. The

Orange County Agriculture Society has not applied for the \$96,000.00 in the last three grant rounds. In December 2017, the Orange County Legislature adopted a resolution in support and while it passed through the Senate, it did not pass in the Assembly due to opposition from the Association of Agricultural Affairs. She has since joined the association, presenting their case and they now have their moral support and they have withdrawn all opposition.

Mr. Faggione clarified that this was placed on the agenda due to timing and circumstances in Albany.

Legislative Counsel Reed asked if Ms. Joyce had spoken to Senator Metzger. Ms. Joyce replied that Senator Metzger toured the park and supports the request.

Motion carried. All in favor.

Mr. Hines moved resolution for a Home Rule request in support of the Community Preservation Act, seconded by Mr. Cheney.

Ms. Stegenga addressed the committee and presented them with the Community Preservation Fund description and summary of currently authorized towns (see original minutes). This was discussed at the Green Committee meeting with the Town of Warwick and Westchester and Ulster counties having the ability to do this. Mr. Church explained that it was a three-step process and something that the Town of Warwick has done to initiate financing. They had to get Home Rule authorization from the State Legislature, create a plan and then take it to the voters for approval in the affected jurisdiction. This resolution would mirror the resolution from 2007 and the county on behalf of the towns and cities in Orange County would request this and therefor eliminating the first step; however, they would still be required to create a plan and take it to the voters in order to use the financing mechanism for real estate transfer tax. There are numerous financing options for financing open space including using the tax and how to charge the tax if they chose to do it, exemptions.

Legislative Counsel Reed stated that from a historical perspective when the original legislation came about in 2007, they asked to be added as a designated community and the bill is now before the legislature again to add Ulster County and one municipality in Orange County that is interested in a real estate transfer tax for open space. This is used by municipalities to offset or give the local municipality the percentage of funding they have to add to an open space project and in the end helps the local municipality. The last time it was in the New York State Legislature is passed through the assembly but not for Orange County in the senate.

Mr. Faggione clarified that Orange County being declared as a "designated community" does not mean that Orange County is entertaining it but for the municipalities if they chose to go through the three-step process.

Mr. Church replied that it would provide the option for localities in Orange County to proceed with it.

Mr. Cheney asked if the county at some point moved to exercise that option as well. Mr. Church replied that it was clear to him that this resolution proposes to piggy-back on authorizing

counties. They would have to ask Albany for the county to have Home Rule authority to do this on their own.

Mr. Vero added that the Town of Chester was seeking to do this last year, but it failed in the senate, so they are reintroducing it again.

Mr. Church added that there are other federal and state funds out there that always require a local match and the Town of Warwick has been highly effective at leveraging this funding as the local match to get the other money and something the Town of Chester hopes to do.

Mr. Kulisek asked if this would affect the tax cap of 2%. Ms. Stegenga replied no, as it would be a revenue stream for a municipality.

Legislative Counsel Reed clarified that it was similar to sales tax as there is nothing there that caps the ability of the county to raise more revenue sales tax. The cap is on what they are spending on taxation. Anytime a municipality wants to be a taxing entity they must get that authority from the state legislature as they cannot impose a tax without state authority for local municipalities.

Mr. Kulisek commented that people are taxed through property tax.

Legislative Counsel Reed replied yes, but they have that authority under New York State Tax Law.

Legislative Counsel Reed added that while they could use local funds if it is used for open space it would be subject to a public hearing and in the past Orange County may have bonded some of these projects.

Mr. Church replied that they have used surplus funds for some projects but in recent years the projects have been bonded.

Mr. Kulisek asked if tobacco funds could be used for open space. Legislative Counsel Reed replied that she would have to check. Whenever an open space project is done through a grant (PDR) program there are contributions by the owner of the property, contributions by the local municipality and the county.

Mr. Paduch asked why the county was applying because to date none of the twenty-five towns in Westchester and Putnam County have implemented a transfer tax. So did they just do it to do it. Mr. Church replied that that there was an opportunity in which the state, both houses and the governor signed a bill that authorized municipalities in Westchester and Putnam counties only, and did not include Orange County even though they requested being included.

Mr. Paduch asked if they requested it again so that any town in Orange County can implement it. Mr. Church replied yes.

Motion carried. All in favor.

The meeting adjourned at 5:10 p.m.