

**RULES, ENACTMENTS AND INTERGOVERNMENTAL RELATIONS COMMITTEE**  
**MINUTES**  
**WEDNESDAY, APRIL 20, 2022**  
**3:30 P.M.**

PRESENT: Paul Ruszkiewicz, Chairman  
Michael Amo, Barry J. Cheney, Thomas J. Faggione, Kevin W. Hines, Kathy Stegenga

ALSO

PRESENT: Katie Bonelli, Chairwoman  
Betsy N. Abraham, Legislative Counsel  
Harold J. Porr, III, Deputy County Executive  
Damian Brady, Chief Assistant County Attorney  
Langdon Chapman, Commissioner, Human Resources  
Alan Sorensen, ACIP, Commissioner of Planning  
Deborah Slesinski, Budget Director  
Erin Sztendor, Budget Analyst  
Richard B. Golden, Burke, Miele, Golden & Naughton, LLP  
Jon C. Dupee, Jr. Esq., Dupee & Monroe, P.C.

Mr. Ruszkiewicz 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 Mr. Sierra who was excused and Mr. Paduch who was absent.

Mr. Faggione moved to request confirmation of Richard B. Golden as Orange County Attorney. Appointment to be effective May 17, 2022, seconded by Mr. Amo.

Motion carried. All in favor.

Mr. Faggione moved to request confirmation of appointment of Damian J. Brady to the position of Administrator in the Office of Assigned Counsel pursuant to the provisions of Local Law 2 of 2022, Section 18.06 (D) of the Orange County Charter, term to expire May 5, 2028, seconded by Ms. Stegenga.

Mr. Cheney asked about the distribution of duties between the administrative side and attorneys that are part of the program. Mr. Brady replied that he frequently speaks with the ten attorneys in centralized arraignment and is currently answering their questions for the current Assigned Counsel Plan Administrator. He anticipates that before staff is fully built out that 60% of his duties will be dealing with attorneys and 40% on the administration side. Once the staff is built out the two additional attorneys will handle programs and therefore bringing his duties to 40% dealing with attorneys and 60% on the administration side. He frequently speaks and deals with judges in

the county and from time to time the Sheriff's office, District Attorney's office, State Police and the Orange County Police Chiefs' Association.

Mr. Cheney asked about implementation to ensure that individuals using these services get the best possible services provided to them for their clients. Mr. Brady replied that the attorneys work will be checked, and they will be following up on a case-by-case basis especially larger cases such as violent felony cases which is what they will spend most of their resources on. They will also ensure that they have investigators, follow-up with experts and that they take Continuing Legal Education classes (CLE). If they do not want to follow the program, they will not be on the panel. In addition, these attorneys will receive a tremendous benefit because they will not have to pay for services that they are currently paying for as they will receive training, expert services, and legal research for free.

Mr. Amo asked about funding for the position. Mr. Brady replied that it is part of a five-year grant that will roll forward as it is the result of a settlement of a lawsuit.

Mr. Amo asked for the grant amount and Mr. Brady's salary. Mr. Brady replied that the total grant is \$23.8 million over a five-year period. The position will be a grade 29 with a salary between \$155,000.00 and \$169,000.00 and will be set by Indigent Legal Services (ILS); however, it has not been set as the budget has not been finalized.

Mr. Hines asked if Mr. Brady would choose the attorneys for each case or would judges still decide. Mr. Brady replied that the judges will continue to pick the attorneys from the panel.

Mr. Hines asked if Mr. Brady would have office staff. Mr. Brady replied yes, a data officer, community resource position, secretarial position, account clerk II position and two attorneys with all being stated funded.

Mr. Hines asked if expenses would go to Mr. Brady for approval. Mr. Brady replied yes, there is a grant application process for approval of experts, investigators, translators, and secondary expenses.

Mr. Hines asked if Mr. Brady would compile the list of experts. Mr. Brady replied yes, with the plan being to expand the scope of the expert panel.

Mr. Hines asked how Mr. Monroe fits into this equation, if at all. Mr. Brady replied that the state is combining the two positions of Chief Assistant Indigent Legal Services and Mr. Monroe's position of Assigned Counsel into this position. They are currently working on the budget and a position for him because they do not want to lose good people especially those with experience.

Mr. Hines asked if the Bar Association will still play a role. Mr. Brady replied yes, but it will be very limited as they will suggest a board member for the Office of Assigned Counsel Board of Directors.

Mr. Hines asked about the current contract with Mr. Monroe. Mr. Chapman replied that they will be redefining the contract as there will still be a role for that service.

Motion carried. All in favor.

Ms. Stegenga moved request for authorization to apply for, and accept a Federal Transit Administration grant, the matching NYS grant, and the local match. These funds are apportioned to Orange County via the Federal 5339 Funding Program. The total TA grant amount is \$1,401,104.00, the NYS match is \$175,138.00 and the local share is \$175,138.00. The local share will be provided by the municipalities and local operators of services. These funds will be used to purchase Transit Vehicles for fixed route transit services operated within Orange County, seconded by Mr. Faggione.

Mr. Sorensen explained that due to the large ridership in the village of Kiryas Joel it was determined that they receive three additional buses for the fixed route service. The village of Kiryas Joel will provide the local share with no county match required. They anticipate additional funding being left over that could provide the ability to purchase another bus for other services providers.

Mr. Cheney asked if they would be alternative fuel vehicles. Mr. Sorensen replied no, but they are looking at that in the future. One of the challenges they have is getting the charging infrastructure in place. They have initiated an alternative fuel fleet study for bus service providers and the recommendation is to move ultimately to EV vehicles; however, there are a great many additional steps before they can get there including a feasibility study and plan on how they would integrate and create EV charging infrastructure. The Orange County bus service is unique as they have fifteen different contracted bus operators, and it would need to be coordinated with each entity.

Mr. Cheney asked if these were local buses. Mr. Sorensen replied yes.

Ms. Stegenga asked if the proposed buses would include the Town of Palm Tree and surrounding area. Mr. Sorensen replied no, they are specifically for the village of Kiryas Joel.

Motion carried. All in favor.

Mr. Faggione moved to request Legislative approval for the Planning Department's DBE Program which is required to be maintained due to Federal Transit Administration Regulations. Program is subject to amendment, as necessary, to ensure compliance with

Federal Law and FTA regulations governing the subject matter of such programs. Resolution No. 54 of 2016 previously approved any necessary changes, this request is to officially approve 2022 program updates, seconded by Ms. Stegenga.

Mr. Sorensen explained that one of the highlights to the amendment is that it includes the Disadvantaged Business Enterprise (DBE) appointment of a DBE liaison officer and is traditionally the Commissioner of Planning.

Motion carried. All in favor.

Mr. Faggione moved new Orange County appointment to the Board of Directors of the Catskill Region Off-Track Betting Corporation, seconded by Mr. Hines.

Chairwoman Bonelli presented a brief overview of the Catskill Region Off-Track Betting Corporation and their current situation. A report was outlined in the Albany Times Union regarding Catskill OTB (“IG: Catskill OTB ran sloppy business and mismanaged operations”) published on Saturday March 19, 2022. The Catskill Region Off-Track Betting Corporation Board of Directors consist of one member each from the ten member counties. On the March 23, 2022, a letter was sent to New York State Attorney General, Letitia James, Rockland County District Attorney Thomas Walsh, Orange County District Attorney David Hoovler and James Skoufis, Chairman of the New York State Senate Investigations Committee. Currently Mr. Skoufis has pending legislation in Albany to “End the terms of each current board member, and vacant position, of the Catskill Regional Off-Track Betting Corporation and directs them to be replaced it with new appointments.” Last year this legislature appointed Benjamin Ostrer as the Orange County member; however, the paperwork Mr. Ostrer submitted was never processed with the Catskill Region Off-Track Betting Corporation and it still shows that they have a vacant member. Today, she is requesting that Jon C. Dupee, Jr. to replace Mr. Ostrer who for various reason cannot now serve as a member of the Catskill Region Off-Track Betting Corporation. This appointment was unanimously referred to this committee at the Economic Development Gaming committee meeting yesterday.

Mr. Hines commented that as designee to the board they want him to report back to them. The individual that has been running the Catskill Regional Off-Track Betting Corporation, Don Groth has reported over the years to this legislature and has quoted the following: “If he does not get video lottery terminals he might as well go out of business.” Mr. Groth was sitting on \$12 million that was specifically reserved for capital improvement and even prior to the pandemic he basically shut down and was doing nothing. The gentleman that runs the Capital District Off-Track Betting Corporation is making money hand over fist while Orange County had no money for two years only to receive a small amount last year. The hope is to move Mr. Groth out of his position and have the new board hire a well-rounded individual with computer technology knowledge, a horse racing background and marketing skills to spearhead the Catskill Region Off-Track Betting Corporation. If money is missing, they would like that recouped which is another reason that someone with Mr. Dupee’s experience is needed in this position. He thanked Mr. Dupree for agreeing to serve on the board.

Mr. Amo stated that they are excited to have someone that will help them get to the bottom of this. He agreed that Capital District Off-Track Betting Corporation President, John Signor has done a phenomenal job. He was told by Mr. Signor that when they were shut down due to COVID-19 their revenue nearly doubled with Advanced Deposit Wagering (ADW) as people were betting; however, they saw none of that.

Mr. Faggione thanked Mr. Dupee for attending the meeting. He complemented Chairwoman Bonelli for taking the lead as they needed someone on the board that can turn it around. Mr. Dupee will be their point person to ensure they get someone to run Catskill Region Off-Track Betting Corporation and make them money. He has the support of the legislature, and they will work with him to get the job done.

Motion carried. All in favor.

Mr. Faggione moved Home Rule resolution of the Orange County Legislature in support of Senate Bill No. S8714 and Assembly Bill No. A9643 to amend the judiciary law in relation to the appointment of grand jury stenographers in Orange County, seconded by Ms. Stegenga.

Legislative Counsel Abraham explained that there is currently a bill in both the Assembly and Senate and if this resolution passes, a Home Rule Request will be sent acknowledging Orange County's support to amend the judiciary law in relation to the appointment of grand jury stenographers in Orange County to Assemblywoman Aileen Gunther and Senator James Skoufis.

Motion carried. All in favor.

The meeting adjourned at 4:07 p.m.