

RULES, ENACTMENTS AND INTERGOVERNMENTAL RELATIONS COMMITTEE
MINUTES
(REMOTELY)
WEDNESDAY, APRIL 22, 2020
3:30 P.M.

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

ALSO

PRESENT: L. Stephen Brescia, Chairman
Antoinette Reed, Legislative Counsel
Leigh J. Benton, Legislator
Kevindaryán Luján, Legislator
Paul Ruskiewicz, Legislator
Kathy Stegenga, Legislator
Peter V. Tuohy, Legislator
Harold J. Porr, III, Deputy County Executive
Langdon Chapman, County Attorney
Joseph F. Mahoney, Senior Assistant County Attorney
Erik Denega, Commissioner, Dept. of Public Works
Robert Gray, Deputy Commissioner, Dept. of Public Works/
Environmental Facilities & Services
Anthony Griffin, Principal Sanitary Engineer, Dept. of Public Works/EF&S
Steven M. Gross, Commissioner of Human Resources
Alan J. Sorensen, AICP, Commissioner of Planning
Julie Richmond, Deputy Commissioner of Planning
Louise Vandemark, Commissioner, Board of Elections
Deborah Slesinski, Deputy Budget Director
Deanna Crawford, Budget Analyst

Mr. Faggione opened the meeting at 3:37 p.m. and requested everyone stand for the Pledge of Allegiance to the Flag. All members were present.

On the agenda was Departmental Updates.

Mr. Faggione explained that departmental updates were sent to all legislators for review and asked that any questions be addressed to the appropriate department head.

Mr. Cheney moved resolution of the Orange County Legislature encouraging Orange County residents and their families to purchase food and other products from local farms, seconded by Mr. Hines.

Mr. Ruskiewicz addressed the committee and explained that during a recent Agriculture and Farmland Protection Board meeting this resolution was brought forward encouraging residents to support their local farmers.

Motion carried. All in favor.

Mr. Kulisek asked how farm locations and hours would be publicized. Mr. Ruskiewicz replied through Cornell Cooperative Extension and the Agriculture and Farmland Protection Board website.

Mr. Kulisek expressed concern with that being the only means of advertisement. He would like to see public service announcements and press releases in the local newspapers.

Mr. Ruskiewicz responded that he would contact Cornell Cooperative Extension about outreach.

Mr. Faggione suggested they contact the Orange County Tourism Office as they are promoting local businesses.

Mr. Vero moved resolution of the Orange County Legislature Assuming Lead Agency status under State Environmental Quality Review Act (SEQRA) with respect to Local Law Introductory No. 10 of 2020, "A Local Law establishing a limited reservation of treatment capacity at the Harriman Treatment Plant," classifying the action as a Type II action pursuant to 6 NYCRR 617.5 (33) and determining that the action of adopting said local law will not have a significant adverse effect on the environment, seconded by Mr. Faggione.

Mr. Tuohy explained that the Orange County Sewer District No. 1 Advisory committee has met and presented to the legislature as a whole various options on longevity improvements and expanded capacity at the Orange County Sewer District No. 1. They will be presenting the legislature with a request for lead agency status with respect to both the longevity improvements and capacity expansion at the Harriman Wastewater Treatment Plant. Today they are asking for their consideration on Local Law Introductory No. 10 of 2020, "A Local Law Establishing a limited reservation of treatment capacity at the Harriman Wastewater Treatment Plant." This local law would encourage developers to construct and/or replace existing infrastructure and in return, provide priority over other developers. Under this agreement there will be no financial impact to ratepayers of Orange County Sewer District No. 1, Moodna ratepayers or residents of Orange County.

Mr. Chapman added that they have presented a good SEQRA and are in good shape.

Mr. Hines asked if someone builds an increase in pipe to the sewer plant would they own that pipe, and would future connectors have to pay the developer that installed the larger line or pay into the sewer district as a whole. Mr. Chapman replied that they would not own the pipe. The local law is setup so that if for some reason the project of the person entering into the contract does not go through, they have a mechanism to charge back prior to using the pipe. Generally, if a piece of infrastructure is built that is dedicated to the county and someone else comes along and uses that infrastructure, they do not pay the builder for that infrastructure.

Mr. Hines asked if the next person wants to tap into that pipe they could do so for free. Mr. Chapman replied yes, which is typical.

Mr. Hines asked if the supervisors and mayors involved all agreed and no negative comments were received. Mr. Tuohy replied that the majority are in favor and he did not receive any negative comments as they liked that taxpayers would not be funding it.

Mr. Kulisek asked if it would be a parallel pipe that would tie into the existing pipe or how would it be built. Mr. Chapman replied that it has not been formally determined.

Mr. Denega explained that some preliminary designs have it running parallel and others are in line with the existing pipe.

Motion carried. All in favor.

Mr. Cheney moved Local Law Introductory No. 10 of 2020, "A Local Law Establishing a limited reservation of treatment capacity at the Harriman Wastewater Treatment Plant," seconded by Mr. Faggione.

Mr. Cheney asked about the sunset provision and the what the basis was on seven years as opposed to three or five years. Mr. Chapman replied that it was an underwriting issue, not a legal issue and provided them the time to market the units and the opportunity to build out the units. At the end of the day, the developer must be able to get financing in place and they felt that was a good period of time.

Mr. Cheney added that he views this as an opportunity for the sewer district to control this particular issue because if they do not control the outcome someone else may and it could be an outcome that they find unpalatable. Especially, relative to the sewer districts sewer users having to pick up some the cost for this but right now that cost will be absorbed by the developer.

Mr. Paduch asked if Mr. Cheney was satisfied with the response, he received from Mr. Chapman on the questions he previously submitted specifically the section on attorney client privilege. Mr. Cheney replied that in his opinion, it comes down to them having the ability to control the outcome by approving this and having the developer assume the cost.

Mr. Paduch asked Mr. Touhy if there was anyone against proceeding with this. Mr. Tuohy replied reached out to all involved but did not hear back from two.

Mr. Cheney added that those at the meeting were in favor of proceeding.

Mr. Paduch asked if it was unanimous. Mr. Cheney replied yes.

Mr. Tuohy added that while they have been meeting for over the last year this came forward this year but because of the pandemic they were only able to meet four times. During these meetings they did open the floor for questions from those in attendance and afterwards and he did not receive any opposition.

Mr. Paduch asked Mr. Chapman if he foresees any issue with letting the developer control who would get the capacity even though the county holds the license with the sewer district having no responsibility. Mr. Chapman replied that they are not giving the developer control over capacity at

the plant. The developer will build the pipeline and they would get use of that pipeline first as a return on investment. Frequently, when disputes against the sewer district come about they are handled in the courts; however, they are trying to avoid that by having the developer agree and partner with the county.

Mr. Paduch expressed concern with a developer downstream needing access and that process. Mr. Chapman replied that if a developer is downpipe they would not be affected by this. What this does is state that they cannot use a privately paid for and built pipe if they did not pay for it. In essence, if they are not using the pipe they would not be affected.

Motion carried 7-1with Legislators
Amo, Bonelli, Cheney, Hines, Paduch,
Vero and Faggione voting in favor and
Legislator Kulisek abstaining.

On the agenda was a discussion on 5G and New York State.

Chairman Brescia addressed the committee and explained that after a brief conversation with Dr. Gelman and the harmful effects of 5G he would be bring a memorialization resolution to the Health and Mental Health and Rules, Enactments and Intergovernmental Relations committees next month after he conducts further research.

Mr. Faggione stated that the Orange County Industrial Development Agency would be conducting an "Adapting your business for Corona Virus and Beyond Webinar" on Thursday, April 23, 2020 from 9:00 am to 10:30 am. The webinar will bring together private sector industry experts and others to discuss action-oriented steps to take in order to face the challenges presented by the Corona Virus and to succeed in the future. Anyone interested can register on the Orange County Industrial Development Agency's website. He suggested his fellow legislators encourage their small businesses to participate.

The meeting adjourned at 4:10 p.m.