

**WAYS AND MEANS COMMITTEE  
MINUTES**

**TUESDAY, APRIL 23, 2019  
3:30 P.M.**

PRESENT: Leigh J. Benton, Chairman  
Mike Anagnostakis, Katie Bonelli, Janet Sutherland,  
Kevin W. Hines, James M. Kulisek, Michael D. Paduch, Joseph J. Minuta

ALSO

PRESENT: L. Stephen Brescia, Chairman  
Barry J. Cheney, Legislator  
Paul Ruskiewicz, Legislator  
Antoinette Reed, Legislative Counsel  
Harry Porr, III, Acting County Executive  
Dan Bloomer, Director of Operations and Cost Control  
Robert Schreibeis, Assistant to the County Executive  
Matthew Nothnagle, Chief Asst. County Attorney  
Karin Hablow, Commissioner of Finance  
Erik Denega, Commissioner, Dept. of Public Works  
Travis B. Ewald, Deputy Commissioner, Engineering Division  
Dr. Irina Gelman, Commissioner of Health  
Christopher Ericson, Deputy Commissioner, Health Department  
Michael Ventre, Deputy Commissioner, Health Department  
Kevin Sumner, District Manager, Orange County Soil and Water Conservation  
Laurence LaDue, Commissioner, Valley View Center  
Donna Strecker, Director of Finance, Valley View Center  
Deborah Slesinski, Budget Director  
Deanna Crawford, Budget Analyst

Chairman Benton opened the committee meeting at 3:33 p.m. by asking everyone to stand for the Pledge of Allegiance. All committee members were present.

Mr. Kulisek moved the request for supplemental appropriation of \$75,000.00 for County Legislature's contribution to the tire removal from Orange County farms with an estimated total cost of \$150,000.00. The Soil and Water Conservation District is prepared to contribute \$50,000.00 and is seeking \$75,000.00 from the County Legislature and \$25,000.00 from the Orange County Funding Corporation, (\$75,000.00 funding to come from contingency), seconded by Ms. Sutherland.

Mr. Benton pointed out that this has been presented several times in committees.

Mr. Ruskiewicz stated that at the Physical Services Committee meeting yesterday this was amended to read that the "County Legislature contribution not to exceed 50% of the total cost

less any funding from outside the county, the Funding Corporation, Soil and Water Conservation District and the farmers.”

Mr. Sumner added that they also presented a financial plan which he revised for today’s meeting based upon yesterday, so he asks that everyone note that the county’s contribution has to include tire removal cost (see original minutes).

Mr. Benton commented that he made his comments at yesterday’s committee meeting and was the only “no” vote because Senator Metzger is trying to get the county money and he would like to see what happens before approving this request.

Mr. Porr advised as a county government, they must be the first to fill the gap before this becomes an unfunded state mandate.

Mr. Benton mentioned that the DEC has oversight of this and the deadline has been “relaxed”; therefore, this is not a hurry. They should wait and see if they get extra funding.

Mr. Hines asked if this is a mandate from the DEC or are the farmers trying to get ahead of this.

Mr. Sumner replied the mandate is to make holes in the tires or cut them in half, so that they don’t trap water and the DEC realizes that is not practical to do with thousands of tires. The alternative that makes the most sense is to get rid of the tires and replace them with something else.

Mr. Hines asked if there are other farmers that have tires they would like to get rid of that are not dairy farmers.

Mr. Sumner replied he heard from one farmer, but for the most part, dairy farmers are the ones that have hundreds and thousands of tires because they have trench silos. Other farms may have a few tires, but not like the dairy farms.

Mr. Hines asked Chairman Brescia if the IDA is legally allowed to do this.

Chairman Brescia replied yes, through the Funding Corporation.

Mr. Hines then asked how it fits into the IDA’s mission because he thought it was all about job creation.

Chairman Brescia replied it is not all for job creation, it performs other functions.

Mr. Hines clarified that the IDA can clean-up the environment.

Mr. Sumner stated that on their funding considerations they list items under the environmental improvements.

Mrs. Bonelli asked if the project was delayed when this was first discussed.

Mr. Benton replied no, it was not delayed in January.

Mrs. Bonelli asked if they can put this on hold a little longer so they can get more information.

Mr. Ruskiewicz replied he is not sure how long they can wait because if Senator Metzger gets funds, it will not take place until it gets to the DEC. He stated there is no money specifically set aside for tires. They have a good opportunity to do this right now without waiting on the state.

Mr. Cheney pointed out that the resolution at the Physical Services Committee meeting yesterday was amended to include that the County Legislature's distribution would not exceed 50% of the total cost, less any funding received from outside the County Legislature contribution, the Funding Corporation contribution, the Soil and Water Conservation contribution and anything else that may come from the farmers.

Mr. Benton stated it will be no more than 50% up to \$75,000.00.

Mr. Hines commented that he thinks that if Senator Metzger, Senator Skoufis and the various assemblymen receive money, they do not have to do it statewide, they can do member item grants to the Soil and Water District and it has nothing to do with the rest of the state. They can take care of the problem in Orange County for their constituents per their own New York State DEC mandates.

Mr. Minuta stated that this is happening to reduce the west Nile virus.

Mr. Anagnostakis agreed with Mr. Hines' comments. If this gets done, it is in his opinion that the senators will bring it back as a member item to their community so the counties that have the tires will be dealt with through their senator. It is counterproductive to add the county portion.

Chairman Brescia stated that this is a small sum of money to help the farmers of Orange County.

Mr. Paduch agreed with Chairman Brescia and stated that the legislature should continue to help the farmers just as they help libraries. He would like to see the farmers contribute a small amount as well.

Mr. Cheney reiterated the amendment.

Discussion continued regarding the timing of this request since there is no deadline or fines pending.

Motion carried 5-3 with Legislators Bonelli, Sutherland, Kulisek, Paduch and Minuta voting in favor and Legislators Anagnostakis, Hines, and Benton voting against.

Mr. Minuta moved the request authorizing the release of the County's interest in the following property: Town of Blooming Grove, Section 35, Block 1, Lot 17. The property

owner(s) paid the delinquent property taxes and the County did not take title to the property, seconded by Mr. Kulisek.

Mr. Nothnagle stated this is a house in Blooming Grove where the person submitted the back taxes so they can get back their property.

Motion carried. All in favor.

Mr. Kulisek moved the request authorizing the release of the County's interest in and to a certain deed sale parcel to the previous owner of record, to wit: Town of Wallkill, Section 13, Block 1, Lot 20. The County took title to the property and the owner claimed bankruptcy prior to the public auction. The property taxes have now been paid, seconded by Mr. Paduch.

Motion carried. All in favor.

Mrs. Bonelli moved the request to appropriate to the capital projects budget, \$26,500.00 for conducting a Medical Examiners Needs Assessment for a future Medical Examiners Building (bonding), seconded by Mr. Miuta.

Mr. Ericson stated that a candidate has been chosen to conduct the Medical Examiners Needs Assessment. This is the first step to moving forward in order to get a Medical Examiners facility in the future.

Mr. Paduch asked why this cannot be done in-house.

Mr. Ericson replied that they would like to have an outside consultant so that all options are available, and the right choice is made for the county.

Mr. Hines asked if a location has been picked out.

Mr. Ericson replied that the general location would be on the Emergency Services property since it is county-owned. He stated it is an easy and secure location but still has to be assessed. One thing they do know is that they would like it to be a standalone facility that does not have to share services with another building because they have done that before, and it became problematic.

Mr. Minuta asked what the projected budget cost on the building will be.

Mr. Ericson replied that they are unsure of the cost but have looked into other counties and what they paid which was between \$4 million and \$6 million.

Motion carried. All in favor.

Ms. Sutherland moved to AMEND BOND RESOLUTION NO. 96 OF 2019 TO CORRECTLY REFLECT CHANGES ON LEGISLATIVE REQUEST NO. 081. Request to accept and appropriate Federal funds from the NYSDOT for Highland Avenue over Wallace Street Replacement, Village of Otisville, Orange County. Upon approval, federal award will be established, and County share will decrease for Capital Project No. 522. Funding is as follows: Federal Share 95% \$3,580,387.00; County share ~~decreases~~ 5% decreases from \$2,900,000.00 to \$188,441.00 for a decrease of (\$2,711,559.00); Total project \$3,768,828.00 (bonding), seconded by Mrs. Bonelli.

Mr. Benton clarified that this request is to fix a mathematical error.

Mr. Ewald stated that is correct. There was an incorrect figure in the final bond resolution that was prepared; therefore, this is to amend it, so it reflects what was discussed at the last meeting.

Motion carried. All in favor.

Mr. Kulisek moved the request for supplemental appropriation for the 2018 County Budget for the Valley View Center for the purpose of the Federal cost allocation plan in the amount of \$1,581,162, seconded by Mrs. Bonelli.

Ms. Slesinski explained that this request is for a charge that was approved in the 2019 budget and since the 2018 books are still open, the thought was to go forward and chargeback for it. She gave the committee a brief overview of what the charges are for.

Mr. Anagnostakis requested a copy of the Maximus Report. He stated that he voted against this request at the Health and Mental Health Committee meeting with the stipulation that anyone can change their vote on the floor. He asked what other departments were charged back the money for personnel and benefits for services provided to it other than Valley View.

Ms. Slesinski replied that no one was charged back in 2018 and the only department that has it in the 2019 budget is Valley View.

Mr. Anagnostakis pointed out that at the Health and Mental Health Committee meeting, Ms. Grogan stated that "a long time ago this was being done and Article 78's were being placed because this was being done in the Health Department and the Personnel Department. The Article 78's basically told the county to cease and desist with chargebacks." He asked if anyone can give him further information regarding that.

Ms. Slesinski replied that was prior to her but she does know that the Health Department now in order to utilize this would need to break this down more. She may speak with a consultant instead of saying "grants."

Mr. Anagnostakis stated that the Health Department uses the data for a different purpose than what is happening to Valley View. They use the data because they can apply it to the grants and get additional reimbursements, so that is different. He clarified that to his understanding the Article 78's are paramount.

Mrs. Reed stated that she is unaware of any Article 78, but she did speak with Ms. Grogan. The way that Ms. Grogan explained it was that when the Health Department was audited for Article 6 reimbursement, this chargeback under the report for the cost reallocation was not allowed to the extent that it was used to offset or to seek reimbursement under Article 6. To the extent that was used for Article 6 reimbursement, that was disallowed.

Mr. Anagnostakis asked if Ms. Grogan was able to clarify what she met regarding Article 78.

Mrs. Reed replied that she referred her to Article 6, not Article 78's because it was disallowed under the audits that were conducted by the Health Department. She stated that this report is not new and has been done by the same company for many years.

Mr. Anagnostakis asked if a new chargeback is being placed in this amount for the services provided.

Ms. Slesinski replied it is her understanding that it was done many years ago, prior to her coming to the Budget Department; therefore, she cannot give a reason as to why it ceased.

Mrs. Reed pointed out that there are direct charges in the budget book for departments charging each other as well as cost allocation which is done in a broader way.

Mrs. Slesinski stated that direct billing is taken into consideration for the report.

Motion carried. All in favor with the exception of Legislator Anagnostakis who voted against.

Mr. Minuta moved the request to accept, amend and affirm the Orange County Debt Management Policy, seconded by Mr. Hines.

Ms. Hablow explained that the objective of establishing the Debt Management Policy is to establish conditions for the use of debt and to create procedures and policies that minimize the county's debt service and issuances costs to maintain the highest practical credit rating as well as provide full and complete financial disclosure in reporting. The only change this year is in Appendix A (pg. 12) and Appendix B (pg. 13) (see original minutes).

Motion carried. All in favor.

Mrs. Bonelli moved the request to accept, amend and affirm the Orange County Investment Policy, seconded by Mr. Minuta.

Ms. Hablow stated that the purpose of establishing the Investment Policy is to develop operating principles within the guidelines of current legislation which govern investment activity. The Investment Policy will enable the county to work within these guidelines to formulate investment objectives. She added that the Commissioner of Finance will be guided by the Investment Policy and manage the short and long-term investments of the county's available cash. There are three primary objectives; safety, liquidity, and yield. The only changes made this year are under Section IV. Designation of Depositories (pg. 4) (see original minutes).

Motion carried. All in favor.

Mr. Kulisek moved the request to create one (1) full-time Assessor position, Grade 21, seconded by Mrs. Bonelli.

Mr. Bloomer explained that the county has a contract with the Town of Palm Tree to provide assessment services and as part of that contract, the legislature has created two part-time assessor positions and one data collector position. Mr. McCarey was having issues getting the two part-time positions filled, so Mr. Ruscher is going to be named the Acting Assessor for Palm Tree which can be done by state law for up to six months. He will be there so the assessment roll can be signed on May 1<sup>st</sup> and he will also do the grievance hearings. This will leave them with trying to get a full-time assessor since they have not had any luck with part-time. Furthermore, they would like to discuss this with Palm Tree because the full-time position would be more attractive with the proviso that when they fill the full-time assessor position, they would increase the cost of the contract with Palm Tree to cover it.

Mr. Anagnostakis asked what the salary and benefits will cost.

Mr. Bloomer replied the increase for a full-time assessor is \$30,000.00 and there is no exposure on the county's part.

Mr. Benton pointed out that at the Personnel and Compensation Committee meeting they were told that the benefits would cost between \$30,000 and \$35,000 and the total including the salary would be \$60,000 to \$65,000.

Mr. Anagnostakis clarified that the contract covers the cost.

Mr. Benton stated that it covers everything.

Mr. Bloomer added that if they hire a full-time assessor, they need to amend the contract and they will do that before someone is hired.

Motion carried. All in favor.

Mrs. Bonelli moved to discuss deed sale parcels, seconded by Ms. Sutherland.

Ms. Hablow stated that the first two parcels are in the Town of Highlands (105-1-19, 16-4-2). She recommends that the first parcel be approved because it means the minimum bid and the second parcel be denied. Parcel number three is in the Town of Wallkill (65-1-16) with a minimum bid of \$13,500.00 and an amount bid of \$13,500.00. She recommends that it be approved.

Motion carried. All in favor of Ms. Hablow's recommendation to approve deed sale parcels Nos. 1 and 3 and deny parcel 2.

The last parcel is in the Town of Newburgh (60-4-1) and was tables in January to possibly retain for county parklands. Ms. Hablow stated that she spoke at length about this with Mr. Ruscher. There is a lot of history on the parcel, so she is not sure that she has enough information to make a recommendation and believes this should be tabled for another month.

Motion carried. All in favor of tabling deed sale parcel No. 4 for one month due to lack of information with the exception of Legislator Anagnostakis who abstained.

The meeting adjourned at 4:57 p.m.