

**RULES, ENACTMENTS AND INTERGOVERNMENTAL RELATIONS COMMITTEE**  
**MINUTES**  
**(REMOTELY)**  
**WEDNESDAY, MAY 20, 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  
Leigh J. Benton, Legislator  
Kevindaryán Luján, Legislator  
Kathy Stegenga, Legislator  
Janet Sutherland, Legislator  
Antoinette Reed, Legislative Counsel  
Harold J. Porr, III, Deputy County Executive  
Langdon Chapman, County Attorney  
Alan J. Sorensen, AICP, Commissioner of Planning  
Julie Richmond, Deputy Commissioner of Planning  
Robert C. Parrington, Senior Planner, Department of Planning  
Louise Vandemark, Commissioner, Board of Elections  
Courtney Canfield Greene, Deputy Commissioner, Board of Elections  
Deborah Slesinski, Budget Director  
Deanna Crawford, Budget Analyst

Mr. Faggione opened the meeting at 3:31 p.m. and requested everyone stand for the Pledge of Allegiance to the Flag. All members were present.

Mr. Vero moved the appointments of Louise B. Vandemark and Courtney Canfield Greene as Commissioners of Elections, seconded by Mr. Amo.

Mr. Faggione stated that if there were no objections the appointments would be voted on separately.

Chairman Brescia commented that he was pleased to endorse both as Commissioners of Elections. They are both professional, hardworking and communicate well together which is an important asset at the Orange County Board of Elections.

On roll call, the appointment of Louise B. Vandemark as Commissioner of Elections passed by the following vote:

Motion carried 8-0 with Legislators Amo, Bonelli, Cheney, Faggione, Hines, Kulisek, Paduch and Vero voting in favor.

Mr. Hines stated that Ms. Greene currently holds the position of Chairwoman of the Orange County Republican Committee. In his opinion, being appointed as the Commissioner of Elections is a blatant conflict and he would like Ms. Greene to explain how she would deal with the conflict and/or does she plan on relinquishing one of the positions. Ms. Greene replied that according to New York State Election Law it is not a conflict and she is eligible to serve as both the Chairwoman of the Orange County Republican Committee and as Commissioner of Elections which is done by both the Republican and Democratic parties in other counties throughout the state.

Mr. Hines asked what the main goal and objective is for the Chairperson of the Republican Committee. Ms. Greene replied that they are to serve the party.

Mr. Hines asked if one of the goals is to get their candidates elected. Ms. Greene replied yes.

Mr. Hines emphasized that therein is where he sees the conflict as the Commissioner of Elections would have a sworn duty to be fair and impartial with respect to decisions on petitions. He understands that the law may state that it is not a conflict; however, he finds it to be a blatant conflict and cannot support it. He cannot see how someone could rule on a petition when the person is their candidate and their sole goal is to get that candidate elected. In fact, they received the letter for Ms. Greene's appointment from Benjamin Ostrer, Presiding Officer of Convention and First Vice Chair of the Orange County Republican Committee because it would look bad if it came from the Chairwoman stating that she had had been picked for the position. He will be voting no, as he cannot have her serving in both positions and he would encourage his colleagues to do the same.

Mr. Hines added that David Green has done a phenomenal job as Commissioner of Elections.

Ms. Greene responded that she has served as the Deputy Commissioner for over 20 years, and she would hope that her reputation would precede itself in that she is a fair-minded person that looks at all sides of the situation. Lastly, the Republican agenda and the position of the Republican Commissioner of Elections is to ensure that the republican side is represented well.

Mr. Hines pointed out that as the assistant at the Board of Elections she did not have the authority to make rulings; however, in this instance, she would and to the candidates that she is obligated to through the Republican party.

Mr. Amo commented that while he understands Mr. Hines' points, he does not think the issues Mr. Hines has mentioned would ever surface. Although he is not a Republican, he has worked with Ms. Greene over the years and has found her to be fair and honest and would be voting yes on her appointment.

Ms. Bonelli stated that while she agrees with most of what Mr. Hines has said she also agrees with what Ms. Greene has said. The convention was held by Orange County Republican Committee members and they duly elected Deputy Commissioner Greene as the next Commissioner of Elections. Therefore, she feels an obligation to respect that vote and respect the will of the committee members that placed that vote so she will be voting yes on the appointment. In her opinion, the conflict needs to be addressed within the committee when Ms. Greene takes the office of commissioner and whether it is a conflict for her to continue as Chairperson of the Orange County Republican Committee.

Ms. Stegenga agrees that there could possibly be a conflict. However, she has worked with Ms. Greene on many different levels over the years and she has always been fair and impartial. She has looked at things from the legality side and as much as someone may feel that there could be a conflict, she truly believes that Ms. Greene would go with what is legal and right over all else and she is a good candidate for the position.

Mr. Luján commented that he shares Mr. Hines position and sometimes it is more about perception versus what is legal or not legal. He can see that many of his fellow legislators have a great opinion of Ms. Greene which makes him lean toward supporting her, however, he is concerned with perception, the ability to determine the election and results and the possibility of what could be perceived as unethical. He would be more comfortable and in favor of her appointment if she was willing to step down as Chairwoman of the Orange County Republican Committee.

Chairman Brescia stated that when Shirley Jensen served as Commissioner of Elections she also served as the secretary for the Orange County Republican Committee. Currently, David Green has served as commissioner and done a great job while also serving as treasurer of the Orange County Republican Committee. On the off chance a real major conflict arises that person could be asked to resign; however, he does not foresee that as it would probably be worked out. Ms. Greene has a great deal of integrity and veracity and she will serve in the dual capacity well.

Mr. Faggione stated that over his five years as a legislator it has been his pleasure to work with Ms. Greene on a variety of levels and he fully endorses this appointment.

Mr. Paduch commented that it is the Orange County Republican Committee members choice to pick who they want for the position. While he thinks Ms. Greene is a good person, he does agree with Mr. Luján that it does not look good.

On roll call, the appointment of Courtney Canfield Greene as Commissioner of Elections passed by the following vote:

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

Mr. Vero moved resolution of the Orange County  
Legislature in support of New York State Senate  
Bill No. 7922 and Assembly Bill No. 10157, an act  
in relation to directing the study of health and  
environmental impacts from implementation of 5G  
and future generation wireless network system  
technology and small cell distribution antenna systems  
in New York State, seconded by Ms. Bonelli.

Chairman Brescia explained that even though they know 5G is coming this resolution supports the senate and assembly bills and to look at the environmental issues at a state level. At yesterday's Rules, Enactments and Intergovernmental Relations Committee Legislator Tautel asked that a WHEREAS be added to the resolution putting the onus on the cellular companies to pay for the

cost of a study on the health and environmental impacts before the rollout and he would welcome any additional revisions. In addition, the cities of Santa Barbara and Jersey City have disallowed 5G in their municipalities.

Mr. Paduch thanked Chairman Brescia for bringing this forward and he agrees that it is important that the studies be done so they know the impacts of 5G. He asked for the time frame of the study. Chairman Brescia replied that Assembly Bill No. 10157 §2 states the following: "that it would be no later than one year after effective date of this act, such departments shall jointly submit to the governor and the legislature a report on the health and environmental impacts of the implementation of 5G technology and future generation wireless systems technology and small cell distribution antenna systems, as described in section one of this act."

Mr. Vero commented that this is a good idea as he would like the reassurance that 5G is safe.

Motion carried. All in favor.

Ms. Bonelli moved resolution authorizing a one-year extension of the O'Connor Davies, LLP contract for financial consulting services in relation to Orange County's financial audit, the budgets of Orange County and Orange County Community College and assistance and preparation of the CAFR, seconded by Mr. Hines.

Legislative Counsel Reed explained that they are the accounting firm that provides financial consulting services to the Legislature and the Department of Finance with regard to the budget reviews for SUNY OCCC, the County Executive's proposed budget for 2021, audit of that budget and preparation to the Department of Finance for the CAFR. They were in the midst of preparing a Request for Proposals (RFP) with the Law Department when the pandemic hit as the proposal required a major rewrite due to changes in federal regulations regarding audits of federal grant funding and transit funds, and New York State procurement changes as there were cases that came down from the New York State Court of Appeals against Orange County and the methodology they were using in evaluating proposals and rewrites to the procurement policy. Resources in the Law Department for contracts were directed to focus on emergency contracts which resulted in them running out of time for the SUNY OCCC budget review, which is in June and July, so they needed to get someone on board. In 2014, the Legislature went out for an RFP and received multiple proposals from financial consulting firms with Legislative Leadership and the Commissioner of General Services reviewing and conducting interviews with O'Connor Davies, LLP being selected. They have provided excellent service over the years and have steered the course with them during good and bad times and they have submitted a proposal that includes updated resumes of the individuals working with them. The fee structure will be the same including the discounts provided in 2019 and once again they will be conducting the SUNY OCCC budget at no charge. The only difference is their hourly rates for any additional consulting services which has increased slightly over the 2% but in the last six years they have not taken advantage and/or been billed for additional consulting services. In her opinion, given the circumstances they should extend the contract for only one year. The new RFP has been prepared and she along with Department of Finance Commissioner Karin Hablow will be meeting with the Law Department remotely to go over some questions and concerns. They will be seeking some input from legislators and once received it will be ready to go out so that by the end of the year they will be ready with a new proposal.

Ms. Bonelli thanked Legislative Counsel Reed and Leigh J. Benton, Chairman of the Ways and Means Committee, for their vigilance in moving this forward.

Mr. Paduch agreed with Ms. Bonelli and in his past dealings with O'Connor Davies, LLP he has found them to be gracious and helpful and they have done a great job for the county.

Motion carried. All in favor.

Mr. Paduch moved resolution of the Orange County Legislature in support of New York State Senate Bill No. 5459 and Assembly Bill No. 6215, seeking to amend New York State Vehicle and Traffic Law Section 1203 in relation to accessible parking space requirements for persons with disabilities and enforcement of illegal parking, seconded by Mr. Hines.

Mr. Kulisek explained that to have accessible parking spaces for persons with disabilities and to have that accessible space blocked by another vehicle and not be able to ticket or tow is not right. In his opinion, it was appropriate to update the state law and encourage it at the state legislative level.

Mr. Hines thanked Mr. Kulisek for bringing this forward and it will also be on the Public Safety and Emergency Services agenda. He sees this as a matter of respect and if you do not need to park in a handicap spot then don't and let those in wheelchairs use those spots. His understanding was that this came about because a handicap individual could not lower the wheelchair ramp because a vehicle was parked so close. It was on private property and the police had no ability to take action and this will correct that flaw and provide the police the ability to tow that vehicle and enforce respectability to their fellow citizens and he fully supports it.

Mr. Paduch thanked Mr. Hines for having it on the Public Safety and Emergency Services agenda and Mr. Kulisek for bringing it to their attention. It is very important that they all support this and to show that they understand the needs of the disabled.

Motion carried. All in favor.

Mr. Paduch request to apply for, accept, appropriate and implement a CARES Act, Federal Transit Administration grant. The grant will be used for Operating Assistance payments for public transit operations in the Newburgh and Middletown urbanized areas, Operating Assistance payments for the ADA Paratransit service, Operating Assistance payments to Hudson Transit for public transit service provided in and through Orange County. It will also provide funding to support the costs of administering its grants and meeting associated Federal regulations and policies. The total FTA grant is \$35,132,627.00. This grant is 100% federally funded, and there is no local match, seconded by Ms. Bonelli.

Mr. Sorensen addressed the committee and apologized for the lateness of the request. This is a unique opportunity to continue to provide the necessary busing service throughout Orange County. With this FDA grant of \$35 million they will be able to help their service providers respond to the COVID-19 outbreak with the funding used to help them cover expenses in response to COVID-19. Traditionally, the transit staff salaries are covered at approximately 90% federal and 10% county match; however, with this grant through the CARES funding they are seeking and applying for administrative funds so that those salaries would be covered 100%.

Mr. Kulisek commented that the documentation shows an amount for Middletown but nothing for the Newburgh area. Mr. Parrington replied that the Middletown area is considered a small urbanized area and gets a separate pot of funding with Newburgh part of the Poughkeepsie/Newburgh large urbanized area.

Mr. Kulisek asked if the MTO does not include the city Middletown. Mr. Parrington replied technically not, as it is more of an urbanized area. It has to do with the population size and how they are connected through the census with the Poughkeepsie area included in the Newburgh part of the county.

Mr. Vero asked if there was a chance that this funding would not come in due to the financial situation of the federal government and what would the lag time be between now and the receipt of the funds. Mr. Sorensen replied that the Federal Transit Administration (FTA) and New York State Department of Transportation's desire is to get this funding committed as soon as possible. That is the reason for this resolution and the grant application so that as soon as the grant application is in and those funds are allocated for this initiative they will have captured those funds for Orange County and they will have to three years to disperse the funding.

Mr. Vero expressed his concern that due to what is currently happening that they could withhold the funds for other reasons.

Mr. Sorensen replied that their experience with the federal funding, especially transportation funds, is that once they have them in hand those funds will be available.

Mr. Luján welcomed Mr. Sorensen as the new Commissioner of Planning and thanked him and his staff for all that they are doing. He asked if these funds would address concerns raised by community members with respect to gaps in service, increase in hours of operation and moving the pilot program that has been discussed into a full program for the county. Mr. Sorensen replied yes, they are constantly reevaluating their existing transit service and to enhance and provide additional services.

Motion carried. All in favor.

On the agenda was a discussion on monthly recognitions by resolution or proclamation.

Ms. Bonelli explained that each month resolutions and/or proclamations are brought forward to recognize organizations and/or individuals that have gone above and beyond in our community. For the month of May there were many including "National Nurses Week" and "National Teachers Week" and now with the pandemic the forefront of essential workers. While working on these in May it came to their attention that some of these recognitions were falling between the cracks with many legislators receiving late requests because of the manner in which they are

currently working. In an effort to have an orderly and organized process she has spoken to her fellow party leaders and they will be meeting with the Clerk of the Legislature to go through the yearly calendar and look at all the national awareness and recognitions; however, they would still accept resolutions recognizing local achievements in their community. This will alleviate the need for staff to try and accommodate these as the last possible moment.

Mr. Faggione added that because of these unprecedented times and their current circumstances occasionally items could come forward at the last minute as in the case of Legislator Luján who has a resolution that he would like to present to the legislature through this committee and/or as consent to the full legislature.

Mr. Luján explained that during a conversation with Chairman Brescia, Minority Leader Paduch and Majority Leader Bonelli they discussed memorializing essential workers as well as the students that are graduating this year. He was asked to draft a resolution recognizing the students and present it to Legislative Counsel Reed and Clerk Ramppen. He understands that they all want to ensure that they memorialize and support our community members and are working well to accomplish that. He appreciates Legislator Faggione's comments and support and he would be pleased to see it move forward as well as the essential workers resolution.

Mr. Faggione thanked Mr. Luján and welcomed the resolution for their upcoming graduates as a consent resolution at the June Legislative Session.

Ms. Bonelli reiterated that it is not only having it presented in a timely manner but they are also leaving some very important recognitions out with the current process.

Mr. Luján agreed with Majority Leader Bonelli and when they think about essential workers they have seen many people do great things and not just nurses and doctors but the cashiers, janitors and so many wonderful people that are doing amazing things by doing it in a way that is empathetic, courteous and respectful to all.

Mr. Cheney added that he would be remiss as the Chairman of the Physical Services committee if he did not mention that this week is "National Public Works Week."

The meeting adjourned at 4:23 p.m.