

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

**WEDNESDAY, MAY 22, 2019
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
Paul Ruskiewicz, Legislator
Antoinette Reed, Legislative Counsel
Dan Bloomer, Director, Operations and Cost Control
David Church, ACIP, Commissioner of Planning
Steven M. Gross, Commissioner of Human Resources
Deanna Crawford, Budget Analyst
Lucy T. Joyce, Executive Director, Cornell Cooperative Ext.

Mr. Faggione opened the meeting at 3:32 p.m. and requested everyone stand for the Pledge of Allegiance to the Flag. All members were present.

Mr. Paduch moved Home Rule Resolution of the Orange County Legislature in support of Senate Bill S5510 and Assembly Bill A2079 seeking 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. Kulisek.

Legislative Counsel Reed explained that last month they adopted a resolution supporting the Home Rule Request for the inclusion of Cornell Cooperative Extension into Section 286 of the New York State Agriculture and Markets Law. This would enable them to be included as an eligible entity and to qualify for state reimbursement, application for grants and premiums from New York State Agriculture and Markets. Currently the Agricultural Society in Orange County who owns the fairgrounds are the entity in Orange County that can benefit. While the 4H fairgrounds at Cornell Cooperative Extension is a work in progress with respect to infrastructure they are not eligible to apply for grants or receive premiums. There is currently a bill in both the Assembly and Senate and if this resolution passes, they will send a Home Rule Request acknowledging Orange County's support of this legislation.

Mr. Ruskiewicz added that this passed in the Education and Economic Development committee 7-1 with Legislator Tautel abstaining.

Legislative Counsel Reed added that there was some pushback from New York State Agriculture and Markets as they have an Agricultural Society in Orange County. A private entity runs

the fairgrounds and fairs with the shareholders primarily the Gurda family from Middletown, New York. They own and operate the Orange County Fair Speedway and are the eligible entity to receive premiums and payments and are eligible to apply for the grants. The pushback seems to be that there should only be one entity in each county who could apply.

Ms. Joyce added that as of yesterday the Orange County Agricultural Society had not applied for the \$96,000.00 nor have they over the last three years. It is an Infrastructure Grant Program that is to be used for agricultural purposes at fairgrounds.

Mr. Cheney asked for clarification that the Orange County Agricultural Society had not applied for the last three years and those funds have just sat in the coffers in Albany. Ms. Joyce replied yes.

Mr. Cheney asked if the funds could have been used for the 4H Park if Cornell Cooperative Extension had been eligible. In addition, has Ms. Joyce spoken to the Orange County Agricultural Society about future use of the funds. Ms. Joyce replied that she tried to reach out to Mr. Larsen who leases the facility; however, when he realized they were not interested in coming back to the fair he was no longer interested in talking to them.

Legislative Counsel Reed commented that she has contacted John McCarey, Director of Real Property Tax Services office, to see if he could talk to the family and possibly construct a deal as he has negotiated with them in the past.

Legislative Counsel Reed asked if the Orange County Fair has any agricultural events. Ms. Joyce replied that they have premiums as the Warwick Valley FFA exhibits at the fair and they have had a few vegetables and horticultural projects.

Mr. Ruskiewics commented that to his knowledge the Orange County Agricultural Society has never applied for the funds on the years that it was available. While the Warwick FFA has vegetables for display and the kids receive premiums, however, small engine repair and tractor drives has been moved off the fairgrounds. They do not have a strong interest in agriculture as they are building up the speedway and concert venue.

Mr. Faggione stated that they are not looking to push them out only that they have not applied for the funding and Cornell Cooperative Extension would be interested, if available.

Mr. Kulisek commented that at a previous meeting Ms. Joyce stated she had the backing of the Association of Agricultural Affairs. Ms. Joyce replied that they joined the New York State Association of Agricultural Affairs as an associate member and after speaking to them they now realize their interest and have withdrawn all opposition. In addition, New York State Agriculture and Markets base the grant program on who gets premiums for county fairs and their concern is that in different counties there are groups that may not get along.

Mr. Kulisek added that they could have raised the flag and now they will be aware of funds. Ms. Joyce replied that Mr. Gurda was on one of the early webinars, but the issue is that it must be tied to agriculture.

Ms. Bonelli commented that it seems Cornell Cooperative Extension does more programs that are related and focused on agriculture where theirs are more of a carnival than a county fair; who makes the determination that this is no longer a fair from yesteryear.

Ms. Joyce responded that New York State Agriculture and Markets do not have auditor level staff to go to fairs.

Legislative Counsel Reed added that New York State Law traditionally gave the responsibility to the agricultural societies as they were the entities that ran the fairgrounds.

Ms. Joyce added that Cornell Cooperative Extension in Sullivan County is the entity that receives premiums and the infrastructure grants.

Motion carried. All in favor.

Mr. Kulisek moved Home Rule Resolution of the Orange County Legislature in support of Senate Bill S4974 and Assembly Bill A7423 seeking to amend New York State Agriculture and Markets Law Section 16 and the Environmental Conservation Law Sections 27-1907 and 27-1915 to develop a plan and provide funding for remediation and removal of waste tires used in agricultural production, seconded by Mr. Cheney.

Legislative Counsel Reed explained that this legislature adopted a resolution to provide funding to dairy farmers for the removal of tires. In addition, there is now a statewide effort to remove tires from all farming operations not such dairy farms. The resolution puts the onus on the New York State Agriculture and Markets and Commissioner of Environmental Conservation to develop and implement a plan to remove and remediate the tires and for environmental conservation to assist with the cost.

Mr. Cheney commented that the Orange County Industrial Development Agency (IDA) has raised their contribution to \$37,500.00. He also understands that a request has been made to make the bill retroactive.

Mr. Ruskiewicz replied that Kevin Sumner, District Manager, Orange County Soil and Water Conservation District has spoken to Senator Metzger's office requesting it be retroactive if passed in order to reimburse funds spent locally.

Motion carried. All in favor.

Ms. Bonelli moved request to accept and appropriate supplemental funds as a subcontractor to Orange County Health Department for the Healthy Orange Schools and Communities Program for the period October 1, 2018 through September 30, 2019, \$38,000.00, seconded by Mr. Hines.

Mr. Church addressed the committee stating that the annual funding for the program runs from October to October; however, New York State found an additional \$38,000.00 to supplement the program which is specific to three cities in Orange County.

Mr. Faggione pointed out that the Port Jervis Fitness Loop signs are part of the Healthy Orange Program.

Mr. Church added that the bicycle repair stations at the outdoor club are ready to be installed.

Mr. Kulisek asked if there was a capital plan and/or program for each of the cities. Mr. Church replied that the Health Department handles the school side and the Planning Department handles the community side. It is based on conversations with community leaders on what needs and priorities there are.

Mr. Kulisek asked if it could be used for bus shelters and benches. Mr. Church replied yes, but they are replacing the bus shelters and benches with transit aid as opposed to using the health grant funds.

Mr. Kulisek commented on several senior housing locations in which there no bus shelter or bench.

Mr. Church requested Mr. Kulisek forward him the information on those locations. In addition, any existing shelter or bench will be replaced in the Newburgh area by the end of the year.

Motion carried. All in favor.

Mr. Kulisek moved to review applications for Inclusion of Lands in Agricultural District Nos. 1 & 2 and review SEQRA and set the public hearing for June 6, 2019 at 3:15 p.m., seconded by Mr. Faggione.

Mr. Church explained that this was the annual opportunity for property owners to petition to join either Agricultural District Nos. 1 or 2. There were two applications excepted in March for properties in the Towns of Chester and Newburgh. The Orange County Agricultural and Farmland Protection Board has met and spoken to the applicants and in both cases unanimously recommends to the legislature that they be included. Letters were sent to both municipalities for comments with no comments as of yet; however, they have received emails from residents. In addition, a public hearing must be held.

Ms. Bonelli spoke on behalf of Legislator Leigh Benton who could not attend. He has received several phone calls from neighbors surrounding the property expressing concerns with respect to the Town of Newburgh property. They are concerned that what is actually happening with the property is different than what has been proposed. Legislator Benton has requested that Mr. Church explain the process in detail at both this meeting and the public hearing due to rumors indicating that this could be the next Devitt's Landscaping.

Mr. Church responded that there is a misconception that because it says district it has something to do with zoning; however, that is incorrect. The criteria was established by the New

York State Department of Agriculture Markets and whether the land is viable for farming even though it does not have to be farmed with the primary criteria being soil type with the Orange County Agricultural Farmland Protection Board recommending that both are viable for farming. They do have some conversation with applicants on what their intentions are and the applicant in the Town of Newburgh has talked about raising nursery stock and Christmas trees. There is often a misunderstanding by applicants that by getting their property in the agricultural district they are exempt from town zoning approvals which is not true. If they are a farm operation in an agricultural district, they do have some limited protection over an overzealous local zoning authority. There is a fair amount of case law that as a farm property in an agricultural district they cannot be compelled to get a use variance as it would be assumed that agriculture would be permitted but they would still have to receive site plan approval for a garden center because nothing in this and/or by listing these properties exempts them from getting site plan approval from their municipality.

Mr. Hines asked if the property owner could open a store to sell Christmas trees and/or non-farming goods and would this give them permission to sell the trees or just to grow them. Mr. Church replied that they would have to get site plan approval from the Town of Newburgh to have a retail operation.

Motion carried. All in favor.

Mr. Amo moved request to reallocate Legislative Counsel from Grade 26 to Grade 28, seconded by Mr. Hines.

Mr. Gross explained that a desk audit was conducted at the request of Chairman Brescia and the employee. The position has been classified as a grade 26 in the Management Plan since 2004 and has been capped for seven years. The position is the sole legal counsel for the legislature, handles all legal research, opinions, standards, draft affidavits and memorandum of law. It was determined that it would make sense to have parity between all legal departments within the county.

Chairman Brescia commented that the position is more complex than in the past and warrants the reallocation.

Mr. Kulisek suggested they look at additional personnel due to the heavy workload that legislative counsel is involved in. Chairman Brescia replied that they could look into it as it could be something to consider.

Mr. Faggione noted that in his brief time with the county he has been impressed with the fact that one attorney handles 21 legislators in a professional manner.

Motion carried. All in favor.

Ms. Bonelli moved resolution creating the "Orange County Legislative Valley View Advisory Committee", a special committee of the Orange County Legislature, seconded by Mr. Faggione.

Chairman Brescia explained that this committee would look at potential uses for Valley View's real property and viable businesses and/or businesses that would help support Valley View and

to make it even more profitable. The three caucuses would be represented on the committee with Legislator O'Donnell as Chairman, Minority Leader Michael Paduch, Independence Party Leader Michael Amo, Commissioner Laurence LaDue, Valley View CSEA member Rosemary Kukys and Real Property Tax Services Office Director John McCarey or designee. He has spoken to Commissioner James Burpoe from General Services who would like to come before the committee with respect to having a pharmacy at Valley View. In addition, the meetings would be held on the same day that the Health and Mental Health committee meet.

Mr. Amo agreed with Chairman Brescia as they are all in agreement on supporting Valley View as a long-term facility for Orange County. Regulations and reimbursement in long-term care across the country and New York State are in serious trouble and making it harder to make ends meet. They are looking to try a develop a campus that would integrate the right programs that support the growth and thriving of Valley View and the business at Valley View. They need to focus on what it should look like and what the concept would be to make Valley View a successful operation and then put what they want to put in there. They could get into trouble if they get influenced by individual things as opposed to a cohesive plan.

Chairman Brescia agreed and it could entail a master plan.

Mr. Hines agrees that it is a great idea and emphasized that this was to support Valley View, not to hurt it. Valley View will have someone from the CSEA on the committee who could further enhance their objectives as well as ours and everyone can benefit from this if it is done properly. At the last legislative session when the public expressed their concerns not one legislator stated that they were interested in selling Valley View as they are looking at this in a positive and favorable way.

Motion carried. All in favor.

The meeting adjourned at 4:10 p.m.