

**WAYS AND MEANS COMMITTEE  
MINUTES**

**WEDNESDAY, MAY 30, 2018  
3:30 P.M.**

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

ALSO

PRESENT: L. Stephen Brescia, Chairman  
Barry J. Cheney, Legislator  
Peter V. Tuohy, Legislator  
Antoinette Reed, Legislative Counsel  
Wayne C. Booth, Deputy County Executive  
Harry Porr, Director of Operations and Cost Control  
Langdon Chapman, County Attorney  
Matthew Nothnagle, Chief Asst. County Attorney  
Alison Tyack, Director of Personnel Management, Human Resources  
Erik Denega, Commissioner, Dept. of Public Works  
Travis B. Ewald, Deputy Commissioner, Dept. of Public Works/Engineering Division  
James S. Brooks, Commissioner of Parks, Recreation & Conservation  
Michael Amodio, Deputy Commissioner, Dept. of Parks, Recreation & Conservation  
Derek Miller, Director of Probation  
John McCarey, Director, Real Property Tax Service Agency  
Deborah Slesinski, Deputy Budget Director

Chairman Cheney opened the committee meeting at 3:31p.m. by asking everyone to stand for the Pledge of Allegiance. All committee members were present with the exception of Minority Leader Paduch who was absent.

Mr. Hines moved to approve a Municipal Home Request for State Legislation to ratify, validate, and confirm the hiring of John D. Cameron, Amanda F. Smith, and Cameron S. Alber, each to the public office of Probation Officer in the County of Orange, seconded by Mr. Minuta.

Mr. Chapman stated probation officers are public officers under Section 3 of the Public Officer's Law and it appears that one of these individuals was hired in Orange County as far back as 1998 in another department. That individual subsequently became a probation officer in the year 2000 and unfortunately is not a State resident. The two other individuals likewise, one was hired as a New York State resident and has moved and the other was never a State resident. This was brought to the county's attention last year and he attempted to work with these individuals and bring the law to their attention. They have not moved in to Orange County and as a result there are two alternatives. One is they can forfeit their job or they can seek special State Legislation to try and authorize them to be hired. He stated there are a lot of "carve outs" in the Public Officer's Law, Section 3, and he has candidly not seen one for out of State residents. Furthermore, this has been discussed with the Probation Department, the County Executive's Office, and the Chairman and

Majority Leader of the Legislature and the consensus was they would rather not lose these employees who are by all counts performing properly; therefore, he would like to seek special legislation.

Mr. Benton asked if they can be offered six or nine months to find residency in the county if this does not work.

Mr. Chapman replied the law was brought to their attention last year and they have not become residents.

Mr. Kulisek asked if it is residency of the State or county.

Mr. Chapman replied it is residency of the State so there is a special provision in the Public Officer's Law that says they can reside in any county. He stated this is an odd situation where Orange County borders two different States.

Mr. Benton commented that he would assume these two people live close to Orange County.

Mr. Chapman responded they live in adjoining counties in Pennsylvania and New Jersey.

Mr. Hines asked if these individuals can continue working as we speak.

Mr. Chapman replied, they are working as we speak.

Mr. Hines then asked if there are any jurisdictional issues.

Mr. Chapman replied if Mr. Hines would like legal advice, it cannot be given public but he and Mrs. Reed can address it privately.

Mr. Kulisek asked if there is a residency requirement for other employees.

Mr. Chapman replied that the State law require public officers in general, to be a resident of the municipality of which they serve. There are "carve outs" for very specific public officers, more in rural communities.

Mr. Kulisek then asked if there are residency requirements for other county positions and if commissioners are considered to be a public officer.

Mr. Chapman replied that public officers should generally be a resident of the county or of an adjoining county and some are.

Mr. O'Donnell asked if there is a timeline from Albany.

Mr. Chapman replied Albany did not give a timeline.

Mr. Anagnostakis clarified that they are looking for a "carve out" that is going to ask for residency, not only in a different county but a different State other than New York.

Mr. Chapman stated a "carve out" wouldn't be needed for a county issue.

Mr. Hines asked if this request is for the three individuals or for future employees.

Mr. Chapman replied it is only for the three individuals named in the request.

Mr. Miller commented that this came to them by surprise and these are three extremely good employees.

Motion carried. All in favor.

Mr. Minuta moved the request release of the County's interest in the following property:  
Town of Warwick, Section 12, Block 1, Lot 7.  
The property owner(s) paid the delinquent property taxes and the County did not take title to the property, seconded by Mr. Benton.

Motion carried. All in favor.

Mr. O'Donnell moved to adopt a resolution making supplemental appropriation to the 2017 Orange County budget (annual adjustments necessary to clean up 2017 year-end balances in various departments), seconded by Mrs. Bonelli.

Mrs. Slesinski stated this is a housekeeping function that is done every year. These are adjustments that cover some shortfalls that occurred through the end of the year process and is one of the last things they need to do in order to close the books on 2017.

Motion carried. All in favor.

Mr. O'Donnell moved to adopt a resolution making a supplemental appropriation to the 2018 Orange County Budget for the Orange County Soil and Water Conservation District, \$100,000.00, seconded by Mr. Kulisek.

Mrs. Reed explained this is the last stage of the process to acquire the monies for the maintenance and repairs at Quaker Creek. The public hearing was held and there was one farmer who spoke in support.

Motion carried. All in favor.

Ms. Sutherland moved the request to create a capital project for the purchase for various Parks equipment to further enhance Park operations, \$100,000.00 (bonding), seconded by Mrs. Bonelli.

Mr. Amodio stated that they are looking to purchase three separate pieces of equipment. The first piece is a pick-up truck with a plow which will replace a 1999 pick-up with over 160,000 miles on it. The second piece of equipment is a Kubota front end loader which will be

replacing a 1970 front end loader and the last piece of equipment will replace a 2000 John Deere gator which is now 17 years old. He added that these items are on State bid.

Motion carried. All in favor.

Ms. Sutherland moved the request to create a capital project for improvements to various County Park facilities, \$100,000.00 (bonding), seconded by Mr. Minuta.

Mr. Brooks stated this was put in last year's capital plan and was not acted upon. He sent the list of projects to all committee members to review last week.

Motion carried. All in favor.

Mr. Minuta moved the request for supplemental appropriation to the capital projects budget in the amount of \$500,000.00 for Fleet Replacement. Funding includes State share from the Consolidated Local Street and Highway Improvement Program (CHIPS) in the amount of \$400,000.00. Funding is as follows: State \$400,000.00; Local \$100,000.00 (bonding), seconded by Mr. Hines.

Mr. Denega stated that there is a series of vehicles that need to be replaced and the majority of them have high mileage. He reviewed the list of fleet replacement (see original minutes).

Motion carried. All in favor.

Mr. Minuta moved the request to submit application to the NYS Comptroller for an increase and improvement of the facilities of the Beaver Dam Lake Protection and Rehabilitation District at a maximum cost of \$5,000,000.00; that such improvement is in the public interest and will not constitute an undue burden on the property which will bear the cost thereof; and if the cost of the proposed improvement is to be assessed in whole or in part against a benefited area, that all real property to be so assessed will be benefited by the proposed improvements and that no benefit property has been excluded, seconded by Mr. Hines.

Mr. Benton pointed out that the legislature had several meetings as well as two public hearing regarding this request.

Mr. Denega stated there is not much more to add, just that one person spoke at the last public hearing and the next step is approving the authorization to submit the application to submit to the Comptroller's Office.

Mr. Benton clarified that the plan is to drain the lake in July.

Mr. Denega stated the plan is to begin work as soon as possible as soon as the Comptroller's Office grants approval.

Motion carried. All in favor.

Mr. Minuta moved the request for supplemental appropriation to capital projects budget for Airport Buildings Maintenance and Repairs, \$50,000.00 (bonding), seconded by Ms. Sutherland.

Mr. Denega stated this request is for the capital projects budget for a hangar at the airport. The roof is over 25 years old and has several soft spots and leaks which becomes a liability to the county. He added they are working with the Department of General Services for pricing.

Motion carried. All in favor.

Mr. Minuta moved to discuss deed sale parcels, seconded by Mr. O'Donnell.

The first and second deed sale parcels are in the Town of Blooming Grove (25-1-45 and 37-4-1.1). Mr. McCarey recommended that they both be approved even though the second parcel does not meet the minimum bid. The third parcel is in the Town of Deerpark (29-9-5) with a minimum bid of \$4,500.00 and an amount bid of \$2,500.00. He recommended that it not be approved because the county can get more money for it. Parcels four and five are in the Town of Mount Hope (11-7-6, 11-7-22 & 13) and have the same property owner. Mr. McCarey recommended they both be approved because they meet the minimum bids. The sixth and seventh parcels are the same piece of property in the Town of Goshen (27-9-2 thru 9, 27-8-10 thru 16, 27-9-10) and will be used for recreational purposes by the town. Mr. McCarey recommends they be approved.

Mr. Cheney questioned whether the county was getting enough monies on the properties being sold for recreational purposes.

Mr. McCarey replied that the properties were over assessed but that has been corrected in recent years.

Motion carried. All in favor of accepting Mr. McCarey's recommendations to approve deed sale parcels Nos. 1, 2, 4, 5, 6, and 7 and deny parcel No. 3.

The last agenda item was a brief discussion regarding the financial forecast for 2019.

Mr. Benton stated this is not a narrative to be discussed paragraph by paragraph but he felt this should be pointed out and presented. He asked if any committee members have questions.

Mr. Cheney commented that the cover letter talks about the county's increase in the fund balance and asked what the projected amount is that the Comptroller's Office starts to balk at us having too much.

Mr. Benton and Mr. Kulisek replied seven to ten percent is the normal.

Mr. Cheney clarified that the county has a way to go before the Comptroller's Office steps in.

Mr. Benton stated that is correct.

Mr. Cheney stated that for 2019, he would like to see ways they can reduce other expenses and continue to grow the fund balance or if possible, increase the fund balance and reduce taxes.

Mr. Benton commented that when he took office in 1998, the fund balance was \$75 million to \$80 million.

Mr. Cheney commented that he appreciates the progress they have made.

The meeting adjourned at 4:23 p.m.