

**RULES, ENACTMENTS AND INTERGOVERNMENTAL RELATIONS COMMITTEE
MINUTES
(REMOTELY)
WEDNESDAY, JUNE 17, 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
Peter V. Tuohy, Legislator
Antoinette Reed, Legislative Counsel
Harold J. Porr, III, Deputy County Executive
Dan Bloomer, Director, Operations and Cost Control
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
Deborah Slesinski, Budget Director
Gretchen Riordan, 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. Faggione stated that due to a conflict on the part of County Attorney Langdon Chapman Agenda Item No. 1 would be moved to the end.

Mr. Paduch moved request approval for Orange County's free membership in the United States Environmental Protection Agency's Watersense Program as a promotional partner to help reduce municipal water use across the country through water efficient products and construction of water efficient new homes and authorization for the County Executive to execute a watersense partnership agreement on behalf of the County, seconded by Mr. Kulisek.

Mr. Sorensen explained that the United States Environmental Protection Agency (EPA) approached them to participate in the Watersense Program. It is an educational program that would have the Department of Planning reaching out to communities and developers to make them aware of opportunities to integrate watersense fixtures and water saving measures into development projects. Over the years many areas of the county have experienced water shortages, with this being a good opportunity to partner with the United States Environmental Protection Agency (EPA) and promote water conservation and reduce water consumption with no direct cost to the county. This is a very worthy program and the Planning Department is prepared to help implement the program on behalf of Orange County.

Mr. Faggione stated that although this was an opt-in program based on their approval, could they opt-out at any time. Mr. Sorensen replied yes, according to the partnership agreement.

Mr. Cheney commented that a portion of the resolution talks about the county's efforts being focused on the construction of water efficient new homes. However, given that local municipalities have home rule over their zoning codes how would the county play a part in that. Mr. Sorensen replied that their primary role would be in education. Through General Municipal Law Section 239 REVIEWS, the county has an opportunity to comment on subdivision and commercial development applications and that would be when they would make recommendations on the available resources and items that could be integrated into development projects to reduce the demand for water through the United States Environmental Protection Agency (EPA); however, they would not be required modifications.

Mr. Kulisek asked if the Orange County Water Authority would be a part of this project. Mr. Sorensen replied that at this juncture he was unsure, but they could participate. Since this is an educational program the Planning Department would be taking the lead and partnering with the United States Environmental Protection Agency (EPA).

Mr. Kulisek stated that the Orange County Water Authority has an educational component to their program and perhaps Mr. Cheney could speak to that as he is very active with the Orange County Water Authority.

Mr. Kulisek asked if the Planning Department would compile the data needed to determine the impact of the program. Mr. Sorensen replied yes, through responses received in their General Municipal Law Section 239 Reviews and through reports submitted by the municipalities in response to the recommended modifications.

Mr. Cheney stated that approximately two years ago a representative from the United States Environmental Protection Agency (EPA) met with the Green Committee about the Watersense Program. So, there could be an existing agreement between the Orange County Water Authority and the Watersense Program which would negate the need for the county to enter into a similar agreement.

Mr. Sorensen responded that the United States Environmental Protection Agency (EPA) reached out to him directly asking that Orange County partner with the Watersense Program. If something was previously done with the Orange County Water Authority, it was not brought to his attention, but he would look into it.

Mr. Cheney asked for the name of the representative from the United States Environmental Protection Agency (EPA) that reached out to the Planning Department. Mr. Sorensen replied that Janice Whitney is the Watersense Program liaison.

Mr. Cheney pointed out that it was the same individual and asked that Mr. Sorensen work in conjunction with the Orange County Water Authority to get the most from the program.

Mr. Benton commented that at one time the Groundwater Guardian Group an organization dedicated to preserving and conserving aquifers had an agreement with Orange County and the Orange County Water Authority and asked that Mr. Sorensen check on that. Mr. Sorensen replied that he would.

Motion carried. All in favor.

Mr. Kulisek moved 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 areas with non-urban population of less than 50,000. Funds would be used for operating assistance payments to municipal transit operators. The total application amount is \$1,291,429.00. It will also provide funding to support the costs of administering its grants and meeting associated Federal regulations and policies. This grant is 100% federally funded, and there is no local match required, seconded by Ms. Bonelli.

Mr. Sorensen explained that this was 5311 funding which goes to their non-urban population and serves the city of Port Jervis and the towns of Goshen, Warwick and Montgomery.

Mr. Kulisek asked for clarification that the county would disperse the funds and then be reimbursed. Mr. Parrington replied that the operators will submit their expenses and then be reimbursed.

Motion carried. All in favor.

Ms. Bonelli moved request for funding for Diversity Intervention Initiative RFP, seconded by Mr. Faggione.

Mr. Amo explained that he was coming to them on behalf of the Orange County Legislative Leadership group. Approximately, five or six years ago this legislature appropriated \$75,000.00 for this topic but it never advanced further. Over the last two years Legislative leaders have discussed how they could intervene on diversity conflicts in Orange County with the most obvious being in the southern part of the county with its fast growth and annexations in the village of Kiryas Joel and Town of Palm Tree. They tried to look at a way in which the county could prepare in dealing with conflict diversity. Legislative Leadership worked in coordination with County Attorney Langdon Chapman, Senior County Attorney Susan Whalen and Legislative Counsel Reed to finalize the proposed Request for Proposal (RFP). This concept was originally approved in March or April, but due to the COVID-19 pandemic they agreed to delay it until June. This resolution is requesting \$100,000.00 in order to send out the Request for Proposal (RFP) and to see what comes back that could help the county in dealing with some of these conflict issues. There are four main purposes to the proposal: a model to be used throughout Orange County where diversity conflicts may arise; create a pilot program to test the model; establish an ongoing sustainable process that would allow them to stay on top of a conflict issue in the southern, western and/or any other part of the county in which they need to provide and/or offer assistance and lastly, it proposes ongoing reporting to the Rules, Enactments and Intergovernmental Relations committee with this being the first step on how they may develop a plan. Over the last 25 years the continued growth and how to control the growth of the village of Kiryas Joel and Town of Palm Tree has been a struggle for the county and justifiably so. Their success with respect to that has been marginable at best and has cost the county a great deal of money in legal fees and why they needed to come up with something

different. In 2015, the county hired a consultant group the Center for Governmental Research (CGR) out of Rochester, New York. While the annexation was the goal, they looked at many issues including the impact of the Town of Palm Tree and village of Kiryas Joel on Orange County. They also discussed the rapid growth of the village of Kiryas Joel and Town of Palm Tree with the Center for Governmental Research (CGR) conservatively projecting there to be 75,000 people in twenty years and they need to be prepared to deal with those conflicts. The last line of the CGR report states: "... Instead of settling these matters in the courts, Orange County leaders would better serve taxpayers by working to establish a climate in which growth can occur with the cooperation of municipal, county, regional and state agencies"... The current proposal talks about further analysis of the problems in the pilot area model and where those tensions may exist; however, that could also be done in another part of the county.

Ms. Bonelli referred to the proposed Request for Proposal (RFP) page 2, Suggested Services; Task Three - Reduce Community Tension (i) recommending ongoing community approaches to balance the needs and interests of all communities in the County; and (ii) developing and delivering County-wide education programs focused on causes of diversity conflicts. They are currently dealing with other tensions throughout Orange County and the United States and the time to move forward on this is now as they need to hear about what is out there and any available resources. Because the funds are not being appropriated at this time this proposal will have to come back to the committee and at some point they will have to determine if the county can afford to do anything considering the financial crunch they are dealing with. They owe it to themselves and the residents of Orange County to investigate this, see if it is currently feasible and if it is a viable avenue to pursue. This was started for the southeastern part of the county and the Hasidic and Non-Hasidic population as it was very important to create a dialog and to ease as much tension as possible but this could be something that not only helps the southeastern part of the county but all of Orange County. Both the federal and state governments have issued orders with respect to law enforcement, diversity training and how they must conduct themselves and with an everchanging county and country this would be another tool in their toolbox and she would ask for the support of her fellow committee members to move it forward.

Mr. Faggione asked for clarification that the action before them was to put out a Request for Proposal (RFP) and that they would not be spending the funds allocated from the budget but where would those funds come from in the budget. Mr. Amo replied that any funds expended would only be done if approved by this legislative body as this proposal deals with a complex county-wide issue and they need to ask themselves if this is a good idea. He can honestly say that the county was not prepared to deal with the issues in his part of the county and it turned into crisis mode on more than one occasion. He would be recommending to the Chairman of the Legislature that he create a workgroup of legislators to vet the proposals/proposers to ensure they have someone that would help them move forward as a county. When the proposals come back, they may discover that they are not what they want, are more expensive than originally projected and/or they do not want to move it forward which happens all the time. In his opinion, the appropriate time to release the funds would be if and/or when they find the appropriate person and there could be some flexibility as the actual dollar figure as it could be for \$75,000.00 or it could be for more than the \$100,000.00. If at that time they determine it cannot be moved forward it could then be tabled for a period of time. The simplest answer would be to take the funds from surplus and move it into the legislature's budget so it would be available when and/or if they decide to spend the funds. The question is, is this affordable, is it something they should be doing, and if it is then the money will follow.

Mr. Faggione asked that Legislative Counsel Reed clarify the steps they are reviewing.

Legislative Counsel Reed replied that at this time they would want to appropriate the funds into the legislature's budget. When they go out for a Request for Proposal (RFP), Request for Bid (RFB) and/or any project vendors want to know that they are committed to the project. They can always accept or reject proposals, but they need to show that the funds are there. If they look at the suggested services, it is a monumental undertaking for any professional in this field and they are looking for first-rate people. Due to the current directives from President Trump and Governor Cuomo with respect to law enforcement many agencies, states and local municipalities are going to be looking for consultants and legislators have a good chance of getting the consultant they want with respect to the cultural differences surrounding the village of Kiryas Joel and Town of Palm Tree. If they put the funds on the table, they will get the professionals and proposals they want from not only the best from the United States but around the world. In her opinion, they should allocate the \$100,000.00 but not spend it and have the workgroup including Commissioner Burpoe from the Department of General Services working with them in accordance with the procurement policy.

Mr. Faggione pointed out that this would not be spending the funds but just setting them aside and that going forward additional votes would be needed before the funds were dispersed. However, if something comes up and these funds are needed for budget shortfalls, they are not obligated to fulfill this Request for Proposal (RFP).

Mr. Paduch agreed with Ms. Bonelli that with everything currently going on in the world their needs have expanded, and he is concerned that this Request for Proposal (RFP) may not include everything they need. While the proposal reads "County-wide" would it only be specific to that specific community as the original discussion was geared toward that area of the county. Due to everything going on in the world with COVID-19, diversity and racism could this Request for Proposal (RFP) be expanded to include items that are not currently included in the five tasks. In his opinion, it is vital for them to do it before the Request for Proposal (RFP) goes out and he would like to see it tabled until it can be revised to include all County-wide tensions.

Mr. Amo agreed with Mr. Paduch and when this was first discussed it was a different time in both the county and the world. When this was finally put together the key component was to have a pilot program in order to develop a model with none of the tasks and/or scope being specific to the village of Kiryas Joel; however, they would work as a good pilot. Technically they could conduct an analysis on the issues and diversity in the city of Newburgh if they choose; however, they need to develop a tool. While he would not be against tabling the request, the sooner they move on this the better. His understanding of the process was that they would meet with the proposers to discuss their specific needs which would include the various "hot spots" so they would know what they are looking for and what to come back to the legislature with.

Mr. Paduch stated that he would agree to support it if they could add the directives and/or expand the tasks during the interview process without spending the funds first; however, if he is not satisfied, he may not support it. He emphasized that many issues need to be addressed aside from just the one between Orange County and the village of Kiryas Joel.

Mr. Amo commented that this was a product of all of them and if there is a way to make it better, he is on board.

Mr. Paduch emphasized that they need to ensure that it can be done during the interview process and before the Request for Proposal (RFP) goes out.

Mr. Amo commented that Senior County Attorney Susan Whalen included in the Request for Proposal (RFP) that if they realize and decide that they need to do more they would have the opportunity to extend and/or broaden it later but he would be on board with whatever the committee decides.

Mr. Cheney asked how they would measure the success of this endeavor and was that clear in the Request for Proposal (RFP). Mr. Amo replied that it was not that specific but most importantly they are looking for a tool that will help communities reduce tension. He would recommend that under Suggested Services; d. Task Four – Future Needs (ii) recommending the establishment of an ongoing oversight committee of independent and a-political participants that report quarterly to the Legislature be strengthened during talks with proposers.

Mr. Cheney asked about the consultant's process and would they try and understand the interests of all stakeholders throughout the county. Mr. Amo reiterated that they are trying to create a model and to have someone with the tools, skills and abilities to assess the situation and how to proceed with the hope that it would be used in other parts of the county. When they were able to sit down with all the players during the annexation/formation process with the village of Kiryas Joel and Town of Palm Tree and discuss all their interests and what they were trying to accomplish they were able to get closer to an agreement that none of them thought would happen. However, if they get into a situation where there is opposition and various problems, they will need a more skilled facilitator.

Mr. Cheney suggested that when the proposed consultants are being evaluated, they look at what their successes have been in other places and the similarities to Orange County's situation.

Mr. Amo agreed, they need to find an experienced person that can defuse tensions before they escalate. This would be an available tool and if a municipality/group wants to use it they could come to them; however, he could not see them forcing it on anyone.

Ms. Bonelli commented that if this was not applicable to all communities, she could not embrace it because the goal was to get all parties involved in the tension issue and to begin discussions to try and work things out. She addressed Mr. Paduch's concerns about making this applicable to their current situation versus the situation they were in four, five or six months ago. She explained that under Suggested Services in the Request for Proposal (RFP) it focuses on issues of tension within communities and communication regardless of the municipality. This section looks at the tasks they are looking for with respect to the future, recent developments and law enforcement training and a proposal such as this could enhance and address a multitude of issues.

Chairman Brescia commented that over the last few years they met multiple times on this subject. At one such meeting they had Jonathan Drapkin, President and CEO of Hudson Valley Pattern of Progress, members of the County Executive's office, Majority, Minority and Independence Party Leaders and a representative from Conflict Resolutions which got them nowhere. They expended \$200,000.00 on the two annexations and would have spent much more had it not been for the proposal they put forth for the Town of Palm Tree. That happened because of good communication between county leaders, Mike Egan, leaders from the village of Kiryas Joel and

elected leaders in the Town of Monroe which resulted in the referendum for the Town of Palm Tree. He has seen numerous lawsuits over the years and if they receive some positive Request for Proposals (RFP) they could move in the right direction with this possibly being the boilerplate for other areas of the county. Whereas some individuals feel this will not get them anywhere, he sees this as a positive and will support it. There will always be lawsuits in the county, but it could create harmony in some areas of the county while minimizing the number of lawsuits and saving taxpayer dollars. In addition, with the recent Black Lives Matter (BLM) movement they really need to bring peace throughout the county as much as possible.

Mr. Amo pointed out that the New York State Unified Court System has been pushing for mediation as a first step before going to court and the options are endless if they can keep their minds open to this concept.

Mr. Vero stated that although it seems to make sense in theory, he is not optimistic. He understands that this is geared toward the Hasidic community and he agrees that it could be used across the county but things are moving so fast in the rest of the county that by the time this is in place the damage will have already been done and/or been corrected. They are currently tasked to save money for the county with every department trying to cut 15% from their budget either through temporary layoffs or voluntary separation agreements. Whether it's six months or a year from now they will still be in a financial crisis and that is why he is not looking to spend another \$100,000.00 for this project. They are currently in a hiring freeze with the county in serious financial trouble for 2020 and severely hampered in 2021 and why he would be voting no.

Mr. Amo appreciated Mr. Vero's position as it was very reasonable and that was why they would not be spending the money, but he still wanted to get the ball rolling. He understands Mr. Vero's concerns and no legislator would support spending that money if it is needed somewhere else. They need to consider that they could be in a fiscal crisis for another year or two and the last thing they would want to do is ignore a growing conflict that could cost them hundreds of thousands in legal fees when they could have possibly only spent \$100,000.00. While he agrees they probably do not currently have the funds, can they afford not to spend it.

Mr. Hines agreed with almost everything people have said, however, if they are not specific in the Request for Proposal (RFP), they may not get the right expert. He would like to see the Request for Proposal (RFP) expanded as one expert may handle a religious issue as opposed to a racial issue or police issue so that whoever submits a proposal is the right expert. If it's limited to only the southern part of the county, they may not get the right expert. With respect to a model, the best model they have is with the Orange County Sewer District No.1 Advisory committee. That committee brought all the stakeholders together with every mayor and supervisor coming to an agreement and twenty-one legislator's voting on it. He hates to see them spend the funds and he doesn't want to but it must be expanded to include not only religious issues but police versus citizen and racial issues with the federal government requiring something along these lines in the future and if included he would have to vote for it. He is not committed to voting for the \$100,000.00 until he sees what the expert brings to the table. For today, he is a yes vote as long it is expanded but he is concerned that if the Request for Proposal (RFP) goes out without the proper changes they will not get the right expert and he would empower leadership to make the change before it goes to the floor for a vote. He would also be in favor of tabling the request if more time is needed.

Mr. Paduch agreed with Mr. Hines as a Request for Proposal (RFP) will not cost them anything and he would be willing to table the request until it can be amended.

Mr. Paduch moved to table the request for one month to update the Request for Proposal (RFP) to include additional items that would address other tension than just those in the southern part of the county, seconded by Mr. Kulisek.

Ms. Bonelli asked if this resolution would go to the Ways and Means committee meeting. Legislative Counsel Reed replied yes, and included in the specifications of the draft Request for Proposal (RFP) on page 2, 3; Added Services with Approval - ...The Legislature and Consultant may collaboratively decide after contract execution and commencement of the Suggested Services and Approved Proposed Services that ancillary added and/or expanded services such as tasks or objectives requiring additional, enhanced, and/or more detailed focus.... However, that does not necessarily include what their focus is but she would work with the Law Department to specifically address that in the specifications overview where they talk about the background and the issues with the village of Kiryas Joel and Town of Palm Tree. She would have them add in any additional community tensions that they believe should be addressed so that the models they compose can be used for not only the cultural diversities in the village of Kiryas Joel and Town of Palm Tree but also any racial and/or bias tensions that need to be addressed in Orange County.

Ms. Bonelli asked if those adjustments could be made prior to the Ways and Means committee meeting in order to stay on track. Legislative Counsel Reed replied that she would have to discuss it with the Law Department.

Ms. Bonelli suggested they move in that direction and if that cannot be achieved by the time of the meeting then it could be tabled at the Ways and Means committee meeting. In her opinion, they should move forward today in order to give the experts the opportunity to amend the Request for Proposal (RFP) as per their discussion today and asked that her fellow committee members consider that request.

Mr. Faggione asked if Mr. Paduch would consider Ms. Bonelli's suggestion. Mr. Paduch replied that he was unsure if the changes could be completed by the following week and he would like to discuss this further with the Democratic caucus as there could be addition suggestions that they would like incorporated into the document. He would recommend they take no action today by neither voting it out of committee nor tabling it until it can be further reviewed at the Ways and Means Committee meeting.

Mr. Amo stated that he would be hard-pressed to table it as he brought it forward and he would like to see it happen; however, Mr. Paduch has raised very reasonable points. His understanding from Ms. Bonelli's statement was that after moving it to Ways and Means and if the changes requested today were not incorporated that the request to table would go into effect; however, if everything was included it would move forward.

Ms. Bonelli clarified that her desire was to move it out of this committee with the hope that the appropriate changes would be made for the Ways and Means committee meeting and then to legislative session in July for a vote.

Mr. Paduch asked if they would be taking any action at this meeting.

Ms. Bonelli replied that she supports the resolution and is willing to vote today as she has full confidence that the changes would be made.

Mr. Paduch asked for clarification that no funds would be spent until the Request for Proposal (RFP) comes back. Ms. Bonelli replied yes.

Mr. Paduch asked if it was tabled today would it still go to the Ways and Means committee. Legislative Counsel Reed replied yes.

Mr. Paduch stated that his request to table stands.

Mr. Cheney asked if the basic motion was to issue a Request for Proposal (RFP) and to allocate funding if they agree to move forward once the proposals are received. Legislative Counsel Reed replied that they would move \$100,000.00 possibly from surplus to the legislative board's coffers after consulting with the Budget Department.

Mr. Cheney commented that he was confident that leadership would come to a resolution on what the Request for Proposal (RFP) should state. He would not support a delay in the process and the best thing for them to do at this point is to proceed and approve the motion.

Mr. Luján echoed some of the sentiments of his fellow legislators. They are seeing protests across the United States and twenty countries and COVID-19 has highlighted some of the disparities in health, housing and other areas. At the Health and Mental Health committee meeting they discussed health disparities among black and brown communities in Orange County. They have disparity and diversity issues in their county workforce along with many other challenges that they are working on. While he thinks this is a great initiative and something they need to work on he is not optimistic that they will find one group that could address all those concerns under one umbrella. He agrees with Messrs. Hines and Paduch that it should be inclusive and mindful of the many diverse challenges they are facing across the county and country. In his opinion, tabling the request makes the most sense and he would encourage his colleagues to do so until it can go to the Ways and Means committee meeting.

Mr. Paduch pointed out that if this passes through the committee today it would still go to the full Legislative session in July. He expressed the importance of tabling the request until the Ways and Means committee meeting next week in order to see if the requested changes were implemented and meet their needs.

Motion to table failed 4-5 with Legislators Hines, Kulisek, Paduch and Vero voting in favor and Legislators Amo, Bonelli, Cheney, Faggione and Brescia voting against.

Mr. Hines explained that he would be voting yes today as long as the proposed changes are implemented for the Ways and Means committee meeting of which he is a member.

Mr. Paduch asked for clarification that if they do not agree on the information received at the Ways and Means committee that this resolution would still go to the legislative session as is for a vote.

Mr. Hines replied yes, and he could vote no at that time.

Mr. Paduch reiterated that he could not support this resolution today.

Ms. Bonelli stated that she has full confidence that the Law Department and Legislative Counsel Reed will be able to make the suggested adjustments. When this proposal was first created the Law Department made it a broad type of document and the changes should be easy to achieve in a timely fashion; however, if that does not happen she would rethink it also.

The resolution as originally presented passed by the following vote:

Motion carried 5-3 with Legislators Amo, Bonelli, Cheney, Faggione, and Hines voting in favor and Legislators Kulisek, Paduch and Vero voting against.

Mr. Amo thanked Mr. Faggione for running this debate and watching democracy work. He was proud of how they discussed the issues and even though they may have different positions they all have the same interest on what they would like accomplished.

Ms. Bonelli moved Local Law authorizing the sale of Grand Street properties to a party other than the highest bidder, seconded by Mr. Faggione.

Legislative Counsel Reed addressed the committee stating that the local law before them is something that they have done on occasion with respect to other county-owned properties such as Camp LaGuardia, the Quarry and certain properties at the Orange County Community College Newburgh campus for potential sales; however, that did not go forward. These properties were bought in December 2014, with the vision of expanding the college campus in the city of Newburgh and they have been vacant for the last six years. It is the consensus of some individuals to move forward and look for potential sales of the properties. This local law would supersede New York State County Law Section 215(6) which requires that real property sold by the county has to be authorized by the legislature and sold to the highest responsible bidder. The Real Property Tax Director would issue a Request for Proposal (RFP) in conjunction with the Commissioner of General Services and they would receive proposals for the sale of the properties, and it would be for the Legislature in conjunction with the County Executive to determine when, if and/or who it should be sold too and the underlying development of the property.

Mr. Chapman added that the Request for Proposal (RFP) is prepared and ready to go out next week with a tentative return date of July 30, 2020.

Mr. Cheney referred to Section Five, Proceeds From Sale; he was fine with taking any proceeds to pay off any debt associated with the properties; however, he was not prepared at this time to designate any excess proceeds be placed for general county expenses. He would suggest they consider having that as a decision of the legislature at the time they approve the sale of the properties.

Mr. Paduch agreed.

Mr. Chapman responded that the legislature has the ability to adjust the budget and they must put the funds somewhere. Because they were marginally potentially purchased for educational purposes they should spell out where the proceeds would go but at the end of the day they would have to allocate where the funds are placed for any future purpose. The first thing they must do is retire the debt and to stay within the law on what they are doing with the funds as they have outstanding bond debt. He discussed this with Bond Counsel about a year ago and he was told that each building would have a different payment period and they would have to deal with these as different sales and in different ways. With all due respect he does not see a challenge with putting it into the general fund as it needs to go somewhere, and he would prefer they dispose of all the proceeds via the local law with Bond Counsel being satisfied first. He would be uncomfortable handling it in the manner suggested by Mr. Cheney as part of the proceeds go to retire a debt pursuant to Bond Counsel and the other part enacted by a simple resolution.

Legislative Counsel Reed added that under New York State County Law Section 215(7) the monies may be applied toward the payment of the costs of new sites and buildings or expended for other local county purposes. First they are using the funds to pay off county debt related to the acquisition of the properties and second it follows New York State County Law Section 215(7) for expended local county purposes and essentially putting the funds into an account designated by the county finance commissioner for general county expenses.

Mr. Hines noted that one of the buildings came to them as a partial donation for the benefit of Orange County Community College and would that be an issue. Mr. Chapman replied that he was unaware of an issue at this time.

Mr. Hines asked if this would come back to the legislature for the sale to the interested buyer, County Executive or the Real Estate Committee. Mr. Chapman replied that he structured the local law so that the legislature could pick the buyer.

Mr. Hines asked if the parking lot was segmented out. Mr. Chapman replied that there is a provision with respect to various easements and they will be working with Eric Ruscher, Director, Real Property Tax Service to determine what easements they will have to maintain but it would include the parking lot.

Motion carried. All in favor.

Mr. Paduch asked about the transit grant that passed earlier (Agenda Item No. II.b.) and would any portion of Mr. Sorensen's salary come from that grant because he is the administrator of the grant. Legislative Counsel Reed replied no, because it would be contrary to federal law; however, she would verify that with the Debbie Slesinski, Director, Budget Department and get back to Mr. Paduch.

Mr. Paduch expressed his appreciation as he understands that some funding for administration fees comes out of grants and that would be unacceptable as it could hamper their grant funds.

The meeting adjourned at 5:01 p.m.