

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

**WEDNESDAY, JUNE 20, 2018
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
Antoinette Reed, Legislative Counsel
Peter V. Tuohy, Legislator
Harry Porr, Director, Operations and Cost Control
Langdon Chapman, County Attorney
Antoinette Reed, Legislative Counsel
Susan Bahren, Commissioner, Board of Elections
David C. Green, Commissioner, Board of Elections
Louise Vandermark, Deputy Commissioner, Board of Elections
David Church, ACIP, Commissioner of Planning

Mr. Faggione opened the meeting at 3:34 p.m. and requested everyone stand for the Pledge of Allegiance to the Flag. All members were present.

On the agenda was an introduction of the new Administrator for Assigned Counsel (18-B).

Mr. Chapman presented the committee with a brief overview of the changes to Assigned Counsel (18-B). The 18B panel consists of private sector attorneys for indigent/poor defendants when there is a conflict with Legal Aid. A Request for Proposal (RFP) for services was put out last year and proposals received from several law firms with James Monroe, Esq. chosen as the new panel administrator under Article 18-B Assigned Counsel Program. They worked with Mr. Monroe and the courts to reduce paperwork by only submitting one notice as opposed to two. They also worked with the Bar Association, Legislative Counsel Reed and Chairman Brescia and it was decided that the Bar Association would not be reviewing the invoices as it never actually served a purpose. Historically, paper vouchers were submitted but they are rapidly moving toward e-vouchers and they will be testing the e-voucher process in the Town of Chester, Town Court.

Ms. Bonelli asked for the term of Mr. Monroe's contract. Mr. Chapman replied that it is a one-year contract that can be terminated at any time.

Mr. Hines asked if the salary would remain at \$50,000.00. Mr. Chapman replied that it was set at \$60,000.00.

Mr. Hines asked for clarification that invoices would not be reviewed. Mr. Chapman replied no, Mr. Monroe would review the invoices, not the Bar Association.

Mr. Hines asked if bills would still be reviewed by the judges. Mr. Chapman replied yes, and Mr. Monroe will not sign off on a bill until after it has been signed off by the judge. There will be three opportunities for review; the judge, Mr. Monroe and the e-voucher program system.

Legislative Counsel Reed added that they also have a fourth review process with the Department of Finance.

Chairman Brescia pointed out that this is the final piece of the puzzle after many years.

Mr. Faggione suggested Mr. Chapman come to the committee periodically with updates.

Ms. Bonelli moved resolution of the Orange County Legislature appointing Louise B. Vandemark as Democratic Commissioner of the Orange County Board of Elections to serve the remainder of the four-year term of Susan Bahren which began January 1, 2017 (effective July 1, 2018), seconded by Mr. Kulisek.

Chairman Brescia explained that he received a letter on June 7, 2018 from Louise Vandemark expressing her interest in filling the position of Democratic Election Commissioner which he fully endorses. She has been endorsed by the Orange County Democratic Committee and has the support of Susan Bahren, David Green, Commissioner, Board of Elections and Courtney Canfield-Green, Deputy Commissioner, Board of Election.

Ms. Vandemark commented that she looks forward to the challenges and changes ahead.

Chairman Brescia and Ms. Bonelli wished Susan Bahren the best in her retirement.

Ms. Bonelli commented that she has had the opportunity to work with Ms. Vandemark on numerous occasions and finds her to be the utmost professional, extremely helpful and will be a true asset as the new Election Commissioner.

Mr. Paduch commented that he has known both Ms. Bahren and Ms. Vandemark for many years and he fully endorses Ms. Vandemark's appointment.

Motion carried. All in favor.

Mr. Cheney moved SEQRA and applications for inclusion of lands into the Orange County Agricultural District Nos. 1 & 2, seconded by Ms. Bonelli.

Mr. Church explained that there are five qualifying applications in four different towns. Since the last Rules, Enactments and Intergovernmental Relations committee meeting minor updates were done to the applications related to contact information and ownership specifically the Town of Newburgh application and the two in the Town of Wallkill. The Orange County Agricultural Board has

reviewed the applications, made recommendations, minutes have been distributed and a public hearing was held, and they are now in the position to move the applications for a vote of the full legislature.

Mr. Kulisek commented on the Town of Newburgh property and recent emails from the Town of Newburgh Supervisor. The emails stipulated that the Town of Newburgh voted unanimously taking no position on the Serviss property and to promote the property into the Agricultural district.

Mr. Church explained that all municipalities are contacted and reminded of the annual opportunity for property owners to enroll in the agricultural district. The only response they received was from the Town of Newburgh and they are taking a formal neutral position as they are not for or against it.

Mr. Faggione asked if this position was ever taken in the past. Mr. Church replied yes, with municipalities communicating support and/or opposition. A face to face meeting was held with representatives from the Town of Newburgh. They had a few questions prior to the Legislatures Public Hearing and they ultimately took a neutral position via resolution.

Mr. Cheney asked about the benefits to property owners. Mr. Church replied that they receive right-to-farm protections. Agricultural businesses and/or operations are still expected to get municipal permits; however, if the applicant believes that it has risen to the level of being unreasonable they have the right to appeal that municipalities permit process to the New York State Commissioner Agriculture. The Commissioner could then issue an opinion on whether it was reasonable and if deemed unreasonable they could be relieved from that burden.

Mr. Amo asked if farm operations were tax exempt. Mr. Church replied that it was a separate program and they would have to apply, be approved by the municipal assessor and meet the financial requirement of grossing \$10,000.00 in agricultural projects income in two successive years. In addition, the property does not have to be in the agricultural district to be eligible for the program.

Legislative Counsel Reed clarified that it was not a total tax exemption.

Mr. Church concurred, it is only a property tax break.

Ms. Bonelli asked if this was reviewed again at a recent Ag and Farmland Protection Board meeting. Mr. Church replied yes, and they would be meeting again tonight.

Ms. Bonelli asked if this would be discussed at tonight's meeting. Mr. Church replied that it would be subject to the Chairman's view, but each item was reviewed and voted on at the May meeting.

Legislative Counsel Reed explained that at this juncture the applications are in the hands of the Legislature.

Mr. Cheney asked about the enforcement of good agricultural practices. Mr. Church replied that a plan is filed with the Orange County Soil and Water Conservation District, but it is not enforced by them.

Legislative Counsel Reed added that the Code Enforcement Officer of a municipality could issue tickets and/or warnings and the Agricultural Markets Commissioner could also offer an opinion.

Mr. Church added that the Agricultural and Farmland Protection Board conditioned one of their recommendations so that the applicant could secure a timber harvesting permit from the Town of Newburgh. He has spoken to Bob Somers of the New York State Agriculture and Markets and an opinion is not available on what should be done if the Ag and Farmland Protection Board issues a conditioned advisory opinion.

Mr. Paduch commented that he was having a hard time supporting this after reading some of the letters received. There seems to be a great deal of concern and should this be tabled and sent back to the Ag and Farmland Protection Board with these concerns.

Mr. Church referred to Legislative Counsel Reed on the obligations of the Ag and Farmland Protection Board.

Legislative Counsel Reed explained that under Agriculture and Market Law Section 303 the Legislature is the body that holds the public hearing. They held their public hearing, heard from the public, continue to accept public comments and addressed the issue of inaccuracies with the assistance of the Planning Department. Many of the comments made at the public hearing pertained to the Town of Newburgh Planning Board and Town Board which are town issues.

Mr. Paduch asked how a logging permit was issued if they have not been approved to be added to the ag district. Mr. Church replied that it was a town code requirement but the property in the Town of Newburgh could not be resolved the night of the Ag and Farmland Protection Board meeting. The conclusion was for them to get a permit through the planning board in the Town of Newburgh for timber harvesting. The Ag and Farmland Protection Board are advocates for agriculture; however, this was a question on the viability of the land.

Legislative Counsel Reed added that local municipalities can make provisions if they so choose.

Mr. Hines commented that based on the permit the property owner could clear 80 acres whether they are approved for inclusion or not.

Mr. Church replied that his understanding was that it was a limited timber harvesting permit.

Mr. Hines stated that many of the comments made at the public hearing pertained to the clearing of land.

Mr. Hines asked if Mr. Church as a member of the Ag and Farmland Protection Board was recommending they move forward. Mr. Church replied yes.

Mr. Kulisek asked if it this was time sensitive. Legislative Counsel Reed replied that it was due around July 30, 2018.

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

Mr. Amo moved a Local Law fixing the compensation for the Chair of the Green Committee, seconded by Mr. Vero.

Chairman Brescia addressed the committee stating that he would like to fix the compensation for the Chair of the Green committee at \$1,000.00 annually beginning on November 1, 2018. This Local Law is subject to permissive referendum and if passed, would need to sit on the desks of the Legislature for 10 days not counting the day of the Legislative Session. Because the July session will be held on Monday, July 2, 2018 there is insufficient time for it to sit on the desks, so it would not be brought to the full Legislature for a vote until the August 2, 2018 Legislative Session. Lastly, the Green Committee is an ongoing committee of great importance and there should be a recompense for the chair of the committee.

Mr. Hines commented that as proposed Mr. Cheney would not be eligible for the \$1,000.00 as he currently holds the position of Chairman of the Physical Services committee.

Chairman Brescia agreed.

Mr. Hines suggested the annual compensation start on January 1, 2019 as opposed to November 1, 2018 as the committees for 2018 are already established.

Mr. Paduch asked if the \$1,000.00 would be prorated. Chairman Brescia replied yes.

Mr. Amo asked about the workload of the committee and how often they meet. Mr. Cheney replied that they meet monthly with the committee reporting to the Physical Services committee and the chairman prepares the agenda in collaboration with Mr. Church and his staff. The committee monitors various projects such as the installation of the electric charging stations at the two Orange County Community College locations, EPA updates and continue to keep abreast on the number of different programs that the county could benefit from while reducing the county's impact on the environment.

Ms. Bonelli commented on the sustainability issue with the Green committee being the driving force behind the Sustainable Warwick project.

Legislative Counsel Reed joined in stating that the Orange County Legislature adopted a resolution stating they would be a participant in a sustainability community with the Green committee being the oversight committee for implementing that program. The Green committee brings forth comments and recommendations to the Physical Services committee for the Legislature to take action on.

Chairman Brescia commented that he was not a strong component in reforming the Green committee, but he now fully supports their endeavors.

Motion carried. All in favor.

Mr. Amo moved a Local Law fixing the compensation of Party Leader, other than Majority or Minority Leader, seconded by Mr. Faggione.

Chairman Brescia addressed the committee stating that he would like to fix the compensation of the Party Leader (an enrolled member of that party), other than Majority or Minority of Orange County at \$3,312.00 annually beginning on November 1, 2018 this would be in addition to the base salary of \$29,811.00. The duties of the Party Leader are the same as that of the Majority and Minority Leaders.

Mr. Paduch expressed his concern with Mr. Amo being a party of one. While he has not had the opportunity to talk to the Democratic caucus, he does not think the support is there for a Party Leader to be paid the same as a Majority and/or Minority leader. However, if the party consisted of two or more members there would not be an issue, but he cannot support the request.

Mr. Hines pointed out that at the end of last year Mr. Amo had a party of two, as people have the opportunity to change political parties. There are a lot of duties associated with Leadership and in the case of Mr. Amo he must lobby the other caucus' and try to get them to agree with him on issues and as a party of one it could be harder to get people on board.

Mr. Paduch asked what would happen with the statutory committee that Mr. Amo currently chairs. Chairman Brescia replied that he would resign.

Ms. Bonelli commented that they need to look at the responsibilities of a leader which goes above and beyond a sitting legislator.

Mr. Amo noted that party leaders have access to various materials that are only available to leadership and the amount of work that goes into the position is also important.

Mr. Paduch pointed out that he may not have been opposed to this if it had been done prior to the start of this year's legislature.

Mr. Cheney asked if it states in the charter that a party leader cannot serve as the chair of a statutory committee or would it need to be included in this resolution. Legislative Counsel Reed replied that it was not in the Charter but in the Legislative Manual and should be added if they so choose.

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

Mr. Cheney moved resolution amending Article II – Section E. 1 (b) of the Legislative Manual of the Orange County Legislature regarding the circulation of agendas for all meetings, as previously amended, pursuant to County Law Section 153 and the Orange County Charter Section 2.02(A), seconded by Mr. Vero.

Legislative Counsel Reed explained that this amendment would conform to the Legislative Manual to how they conduct business in today's society with email and the data transmission of agendas to legislators and the public. Under the Legislative Manual it is the responsibility of the Clerk of the Legislature to circulate an agenda by mail at least four days preceding the meeting. To the best of her ability the Clerk of the Legislature tries to accomplish that; however, last month there was a bad storm and the agendas could not get out on time but were emailed and packets were made available at the meeting. To ensure that the Clerk of the Legislature is in conformance with her duties they are requesting this change to the Legislative Manual.

Mr. Kulisek noted that they could still have issues with emails on occasion, so they could have issues with both types of service.

Mr. Faggione commented that this would be a second layer of supplying information.

Chairman Brescia emphasized that if they do not receive something please contact the office.

Mr. Bonelli commented that this would be moving them in the right direction and moving them toward paperless communications. It is very time consuming for the Legislative Office to get the packets out so if they can just scan it and send to legislators it would be less time consuming for the office staff. In her opinion, this is the way they should proceed as packets would be available prior to the committee meeting.

Chairman Brescia commented that the issue of streamlining came up at the roundtable meeting and Legislative Counsel Reed suggested they streamline the new Opioid committee.

Mr. Kulisek stated that a lot of the problems are the revisions to agendas and he is not sure if department heads are just not getting their items in on time. If the item is not here on time they need to be told that it will not be on until next month.

Ms. Bonelli agreed as all the agendas from last month were revised.

Mr. Kulisek asked when legislative requests are due to the legislature. Clerk Ramppen replied the Wednesday before the agenda goes out at 5:00 p.m.

Motion carried. All in favor.

The committee discuss other business: Legislative facilities at new government center

Legislative Counsel Reed explained that when the administration established the legislative rooms they also purchased equipment for them. The statutory committee room works well for individuals coming in from the outside and other departments who are conducting presentations. However, there are assets in the Legislative Chamber that are not being used and they were informed by Mr. Burpoe at the Roundtable meeting that they do not need anything else apart from possibly two more TV monitors. They would like to begin using the equipment but need to know what they bought and what are they not using. The tablets in the Legislative Chambers are not being used but could provide a view of the Legislative Session agenda as opposed to a hard copy and the ability to vote electronically. However, they do not know how to use the system and/or if they want to use these items. After further discussion, Mr. Burpoe has stated that he would contact the

vendor and provide the legislature with training on the system to determine if Legislators want to use it or not. While she understands that some individuals are adamantly opposed to electronic voting, she would suggest they be trained, test it and then make a determination. They also have the ability to live stream their meetings which is something that many counties and town boards are doing; however, she understands that there is some opposition in doing it here in Orange County. In the near future Chairman Brescia will be proposing an Opioid Task force that will conduct in depth meetings, presenters, with witness testimony from parents, law enforcement, first responders, educational components the committee will review what the county has been doing and what can and needs to be done. The committee will issue a report with its findings and recommendations. They would like for the Opioid Task Force committee to be the pilot with respect to live streaming, but they may have to hire outside consultants to assist with the live streaming aspect.

Mr. Amo suggested the live streaming be restricted to a certain website with a password for access.

Legislative Counsel Reed added that on occasion their meetings have been live streamed by the public.

Mr. Hines commented on the proposed electronic voting and suggested that a screen be displayed showing the votes.

Legislative Counsel Reed agreed.

Mr. Hines added that live streaming is extremely easy with no additional personnel needed with a password provided prior to the meeting.

Mr. Faggione commented that an Information Technology sub committee was formed while the government center was being constructed. In those meetings they discussed the transition to the new county website and other technological advances and anytime they can bring what they do to their constituents in a simple and clear way they should.

Mr. Kulisek expressed his displeasure with the new county website and in his opinion, it went from bad to worse and is not user friendly. The tablets in the Legislative Chambers are too large, take up too much space on the desk and leave no room to work. He would recommend they be moved.

Mr. Faggione recommended that some of these issues be discussed at the next roundtable meeting.

Mr. Amo stated that the new county website clearly indicates that the Legislature is a department underneath the County Executive; however, they are an equal branch of government.

Mr. Faggione suggested that Mr. Burpoe come before the committee with an update on these various issues.

Legislative Counsel Reed added that Legislator Minuta has requested they try the BoardDocs software package and Mr. Burpoe has met with the vendor and is in the process of setting up a demonstration with the vendor.

Mr. Faggione commented that as a new committee chairman he gets nervous when there are revisions to an agenda as he like to prepare ahead of time. He understands that some are very important and need to be addressed right away but he does find it troubling that they continue to get late revisions.

Mr. Kulisek agreed and with a late revision he does not have the time to review and research the late revision. The department needs to ensure that the legislative request is put through the system on time therefore allowing them to do their homework on the request.

Mr. Cheney noted that as a chairman of a committee he has allowed last-minute requests on the agenda. However, that is an additional burden on the office staff to ensure they receive the appropriate paperwork before the meeting, rescan and post on the website. He was not aware of the extra work that he was creating by allowing that addition and going forward he will be tougher on allowing additions. In addition, it should not be the responsibility of the Clerk of the Legislature to chase these legislative requests through the various departments. That is the responsibility of the County Executive's office.

Legislative Counsel Reed added that about three years ago Legislator Hines recommended the legislative requests be done electronically. She, Clerk Ramppen and Legislative staff met with Mr. Zabicki from the Information Technology Department who has worked on this for a full year, wrote the program and presented it to a committee. It has been two and a half years, the program is ready to go; however, they have resistance from various departments, Budget, Finance, Human Resources and County Executive's office. They are trying to make their lives easier with this program with just the push of a button.

Ms. Bonelli pointed out that three or four years ago they did not have these revised agendas. The department heads are not paying close attention to the timeliness of their legislative requests and they as chairman of the committees need to tell these department heads that they will have to wait thirty days. If they do it once or twice the department heads will start to pay attention and get their legislative requests into the legislature in a timely fashion. She understands that there will be those times when something needs to be put on an agenda, but this has become a regular practice.

Legislative Counsel Reed added that on Friday at 3:00 p.m. not one agenda was ready as they were still waiting on legislative requests.

Ms. Bonelli added that the process is long with six or seven signatures required.

Clerk Ramppen clarified that every January she sends out a packet and letter to every department head setting forth the legislative request process and that a legislative request must be start on the 20th day of the month before the committee meeting.

Mr. Faggione suggested this topic be discussed with leadership in the near future.

Chairman Brescia agreed stating that it would be added to the roundtable agenda in July.

Mr. Hines commented that since he suggested the electronic signing several years ago his company has moved to a different program called DocuSign. Whoever creates the document sets the order of signatures required and moves it electronically to the next person.

Legislative Counsel Reed noted that there like kind programs and from time-to-time vendors contact them, but the quotes are very expensive.

Mr. Vero stated that department heads need to be told that they need to start the legislative request earlier in order to get it through the full process which would allow the clerk the opportunity to prepare the agenda in advance.

Clerk Ramppen pointed out that on more than one occasion legislative requests are started the day before an agenda is scheduled to go out.

Chairman Brescia noted that the enforcement would have to come from the statutory chairs but due to time sensitive issues there will be exceptions.

Mr. Paduch commented that the Senate would not be voting on the Pay-to-Play even though it passed through the Assembly. This has been talked about and Legislative Counsel Reed has worked on the discussed revisions. He was advised by Mr. Faggione that he would wait to see what the Senate would do; however, the Senate will not be acting. He is requesting that they bring the Pay-to-Play local law back and discuss the revisions done by Legislative Counsel Reed.

Mr. Faggione asked that Chairman Brescia to place it on the roundtable for further discussion.

The meeting adjourned at 5:14 p.m.